



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Marine Order 97 Consultation Closes

Australian Maritime Safety Authority (AMSA) consultation on [Marine Order 97 \(Marine pollution prevention – air pollution\)](#) 2022 drew to a close on March 20.

Expected to replace the previous 2013-dated Order as of January 1, 2023, the updated regulations will deal with the prevention of air pollution from vessels and give effect to MARPOL Regulations for the Prevention of Air Pollution from Ships (Annex VI).

The new order will have notable obligations for:

- suppliers of marine diesel engines with a power output of over 130kW
- suppliers of marine fuel oils
- people intending to construct a new DCV (domestic commercial vessel) where diesel engines with power output more than 130kW will be installed
- owners of an existing DCV who install a new diesel engine with power output more than 130kW on the vessel
- owners of a DCV where an existing diesel engine with power output more than 130kW undergoes a major conversion
- owners of a DCV with gross tonnage of 400 and over
- owners, operators and agents of RAVs (regulated Australian vessels) and recreational vessels with Australian nationality

Key Changes

The main proposed amendments include:

1. from the date the order takes effect –
 - a diesel engine with a power output of more than 130kW installed on an existing or new DCV will be required to have an engine international air pollution prevention (EIAPP) certificate and associated technical file
 - an existing diesel engine with a power output of more than 130kW already installed on DCVs will not require an EIAPP certificate. However, if a DCV proceeds on an overseas voyage, it will no longer be a DCV. All vessels proceeding on an international voyage (for example to undertake maintenance or on a delivery voyage) will be required to have an EIAPP certificate and associated technical file for each diesel engine with a power output of more than 130kW installed on the vessel
 - diesel engine suppliers will be required to provide an EIAPP certificate and the technical file with any new diesel engine – with a power output of more than 130 kW – sold for installation on a DCV
 - people carrying out a major conversion of a diesel engine with power output more than 130 kW for use on a DCV will be required to supply an EIAPP certificate and the technical file for that converted engine

2. vessels of 400GT and above proceeding on an overseas voyage (for example to undertake maintenance or on a delivery voyage), will be required to hold an international energy efficiency (IEE) certificate and an international air pollution prevention (IAPP) certificate
3. deliberate emissions of ozone depleting substances (for example certain refrigerants) from DCVs, RAVs, foreign vessels and all recreational vessels will be prohibited
4. when records for using ozone-depleting substances are required to be kept, electronic record books will be an option. This option will also be available for NOx emission and fuel oil changeover records when applicable
5. requirements for local fuel oil suppliers will be made more consistent with MARPOL Annex VI and the Pollution Prevention Act

Draft Marine Order 97 (Marine pollution prevention – air pollution) 2022 can be viewed [here](#).

March 2022

