



Maritime Transport (Marine Protection Conventions) Amendment Order 2021

Cindy Kiro, Governor-General

Order in Council

At Wellington this 22nd day of November 2021

Present:

Her Excellency the Governor-General in Council

This order is made under section 222(4) of the Maritime Transport Act 1994 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the Maritime Transport (Marine Protection Conventions) Amendment Order 2021.

2 Commencement

This order comes into force on 26 November 2021.

3 Principal order

This order amends the Maritime Transport (Marine Protection Conventions) Order 1999.

4 Clause 3 replaced (Certain international conventions declared to be marine protection conventions)

Replace clause 3 with:

3 Specified international conventions and specified amendments declared to be marine protection conventions

- (1) Every international convention, protocol, and agreement specified in the Schedule—
 - (a) relates to the protection of the marine environment from pollution; and
 - (b) is an instrument to which New Zealand is a party; and
 - (c) is declared to be a marine protection convention for the purposes of the implementation provisions.
- (2) Every amendment specified in the Schedule that is an amendment to an instrument referred to in subclause (1) is declared to be a part of that instrument for the purposes specified in subclause (1)(c).

5 New Schedule inserted

After clause 6, insert the Schedule set out in the Schedule of this order.

Schedule New Schedule inserted

cl 5

Schedule Marine protection conventions

cl 3

Names of international conventions, protocols, and agreements

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended

Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973

Specified amendments to international conventions, protocols, and agreements

1978 Amendments (Incineration) (LDC Res.5(III))

1980 Amendments (Lists of Substances) (LDC Res.12(V))

1989 Amendments (Annex III) (LDC.37(12))

1993 Amendments (Industrial Waste) (LDC.49(16))

1993 Amendments (Incineration) (LDC.50(16))

1993 Amendments (Radioactive Wastes) (LDC.51(16))

1991 Amendments (Annex—List of Substances) (MEPC.49(31))

1996 Amendments (Annex—List of Substances) (MEPC.72(38))

2002 Amendments (Annex—List of Substances) (MEPC.100(48))

2007 Amendments (Annex—List of Substances) (MEPC.165(56))

Names of international conventions, protocols, and agreements	Specified amendments to international conventions, protocols, and agreements
International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto	1984 Amendments (Annex I) (MEPC.14(20)) 1985 Amendments (Annex II) (MEPC.16(22)) 1985 Amendments (Protocol I) (MEPC.21(22)) 1987 Amendments (Annex I) (MEPC.29(25)) 1989 Amendments (IBC Code) (MEPC.32(27)) 1989 Amendments (BCH Code) (MEPC.33(27)) 1989 Amendments (Annex II) (MEPC.34(27)) 1989 Amendments (Annex V) (MEPC.36(28)) 1990 Amendments (Annexes I and II) (MEPC.39(29)) (HSSC)
Annex I—Regulations for the Prevention of Pollution by Oil	1990 Amendments (IBC Code) (MEPC.40(29)) 1990 Amendments (BCH Code) (MEPC.41(29)) 1990 Amendments (Annexes I and V) (MEPC.42(30))
Annex II—Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk	1991 Amendments (Annex I) (MEPC.47(31)) 1991 Amendments (Annex V) (MEPC.48(31))
Annex III—Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form	1992 Amendments (Annex I) (MEPC.51(32)) 1992 Amendments (Annex I) (MEPC.52(32))
Annex V—Regulations for the Prevention of Pollution by Garbage from Ships	1992 Amendments (IBC Code) (MEPC.55(33)) 1992 Amendments (BCH Code) (MEPC.56(33)) 1992 Amendments (Annex II) (MEPC.57(33)) 1992 Amendments (Annex III) (MEPC.58(33))
Annex VI—Regulations for the Prevention of Air Pollution from Ships	1994 Amendments (Annexes I, II, III, V) (Conference) 1995 Amendments (Annex V) (MEPC.65(37)) 1996 Amendments (Protocol I) (MEPC.68(38))

**Names of international conventions, protocols,
and agreements**

Specified amendments to international conventions, protocols, and agreements

1996 Amendments (IBC Code) (MEPC.69(38))

1996 Amendments (BCH Code) (MEPC.70(38))

1997 Amendments (IBC Code) (MEPC.73(39))

1997 Amendments (Annex I) (MEPC.75(40))

1999 Amendments (Annexes I and II) (MEPC.78(43))

1999 Amendments (IBC Code) (MEPC.79(43))

1999 Amendments (BCH Code) (MEPC.80(43))

2000 Amendments (Annex III) (MEPC.84(44))

2000 Amendments (Annex V) (MEPC.89(45))

2000 Amendments (IBC Code) (MEPC.90(45))

2000 Amendments (BCH Code) (MEPC.91(45))

2001 Amendments (Condition Assessment Scheme (CAS)) (MEPC.94(46))

2001 Amendments (Annex I) (MEPC.95(46))

2002 Amendments (CAS) (MEPC.99(48))

2003 Amendments (Annex I) (MEPC.111(50))

2003 Amendments (CAS) (MEPC.112(50))

2004 Amendments (Annex V) (MEPC.116(51))

2004 Amendments (Revised Annex I) (MEPC.117(52))

2004 Amendments (Revised Annex II) (MEPC.118(52))

2004 Amendments (IBC Code) (MEPC.119(52))

2005 Amendments (CAS) (MEPC.131(53))

2006 Amendments (Revised Annex I) (MEPC.141(54))

Names of international conventions, protocols,
and agreements

Names of international conventions, protocols, and agreements	Specified amendments to international conventions, protocols, and agreements
	2006 Amendments (BCH Code) (MEPC.144(54))
	2006 Amendments (Annex I) (MEPC.154(55))
	2006 Amendments (CAS) (MEPC.155(55))
	2006 Amendments (Revised Annex III) (MEPC.156(55))
	2007 Amendments (Annex I) (MEPC.164(56))
	2007 Amendments (IBC Code) (MEPC.166(56))
	2009 Amendments (Annex I) (MEPC.186(59))
	2009 Amendments (Annex I) (MEPC.187(59))
	2010 Amendments (Annex I) (MEPC.189(60))
	2010 Amendments (Revised Annex III) (MEPC.193(61))
	2011 Amendments (Revised Annex V) (MEPC.201(62))
	2012 Amendments (Regional Arrangements for Port Reception Facilities under MARPOL Annexes I, II, and V) (MEPC.216(63))
	2012 Amendments (IBC Code) (MEPC.225(64))
	2013 Amendments (To Form A and Form B of Supplements to the IOPP Certificate under MARPOL Annex I) (MEPC.235(65))
	2013 Amendments (CAS) (MEPC.236(65))
	2013 Amendments (Annexes I and II to make the RO Code mandatory) (MEPC.238(65))
	2014 Amendments (Annexes I, II, III, and V to make the use of the III Code mandatory) (MEPC.246(66))
	2014 Amendments (Annex I—Mandatory carriage requirements for a stability instrument) (MEPC.248(66))

Names of international conventions, protocols, and agreements	Specified amendments to international conventions, protocols, and agreements
	2014 Amendments (BCH Code) (MEPC.249(66)) Annexes I, II, and V
	2014 Amendments (IBC Code) (MEPC.250(66))
	2014 Amendments (Annex I, Regulation 43) (MEPC.256(67))
	2014 Amendments (Annex III, Appendix on criteria for the identification of harmful substances in packaged form) (MEPC.257(67))
	2015 Amendments (Annexes I, II, and V to make use of environment-related provisions of the Polar Code mandatory) (MEPC.265(68))
	2015 Amendments (Annex I—Regulation 12) (MEPC.266(68))
	2016 Amendments (Annex II—Appendix I) (MEPC.270(69))
	2016 Amendments (Annex I—Appendix II) (MEPC.276(70))
	2016 Amendments (Annex V) (MEPC.277(70))
	2018 Amendments (IBC Code) (MEPC.302(72))
	2018 Amendments (BCH Code) (MEPC.303(72))
	2019 Amendments (Annexes I, II and V—Electronic Record Books) (MEPC.314(74))
	2019 Amendments (Annex II—Cargo residues and tank washings of persistent floating products) (MEPC.315(74))
	2019 Amendments (NOx Technical Code 2008) (MEPC.317(74))
	2019 Amendments (IBC Code) (MEPC.318(74))
	2019 Amendments (BCH Code) (MEPC.319(74))

Names of international conventions, protocols, and agreements	Specified amendments to international conventions, protocols, and agreements
Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto	<p>2005 Amendments to the Annex (amendments to MARPOL Annex VI and the NOx Technical Code 2008) (MEPC.132(53))</p> <p>2008 Amendments to the Annex of the Protocol (revised MARPOL Annex VI) (MEPC.176(58))</p> <p>2010 Amendments (North American Emission Control Area) to the Annex (MEPC.190(60))</p> <p>2010 Amendments (Revised form of Supplement to the IAPP Certificate) (MEPC.194(61))</p> <p>2011 Amendments (Designation of the United States Caribbean Sea Emission Control Area and exemption of certain ships operating in the North American Emission Control Area and the United States Caribbean Sea Emission Control Area under Regulations 13 and 14 and Appendix VII of MARPOL Annex VI) (MEPC.202(62))</p> <p>2011 Amendments (Inclusion of Regulations on energy efficiency for ships in MARPOL Annex VI) (MEPC.203(62))</p> <p>2012 Amendments (Regional arrangements for port reception facilities under MARPOL Annex VI and Certification of marine diesel engines fitted with Selective Catalytic Reduction systems under the NOx Technical Code 2008) to the Annex to MARPOL Annex VI (MEPC.217(63))</p> <p>2014 Amendments (to make the use of the III Code mandatory) (MEPC.247(66))</p> <p>2014 Amendments (to MARPOL Annex VI and to the NOx Technical Code 2008) (MEPC.251(66))</p> <p>2014 Amendments (MARPOL Annex VI, Regulations 2 and 13 and the Supplement to the IAPP certificate) (MEPC.258(67))</p>

Names of international conventions, protocols, and agreements	Specified amendments to international conventions, protocols, and agreements
	2016 Amendments (MARPOL Annex VI, Regulation 13 (MEPC.271(69))
	2016 Amendments to the NOx Technical Code 2008 (MEPC.272(69))
	2016 Amendments (MARPOL Annex VI, Data collection system for fuel consumption) (MEPC.278(70))
	2017 Amendments (MARPOL Annex VI, Designation of the Baltic Sea and the North Sea Emission Control Areas for NOx Tier III control) (Information to be included in the bunker delivery note) (MEPC.286(71))
	2018 Amendments (MARPOL Annex VI, ECAs and required EEDI for ro-ro cargo ships and ro-ro passenger ships) (MEPC.301(72))
	2018 Amendments (Prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship) (MEPC.305(73))
	2019 Amendments (Electronic Record Books and EEDI Regulations for ice-strengthened ships) (MEPC.316(74))
	2019 Amendments to the NOx Technical Code 2008 (Electronic Record Books and Certification requirements for SCR systems) (MEPC.317(74))
United Nations Convention on the Law of the Sea, 1982	
International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990	

Names of international conventions, protocols, and agreements	Specified amendments to international conventions, protocols, and agreements
Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969	2000 Amendments (limitation amounts) (LEG.1(82))
Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971	2000 Amendments (Limits of compensation) (LEG.2(82))
1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972	2006 Amendments (LP.1(1))
International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001	
Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992	2018 Amendments (Regulations A-1 and D-3—Code for Approval of Ballast Water Management Systems (BWMS Code)) (MEPC.296(72))
International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004	2018 Amendments (Regulation B-3—Implementation schedule of ballast water management for ships) (MEPC.297(72))
	2018 Amendments (Regulations E-1 and E-5—Endorsements of additional surveys on the International Ballast Water Management Certificate) (MEPC.299(72))
Definitions of terms used in this schedule	
In this schedule,—	
BCH Code	means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk
CAS	means the Condition Assessment Scheme

HSSC means the Harmonized System of Survey and Certification

IBC Code means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk

III Code means the IMO Instruments Implementation Code

IMO means the International Maritime Organization

IOPP Certificate means the International Oil Pollution Prevention Certificate

NOx Technical Code 2008 means the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines

Polar Code means the International Code for Ships Operating in Polar Waters

RO Code means the Recognized Organizations Code.

Rachel Hayward,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 26 November 2021, amends the Maritime Transport (Marine Protection Conventions) Order 1999 (the **principal order**).

This order replaces clause 3 of the principal order. *New clause 3* declares in the *new Schedule* specified international conventions, protocols, and agreements to be marine protection conventions for the purposes of Parts 18 to 27 of the Maritime Transport Act 1994. *New clause 3* also declares in the *new Schedule* specified amendments to those instruments to be a part of those instruments for the same purposes.

Authoritative information on the dates of entry into force for New Zealand of the marine protection conventions and relevant amendments to them can be found at—

- <https://www.imo.org/en/About/Conventions/Pages/StatusOfConventions.aspx>
- <https://www.treaties.mfat.govt.nz/>

Issued under the authority of the Legislation Act 2019.
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This order is administered by the Ministry of Transport.