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CHANGES TO MARPOL: EMISSIONS CONTROL AREA IN THE MEDITERRANEAN SEA

The work of the IMO's Marine Environmental Protection Committee (MEPC) on GHG emissions has attracted a great deal of attention recently, but there was another development in relation to the MARPOL Convention that has attracted less attention, namely the introduction of a new Emissions Control Area in the Mediterranean Sea.

WHAT IS MARPOL?

The MARPOL Convention, formally known as the International Convention for the Prevention of Pollution from Ships, is a key international treaty aimed at preventing and minimizing pollution from ships from both operational and accidental causes. It entered into force in 1983 and currently has 158 contracting states which represents 98.95% of the world's tonnage.

MARPOL consists of six annexes, each addressing different types of marine pollution: Annex I (oil), Annex II (noxious liquid substances in bulk),

Annex III (harmful substances carried in packaged form), Annex IV (sewage), Annex V (garbage), and Annex VI (air pollution). States can ratify the Convention and separately one or more of these annexes.

MARPOL is enforced by member states through their national maritime authorities. The Convention obliges member states to establish sanctions for violating the Convention under their local laws (Article 4). Member states can enforce the Convention in their capacity as flag state and also with regard to any ship that is physically within their jurisdiction (i.e. in their territorial waters or entering their ports). National maritime authorities conduct inspections, certifications, and monitoring of ships that are registered in that state or that are entering the territory of that state, to ensure compliance with the Convention's pollution prevention standards.

NEW EMISSION CONTROL AREA IN THE MEDITERRANEAN SEA

Following a proposal submitted by European states, the IMO's MEPC adopted on 16 December

2022 amendments to MARPOL Annex VI at its 79th session to designate the Mediterranean Sea as a Emission Control Area for Sulphur Oxides and Particulate Matter (Med SOx ECA). Although the amendments came into force on 1 May 2024, ships operating in the Med SOx ECA were exempt from the amendments during the first 12 months. Accordingly, as of 1 May 2025, the Mediterranean Sea has been designated as an Emission Control Area under MARPOL Annex VI. Consequently, the permissible sulphur content in fuel oil for ships operating within this region is now restricted to 0.1%, a reduction from the previous limit of 0.5%.

The Med SOx ECA is the fifth designated Emission Control Area under MARPOL Annex VI, alongside the Baltic Sea area; the North Sea area; the North American area (covering designated coastal areas off the United States and Canada); and the United States Caribbean Sea ECA (around Puerto Rico and the United States Virgin Islands). In 2024, at MEPC 82, a further two ECAs were designated and will come into force on 1 March 2026: the Canadian Arctic and the Norwegian Sea. Most recently in April 2025, MEPC 83 approved a proposal to designate the North-East Atlantic as an Emission Control Area.

Given the Mediterranean's status as an active shipping route, the development will impact a wide range of vessels exceeding 400GT, including container ships, bulk carriers, tankers, Roll-On/Roll-Off vessels (Ro-Ros), and Pure Care Carriers (PCCs).

CONSIDERATIONS FOR VOYAGE CHARTERS

In voyage charters, the shipowner bears the responsibility for providing fuel. If a vessel is arrested or detained due to the use of non-compliant fuel, the shipowner will be exposed to liability facing the charterer and/or cargo interests, for any financial consequences they may suffer. These new regulations will be especially pertinent in the immediate future for ships transiting the Mediterranean from ports where ultra-low sulphur fuel oil (ULSFO) may not be readily available or the expense of bunkering may affect the shipowner's commercial considerations.

CONSIDERATIONS FOR TIME CHARTERS

In a time charter, it is the charterers' responsibility to provide fuel. Bunkering ULSFO into an improperly cleaned tank which previously carried high-sulphur fuel oil may render the otherwise compliant fuel non-compliant. Shipowners may therefore encounter claims from Charterers for failure to adequately clean fuel tanks.

DRAFTING AND OPERATIONAL CONSIDERATIONS

In order to avoid any issues in charterparties which include passage through the Mediterranean Sea, charterparties must contain clear compliance clauses, specifically designating who is responsible for complying with Emissions Control Area regulations in the Mediterranean. BIMCO has published a clause that addresses fuel sulphur requirements under MARPOL Annex VI within time charters.¹ To further assist ship operators, we set out below some best practices to keep in mind for vessels operating in a sulphur ECAs.

First, to prevent contaminating newly bunkered ULSFO with previously carried non-compliant fuel, Charterers should ensure that the vessel's fuel tanks have been thoroughly cleaned by the shipowner prior to delivering a vessel for a time charter, and prior to bunkering ULSFO.

Second, for vessels using multiple fuels, the vessel operator must take care to switch from HSFO to ULSFO in time, so that only ULSFO is consumed from the ECA entry point, onward. Failure to transition in time would lead to a legal breach of MARPOL. Practically, if an otherwise compliant fuel is tested using in-line methods, or if vessel exhaust emissions are tested, an otherwise compliant fuel may appear out of specification due to residual HSFO burning off in the ship's engines. Ship operators should be sure to create a procedure for switching fuels and be sure to keep a record of when the switch took place.

Third, fuel samples of all fuels used on the vessel, taken at the time of bunkering, should be carried on board the vessel to serve as a benchmark, and prima facie evidence, of compliant fuels having been loaded.

¹ [2020 Marine Fuel Sulphur Content Clause for Time Charter Parties](#)

Fourth, the vessel operator should ensure that the Bunker Delivery Note (BDN) provided by the fuel supplier contains precise and material information related to the fuel being supplied. The vessel operator should carry out their own tests on fuel samples to ensure that the specifications of the loaded fuel match the specifications claimed in the BDN. Ideally, the fuel would not be burned until the crew had verified the test results.

Should you have any questions about the new Emissions Control Area, please do not hesitate to contact us.

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