
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 ([S.I. 2008/2924](#)), primarily to implement provisions concerning the sulphur content of marine fuels contained in Council Directive [1999/32/EC](#) of 26th April 1999 (O.J. No. L 121, 11.5.1999, p.13) relating to a reduction in the sulphur content of certain liquid fuels and amending Directive [93/12/EEC](#), as amended by Regulation ([EC](#)) No [1882/2003](#) of the European Parliament and of the Council (O.J. No. L 284, 31.10.2003, p.1) of 29th September 2003 and Directive [2005/33/EC](#) (O.J. No. L 191, 22.7.2005, p.59) of the European Parliament and of the Council of 6th July 2005.

So far as these Regulations implement the amended 1999 Directive, they are made under section 2(2) of the European Communities Act [1972 \(c.38\)](#). However, the Regulations also include (in paragraphs 2(c) and (d), 3(b), 4, 5, 7, 9, 10, 12(b), 13, 15 and 16 of Schedule 2) some minor adjustments that do not derive from that Directive, and to this extent are made under section 128 of the Merchant Shipping Act [1995 \(c.21\)](#) as amended by the Merchant Shipping (Pollution) Act [2006 \(c.8\)](#) and under the Merchant Shipping (Prevention of Air Pollution from Ships) Order 2006 ([S.I. 2006/1248](#)).

In relation to paragraph 4 of Schedule 2A of the 2008 Regulations, as inserted by Schedule 1 of these Regulations, Marine Guidance Note 400 (M+F) provides guidance on the term “hotelling” (which is used in the definition of “ship at berth”) and what is a period of time sufficient to allow crew to complete any necessary fuel changeover operations.

An impact assessment has been prepared and copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has also been placed in the library of each House of Parliament. The impact assessment and transposition note are also annexed to the Explanatory Memorandum which is available alongside these Regulations on the OPSI website at www.opsi.gov.uk.

Merchant Shipping Notices and Marine Guidance Notes are published by the MCA. Copies are available from M-Notices Subscriptions, P O Box 362, Europa Park, Grays, Essex RM17 9AY (telephone number 01375 484548; fax 01375 484556; e-mail orders mnotices@ecgroup.co.uk). They may also be accessed on the MCA’s website www.mcga.gov.uk, which also has details of any amendments or replacements.

The Revised Convention for Rhine Navigation can be obtained from the Central Commission for Navigation on the Rhine, Palais du Rhin 2, Place de la Republique, 67082 Strasbourg (telephone number + 33 (0)3 88 52 20 10; fax + 33 (0).