



Response of the ETA to the delegated act amending the MRV regulation

Introduction

The European Tugowners Association supports the European Commission's (EC) endeavours to reduce emissions. Furthermore, as a sector, it is doing its utmost to reduce emissions of the industry.

As the EC rightly points out in its consultation, the term "offshore ships" can lead to various interpretations among the stakeholders, which could jeopardise the uniform application of the MRV Regulation.

Nonetheless, the list provided in Article 1 of the delegated act amending Regulation (EU) 2015/757 can create further ambiguity and unclarity in interpretation, including within the towage sector.

Ambiguity in the regulation

One vessel category indicated in the list is "offshore tug/supply vessel." However, an Offshore Tug and an Offshore Supply Vessel are completely different vessels. Whereas the latter is a type of vessel carrying out an activity that is offshore, the former is a classification of a tug (and not a vessel type) and may carry out work that is not offshore; indeed, many times, such a vessel does not do offshore work.

The three main types of tugboats used in the maritime industry are conventional tugs, tractor tugs, and Azimuth Stern Drive tugs. An offshore tug is not a type of tug but rather a tugboat defined by its specifications/functions and application (purpose or use).

Certain tugs of a specific LOA, stability design criteria, bollard pull/accommodation and fuel tank capacity, escort notation, deck equipment including type of winch, stern rollers, firefighting capabilities, etc. are classed as fit for purpose also to be used (application) as an offshore tug.

When this is the case and based on their application, your reference as 'offshore tugs' can be deployed as, being at the same time a "Harbour tug":

- a. Escort tugs are used to escort and steer vessels to their destination.
- b. Auxiliary tugs providing support services for offshore and towing operations.
- c. Fire-fighting interventions and salvage/rescue purposes.

Furthermore, in the cases of a. and c. above, such work is carried out under the instructions and by the requirements of the Port Authority as these activities fall within the scope of work to be done under the contract with the Port Authority.

The specific case of towage

The regulation concerning EU MRV (2015/757) states in articles 2 (1a) and 2(1b) that the aim is to monitor emissions released during voyages from the last port of call to their next port of call.



In essence, most tugs operating in EU waters don't perform voyages from and to another EU ports in regular conditions but deliver a service to vessels/others entering ports and terminals. In those ports, tugs may operate with an official notation/classification as an Offshore Tug or event Anchor Handling Tug, as it is not restricted by the Requirements of the Specifications.

There can be many reasons for this, to name a few:

Infrastructure: The operator works in an area where the port infrastructure is located offshore or needs to be reached offshore

Equipment availability: The operator chose to buy a tug with an offshore notation to work in port as it was suited for the job without the need to actually go offshore.

Geography: While the tug is merely committed to harbour activities. The operator is located at a port where occasionally they perform works that fit for an offshore tug or AH tug,

Nature of works: The operator needs to be equipped to carry out emergency response jobs offshore upon request by the Port Authority. For these jobs, Offshore tugs or AH tugs may be well suited, while otherwise committed to pure harbour towage

Taking the above non-exhaustive list into account, it is to be noted that harbour towage doesn't lend itself to an emission report per trip. Commonly, 6-7 "voyages"/ movements per day are completed with mainly minimal fuel consumption (<150ltr MGO) and thus emissions per voyage within the same port.

If the regulation is interpreted in a way that tugs with the notation "offshore" need to monitor, report and verify their emissions, this would create an enormous administrative burden on the operator given the amount of "voyages" carried out per day. Furthermore, it should be noted that tug operators carry out work in more than one port and often need to have the flexibility to move tugs around between EU ports, depending on the demands of the port authorities or the terminals.

Furthermore, for the purposes of emission control and monitoring, it should be noted that a tug cannot be assimilated to a cargo/passenger transport ship or offshore vessel because of its specific nature and function. A tug has the primary scope to assist in ensuring the safety of port manoeuvres under the strict direction of whoever coordinates such manoeuvres (be it the ship's master, port pilot or harbour master) and, consequently, a tug activity does not operate in an autonomous or self-referential way. For this reason, the power used and, consequently, the emissions do not depend on the choice of the tug master but are in (mandatory) compliance with external orders. Any mechanism for measuring emissions, even the most accurate and straightforward, will only be a record of what is asked of the tug and will not be of an incentive to curtail them, as a tug will always have to continue to obey the requests of the ship's manoeuvre coordinator.

Offshore Tugs and AH Tugs

In the above context, it is the unanimous view of ETA's members that offshore tugs and AH tugs:



1. Cannot be classified along other types of vessels listed in the MRV Regulation such as drilling ships, diving support vessels, pipe laying vessels or offshore construction vessels. The latter categories are most of the time commissioned on engagements or projects outside the ports and in international waters.
2. By and large, tugboats, even tugs with escort capabilities and with specs fit to provide auxiliary support services, in their actual use and application, and most of the time, they are intrinsically port tugs and not ocean towing vessels making international voyages. The number of jobs done outside ports by tugs over 400GT is rare, and comparatively insignificant relative to the rest of the fleet configuration doing the majority of tug moves within the ports.
3. When tugs qualifying by function and application as offshore tugs are used for salvage and antipollution operations, they effectively assist in ensuring the safety of life and property at sea and the protection and preservation of the maritime environment in situations of emergency, including firefighting, oil spill control, and salvage and wreck removal. In this context, it is ironic to capture tugboats deployed for such incidental circumstances and subject them to a carbon emissions levy. By the very nature of their application, certain tugs do assist in preserving the environment.

Proposed Solutions for the Delegated Act

To remove the ambiguity stated above and to remove concerns of misinterpretation or different interpretations of the regulations.

The ETA recommends:

Replacing the reference to “Offshore Tug/ Supply Ship” with “Offshore Supply Vessel”. Since this will effectively capture vessels that carry out offshore work and supply offshore installations.

Conclusion

Once again, the ETA members express their commitment to reducing emissions and support the work being carried out by the EC to reduce emissions. Members also support the principle of polluter pays.

Nonetheless, whereas the delegated act amending the EU Regulation 2015/757 inherently does not seem to apply to harbour towage, the ETA members are concerned that due to the ambiguity of the list provided in Article 1, in some member states, towage may be subjected to MRV given the classification of Offshore Tugs and AH tugs. If this were the case, the administrative burden on operators would be immense, particularly given the number of voyages tugs carry out daily, especially in the busier ports. For this reason, the members of the ETA appeal to the EC to either take into consideration the solution proposed above or a solution that would provide more clarity.