



Association of Transportation Law Professionals

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Amendments to MARPOL VI Require Ships to Calculate an Energy Efficiency Existing Ship Index

By: Katie Matison, Shareholder, Lane Powell, PC

The Amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL)^[1] Annex VI^[2] (Annex VI Amendments) became effective on November 1, 2022. The Annex VI Amendments were developed by the International Maritime Organization (IMO) Member States in their endeavor to implement the Strategy on Reduction of Green House Gas Emissions from Ships. ^[3] As of January 1, 2023, ships of a certain gross tonnage are now required "to calculate their Energy Efficiency Existing Ship Index (EEXI) to measure their energy efficiency and to initiate the collection of data for the reporting of their annual operational carbon intensity indicator (CII) and CII rating." ^[4] The underlying purpose of the new requirements is to reduce carbon intensity from all ships by 40% by 2030.^[5] IMO's Marine Environment Protection Committee (MEPC) will analyze the effectiveness of the new requirements of the EEXI and CII in January 2026.

Explanation of Energy Efficiency Existing Ship Index (EEXI)

The Annex VI Amendments apply to ships with a threshold weight of 400 gross tons. The Annex VI Amendments require that each ship measure its EEXI, which is then compared to a standardized required Energy Efficiency Existing Ship Index based on the Energy Efficiency Design Index baseline. Ships must conform to a minimum efficiency energy standard formulated by the IMO.^[6]

Ships Are Rated Based Upon Their Annual Carbon Intensity Indicator Rating And May Receive an Unsatisfactory *Grade*

A ship's actual Carbon Intensity Indicator Rating (CII) must be measured and evaluated in comparison to the required CII for every ship. Then each ship will receive a *grade* ranging from A (major superior) to E (inferior performance level). The *grade* will be reflected on the annual Statement of Compliance that will be contained in the ship's Ship Energy Efficiency Management Plan (SEEMP). Any ship receiving an unsatisfactory *grade* of D for 3 years or *grade* E for one year must provide a corrective action plan.^[7]

IMO Suggests Additional Measures to Increase a Ship's Grade or Rating

In addition to using lower carbon fuel, the IMO recognizes that ships can take additional action to proactively increase their rating. These methods include: (a) routine hull cleaning to reduce drag; (b) optimizing speed and routes; (c) installation of low-energy

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light bulbs; and (d) installing solar and wind auxiliary power for accommodation services.^[8]

[1] MARPOL was developed by the International Maritime Organization (IMO) in response to the maritime casualty of the *SS Torrey Canyon*, a huge oil tanker that spilled nearly 120,000 tons of oil into the sea in 1967. https://en.wikipedia.org/wiki/SS_Torrey_Canyon

[2] The United States is a signatory to MARPOL Annexes I, II, III, V and VI. Annexes I, II, V and VI are incorporated into the *Act to Prevent Pollution from Ships*, 33 U.S.C. §§ 1905 – 1905 which applies to U.S. and non-U.S. flagged vessels operating in U.S. waters and ports.

[3] <https://www.imo.org/en/MediaCentre/HotTopics/Pages/EEXI-CII-FAQ.aspx>

[4] Id.

[5] Id.

[6] Id.

[7] Id.

[8] Id. Although the IMO does not address this issue, the United States Department of Energy, Office of Nuclear Energy notes that nuclear energy of large ships could sharply reduce greenhouse gas emissions from ships. <https://www.energy.gov/ne/articles/5-things-you-should-know-about-nuclear-and-maritime-shipping>