

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT MERCHANT SHIPPING AND OTHER
TRANSPORT (ENVIRONMENTAL PROTECTION)
(AMENDMENT) (EU EXIT) REGULATIONS 2018

Tuesday 15 January 2019

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The Committee consisted of the following Members:

Chair: PHIL WILSON

† Allan, Lucy (*Telford*) (Con)
 † Clark, Colin (*Gordon*) (Con)
 † Docherty, Leo (*Aldershot*) (Con)
 † Donelan, Michelle (*Chippenham*) (Con)
 † Foxcroft, Vicky (*Lewisham, Deptford*) (Lab)
 † George, Ruth (*High Peak*) (Lab)
 † Ghani, Ms Nusrat (*Parliamentary Under-Secretary
 of State for Transport*)
 Green, Kate (*Stretford and Urmston*) (Lab)
 † Heapey, James (*Wells*) (Con)
 † Johnson, Dr Caroline (*Sleaford and North
 Hykeham*) (Con)

Kyle, Peter (*Hove*) (Lab)
 † Lammy, Mr David (*Tottenham*) (Lab)
 † Mc Nally, John (*Falkirk*) (SNP)
 McGovern, Alison (*Wirral South*) (Lab)
 † Tracey, Craig (*North Warwickshire*) (Con)
 † Turner, Karl (*Kingston upon Hull East*) (Lab)
 † Wragg, Mr William (*Hazel Grove*) (Con)

Dominic Stockbridge, *Committee Clerk*

† **attended the Committee**

Fourth Delegated Legislation Committee

Tuesday 15 January 2019

[PHIL WILSON *in the Chair*]

Draft Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2018

8.55 am

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): I beg to move,

That the Committee has considered the draft Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2018.

It is a pleasure to serve under your chairmanship, Mr Wilson. The Department for Transport has conducted intensive work to prepare for the UK's departure from the EU and ensure that our statute book continues to function. The Department is laying about 66 statutory instruments before the House before exit day, of which 42 have already been made. The draft regulations are one such instrument. They will make changes in three areas of transport and environment legislation: legislation on air pollution, controlling sulphur dioxide emissions from ships; legislation on substances used to prevent the fouling of ships' hulls; and transport and works legislation in relation to environmental impact assessment. If they look familiar, it is probably because they were one of several draft statutory instruments published on 28 March 2018 to support the passage of the European Union (Withdrawal) Act 2018.

The amendments that the draft regulations will make are technical. There are no policy changes in them, nor is there any reduction in the environmental standards or obligations to which the UK is subject. They are made mainly under the 2018 Act, which retains directly applicable EU legislation in UK law and makes provision to correct deficiencies that arise from the UK's leaving the European Union. To enable the legislation to continue to work as part of UK law, the draft regulations will, where necessary, change references to "the Member State" and "the Commission" to "the Secretary of State" and "the United Kingdom". Changes to definitions and other wording in the legislation have been made to reflect the UK's position outside the EU.

That is the essence of the draft regulations, but I know that hon. Members are keen to hear more, so I will provide a bit more information. Although the regulations are made mainly under the 2018 Act, some changes are made under section 2(2) of the European Communities Act 1972 to update references to an EU directive on sulphur emissions from ships in the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008. Since the 2008 regulations were made, Council directive 1999/32/EC has been repealed and replaced by EU directive 2016/802, so the draft regulations will replace references to the 1999 directive with references to the 2016 directive, which consolidates previous legislation on marine fuels. A further change, made under the 1972 Act, will correct an out-of-date reference to the European economic area agreement in the Transport and Works Act 1992.

I will say a little more about the three areas of legislation that the draft regulations will amend, because I know that hon. Members present are interested and the shadow Minister, the hon. Member for Kingston upon Hull East, has raised related issues. The first area is the control of sulphur emissions from ships, which is vital for meeting the Government's policy of improving public health, reducing environmental damage from acid rain and protecting biodiversity. Powers to change references to international law have been transferred from the European Commission to the Secretary of State, which will enable us to keep up to date with changes to International Maritime Organisation rules on environmental protection. As colleagues will know, the IMO is the UN's maritime body; as maritime Minister, I am very lucky that we host its headquarters here in London, just across the river.

Changes to the legislation on air pollution from ships will remove references to SafeSeaNet, a database operated by the European Maritime Safety Agency. The Maritime and Coastguard Agency will continue to receive information on compliance with IMO measures. The MCA is setting up a UK database to hold information on sulphur inspections and the taking of fuel oil samples. The draft regulations will ensure that recreational and pleasure craft will continue to benefit from certain exemptions in respect of diesel engines. The UK's requirement to report to the European Commission, which will be redundant as it applies only to European member states, will be replaced with an obligation for the Secretary of State to publish an annual report on compliance with sulphur standards in marine fuels.

The second area of legislation that the regulations will change relates to the ban on the use of certain harmful chemical compounds, known as organotin, in ships' anti-fouling systems. Anti-fouling paint and coatings, which inhibit the attachment of unwanted organisms to ships' hulls, have an important role in improving ships' fuel efficiency, which also improves the environment. However, the organotin compounds in some anti-fouling products, notably tributyltin—TBT—have been shown to be very damaging to marine life and have been banned under international and EU legislation. The UK is supporting work in the IMO to ban the use of a further compound used as a booster in anti-fouling paints. That will provide further protection to the marine environment. The regulations make no changes to EU restrictions on those substances; the changes made include replacing references to member states with references to the UK.

Finally, the regulations also introduce technical changes to the environmental impact assessment provisions of the Transport and Works Act and procedural rules. The changes will allow the UK to continue to take a co-ordinated and streamlined approach to producing an environmental impact assessment. For example, they will, as now, avoid the need for certain information to be collected twice. The Welsh Government have been consulted on the changes to the provisions and given their approval to the regulations.

The changes made by the regulations are needed. They will ensure that environmental laws on shipping and other transport continue to function after the UK's withdrawal from the European Union. That will enable the UK to continue to comply with its international obligations as established by the International Maritime Organisation. The Government fully support the regulations, which I commend to the Committee.

9.1 am

Karl Turner (Kingston upon Hull East) (Lab): It is always an absolute pleasure to see you in the Chair and to serve under your chairmanship, Mr Wilson. I hope to be relatively brief in my remarks, although I will ask the Minister one or two questions.

As the Minister mentioned, the regulations are part of the many aspects of EU law falling into UK law under the European Union (Withdrawal) Act. The instrument will ensure that the existing framework remains operable in the UK. We recognise that that is required as we leave the EU and are therefore supportive of it. I would like the Minister to address one or two points, although given their technical nature it would probably be better if she provided answers to my questions in writing.

In relation to the enforcement of sulphur dioxide emission limits on fuel from shipping, the new limit comes into force on 1 January 2020, adjusting the existing emission control zones covering the North sea and the channel. As I understand it, the Irish sea is not currently subject to those limits. I would be grateful if the Minister explained what impact, if any, the regulations will have on enforcement and compliance, especially on jobs and environmental standards in the Irish sea that are not currently covered by sulphur dioxide emissions.

Can the Minister confirm whether support for ferry companies to comply with sulphur dioxide emission limits after Brexit, as it was when initial sulphur dioxide limits came into force in 2015, will be affected by the regulations? Can she tell us where the Government are on the standardisation of sulphur dioxide abatement technology fitted on merchant ships? The regulations update the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008. Can she confirm that any further changes to the definition of the emission abatement method will not leave the UK behind?

The regulations remove the words

“on the basis of the reporting in the Union information system or in the annual report referred to in Article 7”.

They do not replace them with anything. Can the Minister explain on what basis the decision to sample fuel oil from ships will be made? Will it be based on the information of the MCA or that of some other body?

The instrument removes reference to SafeSeaNet, as the Minister has already outlined. We will no longer be a member of it when we leave the EU; however, the instrument does not make clear what we will replace it with. Will it be the MCA and, if so, will the MCA receive the extra resources needed to carry out those extra functions? I think the MCA would probably argue that it is already overstretched. I wonder whether there are any issues pertaining to that point.

9.4 am

Ms Ghani: I am grateful to the hon. Member for Kingston upon Hull East for his contribution to the debate, which shows that the Committee appreciates the

importance of measures on environmental protection in relation to shipping and other forms of transport. The draft regulation will ensure the continuity of that legislation, as well as correct some minor but long-standing errors.

Some of the issues that the hon. Gentleman raised are quite technical, so I will indeed respond in writing, but I will address a couple of points now. He referred to SafeSeaNet, which provides information on ships in, or expected at, ports of member states. It is used for maritime safety, port and maritime security, marine environment protection and the efficiency of maritime traffic and maritime transport. The subject of access to databases has been raised regularly, so it is important to note that the THETIS database, which is linked to SafeSeaNet, shows which ships have priority for inspection and allows records of inspections. Via THETIS, reports are available to all port state control authorities in the EU and signatories to the Paris memorandum of understanding. The UK will continue to have access to THETIS, but not to additional EU modules for THETIS that are tied to EU legislation.

The hon. Gentleman also referred to the burden that could be placed on the MCA. As the Minister responsible, I work closely with the MCA team, who are very well aware of their extra roles and responsibilities and of their reputation for delivery. Above and beyond that, we have a responsibility as the host country for the IMO and as part of the delivery group for the 0.5% cap on sulphur by 2020. We foresee a serious leadership role there, too.

The Government recognise the significant harm that air pollution can cause to human health. When the hon. Gentleman raised the subject in a previous debate, we wrote to him about it; I would be pleased if he allowed me to respond in writing again. We have now published our clean air strategy, which includes further measures on ports and shipping. Shipping must play its part, and I was pleased that last year my Department established the Clean Maritime Council. One of the council's first tasks was to develop a clean maritime plan by spring this year, setting out domestic policies to reduce greenhouse gas and pollutant emissions from shipping. Our clean air strategy makes further commitments, including the development of air quality strategies by ports. It will supplement the good progress made through international action, such as the North sea emission control area and the tougher global controls on sulphur emissions from 2020, which have led to major reductions in emissions.

The draft regulations will not restrict our ability to take necessary action; they will only make changes that are essential to ensuring that environmental legislation continues to function effectively in the UK from day one after exit. I hope that the Committee has found this morning's sitting informative and that it will join me in supporting the draft regulations.

Question put and agreed to.

9.8 am

Committee rose.

