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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° prev. doc.:	WK 15302/25
N° Cion doc.:	WK 14937/25
Subject:	Preparation of IMO/PPR 13 (London, 9-13 February 2026) – Draft Union submission to the 13th session of the International Maritime Organization's Sub-Committee on Pollution Prevention and Response proposing a new regulation in MARPOL Annex VI on the protection of Particularly Sensitive Sea Areas from Exhaust Gas Cleaning System's discharge waters - Comments by Germany

Delegations will find attached comments by Germany on the subject above.

DE comments on WK 15302/25

Draft Union submission proposing a new regulation in MARPOL Annex VI on the protection of PSSA from Exhaust Gas Cleaning System's discharge waters

DE thanks the Presidency for the revised draft compromise. We also extend our gratitude to all who submitted comments. Our special thanks go to SE and NL for their constructive and supportive comment papers, which we very much welcome and can fully endorse.

We would like to reiterate how important this submission is to us. Following the legal assessment of the matter by the IMO Secretariat, we now require legal certainty regarding the handling of scrubber discharges in particularly sensitive sea areas (PSSAs).

We also thank GR for submitting written comments. Our position on this is as follows:

- On the state of studies and the work of GESAMP:
 - The overwhelming body of scientific studies clearly allows the conclusion that scrubber wastewater discharges have harmful environmental impacts. It must remain possible to adapt existing regulatory situations on a scientific basis.
 - The GESAMP Scrubber Task Team is currently evaluating, among other things, the scientific studies. The team is working under a non-disclosure agreement (NDA), which is why at this stage no tendencies of possible results can or should be subject to discussion. At the very least, the findings presented by GR fall outside the Terms of Reference for GESAMP.
- On the regulation in MARPOL Annex VI: DE considers the reference to PSSAs, due to the clear legal delineation, to be appropriate. In this respect, the wording of the draft is expressly welcomed.

We also thank MT for submitting written comments. Our position on this is as follows:

- The cited PSSA Guidelines (A24/Res.982) explicitly foresee in section 6.1.1 the application of discharge restrictions. The present draft would establish a legally binding basis, taking into account both the PSSA and the EGCS Guidelines. This is not in contradiction with the legal principles set out by IMO in document MEPC 81/9.
- DE considers the existing guideline recommendations and the regulations in MARPOL Annex VI insufficient to effectively address the legitimate concerns of Member States regarding the harmful environmental effects of scrubber wastewater. The revised draft is therefore necessary and suitable to serve as a compromise that also accommodates differing views. In this way, at IMO level, globally uniform and transparent criteria can be pursued while still ensuring maximum flexibility for administrations.

In the spirit of compromise – and in view of the written comments submitted by GR and MT – we believe the draft should enjoy the broadest possible support not only within the EU but also at IMO level. DE therefore, at this stage, supports limiting the scope of application to PSSAs and accordingly deleting the references to ECAs, including the newly added text passages, all of which are new.