

Impact assessment of amendments to the Swedish Transport Agency's regulations and general advice (TSFS 2010:96) on measures to prevent pollution from ships – transposition of resolutions, etc.

1 (13)

Impact Assessment
Date Ref.no/Designation
2026-04-30 TSFS 2026-5
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The Swedish Transport Agency's proposal:

The Swedish Transport Agency's regulations and general advice (TSFS 2010:96) on measures to prevent pollution from ships are to be amended as follows:

- a clarification of the term 'en route' in a new provision, Chapter 9, Section 30a, to supplement the existing wording of 'en route' in Chapter 2, Section 23 of the Ordinance (1980:789) on prevention of pollution from ships;
- amendment to Chapter 13, Section 1, regarding the definitions of fuel oil and gas fuel;
- amendment to Chapter 13, Section 20 on the requirements for the replacement of a steam system with a marine diesel engine;
- introduction of new emission control areas in Chapter 13, Section 24, and a correction to the fourth paragraph to clarify that entries in the ship's logbook or engine logbook may be recorded electronically;
- amendment to Chapter 13, Section 35c to exempt distribution systems for gas fuels from having a sampling point;
- an update to Chapter 14, Sections 10 and 12 regarding guidance on the preparation of a SEEMP plan;
- and the addition of further reporting requirements in Annex 10 concerning information to be submitted to the IMO Ship Fuel Oil Consumption Database.

A. General

1. What is the problem or the reason for the regulation?

1.1 Resolutions

The main reason for the regulatory work is that the United Nations International Maritime Organization, IMO, at MEPC¹ 81, 82 and 83 decided on four new

¹ Marine Environment Protection Committee.

resolutions on amendments to the mandatory provisions of the MARPOL Convention² and updates to the guidelines. The work concerns the following resolutions:

MEPC.385(81)

- amendment of the definition of fuel oil and a new definition of gas fuel;
- exemption from having a sampling point for sulphur oxides for gas fuel systems;
- extended requirements for emissions of nitrogen oxides when a marine diesel engine replaces a steam system;
- addition of further reporting requirements on information to be provided to the IMO Ship Fuel Oil Consumption Database.

The resolution entered into force on 1 January 2025.

MEPC.392(82)

- The Norwegian Sea and Canada's Arctic marine area are added as additional nitrogen emission control areas.

The resolution entered into force on 1 March 2026.

MEPC. 395(82), MEPC.401(83)

- New guidelines on the preparation of SEEMP plans and amendments to the guidelines. The resolutions were adopted on 4 October 2024 and 11 April 2025, respectively.

1.2 Miscellaneous

In connection with this regulatory work, the need for the following specifications and corrections to TSFS 2010:96 has also been identified:

- Regulation 13.2.1 of Annex II to the MARPOL Convention stipulates that a ship must be 'en route' as a prerequisite for discharging harmful liquid substances in accordance with the discharge standards, and this has been implemented in Chapter 2, Section 23 of the Ordinance (1980:789) on prevention of pollution from ships. Regulation 1.6 of Annex II to the MARPOL Convention specifies what is meant by 'en route'. However, the term is not defined in the regulation, which means that, when applying the discharge standards, the MARPOL Convention's clarification of what is meant by 'en route' does not need to be taken into account.

The absence of this specification means that there is nothing to prevent a chemical tanker from sailing 12 nautical miles from the port of discharge, washing out the tank and discharging the tank wash water, and then returning to the port of discharge to take on a new cargo. The problem is that this means the discharges become more concentrated in certain areas outside the discharge ports, rather than taking place during the voyage to the next port, where they would be more diluted.

- Under Regulation 13.5.3 of Annex VI to the MARPOL Convention, records

² The International Convention for the Prevention of Pollution from Ships.

relating to the speed and operational (on/off) status of marine diesel engines may be kept electronically. However, this is not clearly stated in Chapter 13, Section 24, third paragraph, of TSFS 2010: 96.

2. What is to be achieved?

2.1 Resolutions

The main purpose of the regulatory work is to incorporate amendments of binding provisions to the MARPOL Convention into Swedish law. The resolutions and what the changes entail are described below.

Resolution MEPC.385(81)

The definition of fuel oil is amended to include all fuels used on board a ship regardless of the type of use, a new definition of gas fuel is introduced which is consistent with the definition in the IGF Code and the gas fuels are added as exempt from sampling point requirements because such fuel contains such low sulphur content that sampling does not need to be carried out. A requirement is introduced stipulating that, where a marine diesel engine is installed to replace a steam system, it shall be regarded as a replacement engine. This amendment is intended to ensure that such engines also comply with the emission limits for nitrogen oxides applicable to engines. Furthermore, the information to be reported to the IMO Ship Fuel Oil Consumption Database is being amended; for example, the information on ships' fuel consumption is to be more detailed.

Resolution MEPC.392(82)

The amendment adds the Norwegian Sea and Canada's Arctic marine area as nitrogen oxide emission control areas, which means that stricter emission limits for nitrogen oxides (Stage III) apply in these areas to ships built after 1 March 2026 and 1 January 2025, respectively.

Resolutions MEPC. 395(82) and MEPC.401(83)

The amendment replaces the current guidelines for the preparation of the SEEMP plan with new guidelines. The aim is to make the new guidelines known to the industry so that they can be applied.

2.2 Miscellaneous

Ambiguity about electronic registration

With regard to the lack of clarity concerning whether entries relating to the operational (on/off) status of marine diesel engines may also be made electronically, the aim is to clarify that electronic recording is permitted. The clarification regarding the electronic registration of data in Chapter 13, Section 24, fourth paragraph of TSFS 2010:96 will not be questioned in this impact assessment as it relates to a situation where there is no assessment of cost or other consequences.

Clarification of the term 'en route'

The MARPOL Convention's definition of the term 'en route' is to be incorporated

into Swedish law. This is a transposition of the MARPOL Convention and the introduction of an internationally binding rule.

3. What are the options?

3.1 Impact if nothing is done?

Sweden is a party to the MARPOL Convention, so in practice there is only one option, namely to incorporate the rules into Swedish law. If no action is taken, Sweden will fail to meet its international obligations to transpose jointly agreed international rules, and those responsible for applying the regulations risk applying outdated provisions, which could lead to problems during port State control inspections.

With regard to the implementation of the two MEPC resolutions that do not contain binding provisions (MEPC. 395(82) and MEPC.401(83)), the consequence of taking no action is that those responsible for implementing the regulations risk using outdated guidelines, which could result in the ship receiving non-compliance findings during a port State control.

With regard to the concept of 'en route', the effect of not doing anything is that those who are to apply the rules are not given the means to apply the rules as expressed in the MARPOL Convention. It would also remain unclear exactly what is meant by the term.

Failing to clarify the possibility of electronic registration would mean that this issue remains unclear to those responsible for applying the regulations.

3.2 Alternatives that do not involve regulation

The resolutions in this legislative process are international rules that are to be transposed into Swedish law, and there are therefore no alternatives that do not involve regulation. The definition of 'en route' as set out in the MARPOL Convention is a binding international rule and can only become binding under Swedish law if it is incorporated through legislation. As regards the clarification of the electronic recording of data, this is an amendment that better reflects the international provision that has already been transposed, and which can only be achieved by amending the existing legislation.

3.3 Regulatory alternatives

It is proposed that the resolutions be incorporated into Swedish law by way of transformation, which means that amendments will be made to the relevant sections of TSFS 2010:96. It is through transformation that the provisions of the MARPOL Convention have so far been transposed into Swedish law, and it is therefore the regulatory option that should be used when transposing the resolutions in question.

With regard to clarifying the term 'en route', it is considered that there is only one option for transposing the definition in Regulation 1.6 of Annex II to the MARPOL Convention into Swedish law, namely to add a new provision to Chapter 9 of

TSFS 2010:96, which transposes Annex II to the MARPOL Convention. It is proposed that the provision be placed under the existing heading “Emission standards” and immediately following the provision referring to Chapter 2, Section 23 of the Regulation on measures to prevent pollution from ships.

4. Who is impacted?

The key stakeholders affected by the new or amended regulations are:

Resolution MEPC.385(81)

All shipowners (with the exception of owners of vessels used exclusively for recreational purposes) are affected by the amendment concerning the definition of fuel oil.

The exemption for sulphur sampling points affects shipowners with ships with a gross tonnage of more than 400 that use gas fuel.

The amendment concerning replacement engines applies to shipowners who intend to install a marine diesel engine to replace a steam system.

The change regarding the information to be reported to the IMO Ship Fuel Oil Consumption Database applies to shipowners with vessels engaged in international trade that have a gross tonnage of over 5 000. The bodies responsible for verifying ships’ fuel consumption are, at present, exclusively classification societies.

Resolution MEPC.392(82)

The designation of the Norwegian Sea and Canada’s Arctic marine area as new emission control areas means that owners of ships with installed marine diesel engines with a total power of over 130 kW built after 1 March 2026 and 1 January 2025 respectively and operating in these areas are affected by the changes. The requirements will also apply to older vessels if the engine has been replaced or modified and can be considered to be a new engine.

Resolutions MEPC. 395(82) and MEPC.401(83)

Affects those shipowners whose vessel is required to have a SEEMP plan. However, the new guidelines only amend Part II of the SEEMP plan in comparison with the previous guidelines; consequently, only owners of ships with a gross tonnage of over 5 000 are affected.

The Swedish Transport Agency or a classification society are impacted, as one of these bodies is responsible for verifying the SEEMP plan.

Clarification of the term ‘en route’

The amendment applies to chemical tankers that intend to comply with the discharge standards set out in Chapter 2, Section 23 of the Regulation on measures to prevent pollution from ships. The change also affects those responsible for the vessel’s navigation. The change may also affect carriers who are responsible for receiving tank wash water in port.

The change will also affect the Swedish Coast Guard and the Public Prosecutor’s Office, which are given greater opportunities to investigate and prosecute ships that

discharge tank wash water in violation of the regulations.

5. What are the impacts of the regulation?

5.1 Companies

(X) The regulation is not expected to have effects of significance for companies' operating conditions, competitiveness or other circumstances. All consequences for companies are therefore described under 5.1.

() The regulation is deemed to have effects of significance for companies' operating conditions, competitiveness or other circumstances. Therefore, the impact assessment does not contain a description under 5.1; instead, all consequences for companies are described in Section C.

The Swedish Transport Agency's assessment is that the shipping industry and its associated operators in Sweden are, in general, well versed in international legislation and the proposed changes. Among other things, the industry is invited to attend all preparatory meetings prior to international meetings so that they may provide feedback. In the same way, the industry will be able to read reports after international meetings to review the outcome.

Resolution MEPC.385(81)

Shipowners need to be aware of the new definitions of fuel oil and gas fuel, and that gas fuel systems are exempt from the requirement to have a sampling point for sulphur. The revised definition is broader than the previous definition, but the fuel oil covered by it is expected to already meet the quality requirements; the change should therefore have no direct impact on costs, time or other resources.

There are approximately 20 Swedish shipping companies which own the approximately 60 Swedish vessels which have a gross tonnage of more than 5 000 and for which data on, among other things, fuel consumption must be reported. The more detailed information that companies are required to report to the IMO database once a year is expected to entail only a very marginal cost for the Swedish shipping companies concerned. Reporting to the IMO database is exclusively delegated to classification societies. Increasing the level of detail of the data to be reported is not expected to result in any significant increase in the workload of the classification societies.

Resolution MEPC.392(82)

The new emission control areas for nitrogen oxide emissions apply to ships built after 1 January 2025 (the Canadian emission control area) and 1 March 2026 (the Norwegian Sea emission control area). The Norwegian Sea emission control area is directly adjacent to the existing emission control area in the North Sea and Canada's Arctic marine area is adjacent to the existing North American nitrogen oxide emission control area. It is considered that this means the change will not have a significant impact on ships' costs, as many ships currently operating in this area – or those intended to operate there in the future – are likely to already meet the requirements of the emission control areas. According to data from the report 'Consequences of NECA, Final Report' (Transport Analysis, Report 2017:3), the

new regulations will result in increased investment costs amounting to approximately 5 percent of the total cost of a new vessel. The annual additional cost for ships required to meet NECA requirements is estimated at approximately 3 to 5 percent of the total annual cost per ship, including costs for capital, fuel, personnel, maintenance, etc. The same report states that freight costs due to NECA could rise by between 0.2 percent and 4.6 percent. Based on these figures, the Swedish Transport Agency considers that the regulation will not have any significant impact on companies' operating conditions, competitiveness or other circumstances. It is not considered possible to estimate the operating costs in the new emission control areas, as it is not known to what extent Swedish vessels intend to operate in these areas.

Resolutions MEPC. 395(82) and MEPC.401(83)

Approximately 20 Swedish shipping companies own the approximately 60 Swedish ships which have a gross tonnage above 5 000 and which are thereby covered by the changes in the SEEMP Part II guidelines. The plans for these vessels therefore need to be updated. Work on updating SEEMP Part II based on the new guidelines depends on factors such as fleet size, data infrastructure and what already exists in current SEEMP procedures. It is estimated that the total time required could be around 8-15 hours per vessel, in which case the cost per vessel would be between SEK 4 000 and SEK 10 000. Since the resolution has already taken effect, most shipping companies will probably have already updated their SEEMP plans.

Clarification of the term 'en route'

The consequence of specifying 'en route' is that it becomes clear to the person in charge of the ship's navigation what applies in the event of the discharge of tank wash water; in other words, such discharges may only take place during the voyage to the next port. The change could result in more ships discharging their wash water into a reception facility rather than releasing it at sea. If that were the case, the cost of handling wash water in port could be higher for carriers. The cost allocation of the handling of tank wash water by carriers is not under the mandate of the Swedish Transport Agency, but is contractually agreed. Therefore, it is not possible to calculate the costs of this possible consequence.

5.2 Individuals

The changes are not expected to have any further economic or social implications for individuals beyond those described in Section 5.5 on external effects.

5.3 The State, regional and municipal authorities

The proposed regulatory amendments affect the Swedish Transport Agency as the supervisory authority, in so far as its supervision is needed to monitor compliance with the new requirements, both during regular inspections of Swedish ships and during port State inspections. However, this is a marginal impact that does not lead to increased time requirements or costs.

Resolution MEPC.392(82)

As the new emission control areas do not border Swedish territorial waters, the changes will only entail additional work for the Swedish authorities (the Prosecution Authority and, where necessary, the Swedish Transport Agency, should a request for a prosecution review need to be made) in cases where the responsible port States refer the prosecution of Swedish-flagged vessels to Sweden. As this is very rare, the amendment is not expected to result in any significant new tasks or costs for the Swedish authorities.

Clarification of the term ‘en route’

As the amendment clarifies what is meant by ‘en route’, it makes it easier for the Swedish Coast Guard to assess whether the discharge of tank wash water is in accordance with the regulations.

5.4 Environment**Resolution MEPC.385(81)**

The new requirement that, when a marine diesel engine is installed to replace a steam system, it is to be regarded as a replacement engine means that such engines must also comply with the emission standards for engines. This paves the way for lower emissions and reduces the negative environmental impact.

Resolution MEPC.392(82)

The introduction of new emission control areas could help protect the environment by reducing nitrogen oxide emissions from ships operating in these areas.

Clarification of the term ‘en route’

As the term is clarified, the discharge of tank wash water should continue to take place during the ships' voyage to the next port. As a result, emissions will be more widely dispersed than they are today and will no longer be concentrated in areas located 12 nautical miles from the ports where chemicals are released.

5.5 External effects

The introduction of additional emission control areas contributes to the protection of marine ecosystems by reducing emissions from vessels and thus contributes to positive effects for coastal communities and individuals through cleaner seas. This could be one of several factors contributing to creating technological innovations and incentives to switch fuels and thereby meet the new requirements. In cases where changes in the regulatory framework lead to increased disembarkation of waste (tank wash water), the management of the waste may lead to increased road transport.

The overall objective of reporting in the *IMO Ship Fuel Oil Consumption Database* is to control ships' emissions of greenhouse gases and thereby obtain a factual basis for the introduction of measures that can contribute to achieving global climate targets and a more sustainable seafaring sector.

6. Summary of options considered and why the draft regulation is considered the best option

As stated in Section 3, Sweden lacks the scope to implement internationally agreed regulations in any way other than through binding regulations. As regards the transposition of the MARPOL Convention's definition of 'en route', it is considered that there is only one regulatory option available. There are therefore no alternatives to assess in terms of potential impact. Incorporating the relevant resolutions and other MARPOL regulations (definition of 'en route' and electronic recording) into TSFS 2010:96 provides a more comprehensive and consistent source of information for users, which facilitates compliance and provides clarity.

7. What authorisations form the basis for the authority's right to make decisions?

The Swedish Transport Agency's powers to issue the proposed amendments to the regulations are set out in Chapter 1, Section 2; Chapter 4, Section 1; Chapter 5, Section 4; and Chapter 9, Section 18 of the Ordinance (1980:789) on measures against pollution from ships.

8. Is the regulation consistent with the obligations arising from EU law or other international regulations, or does it exceed them?

EU law does not regulate the matters covered by this regulatory work. The proposed regulations are otherwise deemed to be compatible with EU law, as free movement within the EU is not restricted. The proposed amendments are therefore not contrary to Community law. The proposed regulations are fully consistent with the MARPOL International Convention.

The Swedish Transport Agency considers that extending the scope of fuel oil to include more than just fuel oil for propulsion entails a new technical regulation, as more products are now subject to fuel quality requirements. It is also anticipated that a new technical regulation will be introduced concerning the designation of two new emission control zones for nitrogen oxides. The amending provisions must therefore be notified to the European Commission in accordance with the Ordinance (1994:2029) on technical regulations. Exceptions cannot be made because two EU countries are not bound by Annex VI to the MARPOL Convention.

Notification under the Services Directive or the Data Flow Regulation is not considered to be applicable.

9. Does special consideration need to be given regarding the date of entry into force, and is there a need for special communication initiatives?

The amendments to the binding MARPOL resolutions have already entered into force. This regulation amendment should therefore come into force as soon as possible.

B. Fulfilment of transport policy goals

The overall goal of Swedish transport policy is to ensure a socio-economically efficient transport provision that is sustainable in the long term for both citizens and businesses throughout the country. In addition to the overall goal, there are also performance goals and specific goals covering a number of priority areas.

The performance goal is to create accessibility for people and goods. The design, functioning and use of the transport system shall help to provide everyone with basic accessibility of high quality and usability, as well as contributing to development throughout the country. At the same time, the transport system must be gender-equal, which means it should respond to the transport needs of both men and women in equal measure.

The consideration goal focuses on safety, the environment and health. The design, functioning and use of the transport system shall be adapted to ensure that no one is killed or seriously injured. It shall also contribute to the overall generational goal for the environment and to the attainment of the environmental quality goals, as well as helping to improve health.

The resolutions adopted as part of the regulatory process to improve environmental protection and the efficiency of maritime transport support the overarching transport policy objective of providing a socio-economically efficient and long-term sustainable transport service for citizens and businesses throughout the country.

10. How does the regulation affect the performance goal?

Increased costs and complexity for some operators may constitute obstacles, especially if smaller operators have difficulty complying with the new rules. Overall, the transposition of international resolutions is often necessary to harmonise Swedish rules with global standards, which contributes to the performance goal of creating accessibility for people and goods.

11. How does the regulation affect the consideration goal?

The regulatory work is expected to have an impact on the consideration goal. By strengthening rules for disposal and waste management, the amendments to the regulations contribute to achieving environmental quality objectives.

C. Companies

The regulation is not expected to have any significant impact on companies' operating conditions, competitiveness or other circumstances. All consequences for companies are therefore described under point 5.1.

D. Summary of consequences

Affected parties	Impacts that cannot be quantified		Estimated effects (thousand SEK)	Comments
	Advantages	Disadvantages	+ / -	
Companies	Technological development and innovations, clarity of regulations, better conditions for competition neutrality when regulations are harmonised.	Stricter emission standards lead to increased fuel costs or the need for new technology. Clarification of 'en route' may lead to increased costs. Demand for ports to handle an increased volume of waste. More parameters to report to the IMO Ship Fuel Oil Consumption database.		The annual additional cost for ships required to meet NECA requirements is estimated at approximately 3 to 5 percent of the total annual cost per ship, including costs for capital, fuel, personnel, maintenance, etc. The same report states that freight costs due to NECA could rise by between 0.2 percent and 4.6 percent
Citizens	Cleaner air, cleaner oceans.			
The State, et al.	Clarity to facilitate the application of the regulatory framework.	Marginal impact on supervisory activities that does not lead to an increase in time or costs. Additional work on rare cases of prosecution of Swedish vessels for violation of nitrogen emission regulations which shall take place in Sweden (no significant costs).		
External effects	Reduced discharges from ships contribute to positive effects for coastal communities and individuals through cleaner seas. Technology development.	Increased disembarkation of tank wash water could lead to more road transport. Demand for ports to handle an increased volume of waste. Additional reporting requirements can be challenging, particularly for smaller organisations.		
Total				Predominantly positive impact.

E. Proportionality of the proposal

It is not considered possible to take any measures to ensure that the proposal does not entail more extensive costs or restrictions than are deemed necessary to achieve its objective.

F. Monitoring and evaluation

In order to follow up and evaluate the changes in the regulatory work, indicators that measure environmental impact, safety and costs could be used. By monitoring changes in emissions, accidents, costs and compliance, the Swedish Transport Agency and other stakeholders would be able to assess whether the new rules are having the desired effect. Monitoring can only be carried out once the new rules have been in force for a few years.

G. Consultation

When the Swedish Transport Agency issues regulations pursuant to Chapter 1, Section 2, and Chapter 4, Section 1, of the Ordinance on measures against pollution from ships, the Swedish Agency for Marine and Water Management and the Swedish Environmental Protection Agency shall be given the opportunity to submit their opinions.

When the Swedish Transport Agency issues regulations pursuant to Chapter 5, Section 4 of the Ordinance on measures against pollution from ships, the Swedish Coast Guard and the Police Authority shall be given the opportunity to submit their opinions.

The Swedish Agency for Marine and Water Management, the Swedish Environmental Protection Agency, the Swedish Coast Guard and the Swedish Police Authority will be given the opportunity to submit their opinions during the consultation process for other affected parties. In case of any questions regarding the impact assessment, or any opinions for consideration, please contact us:

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