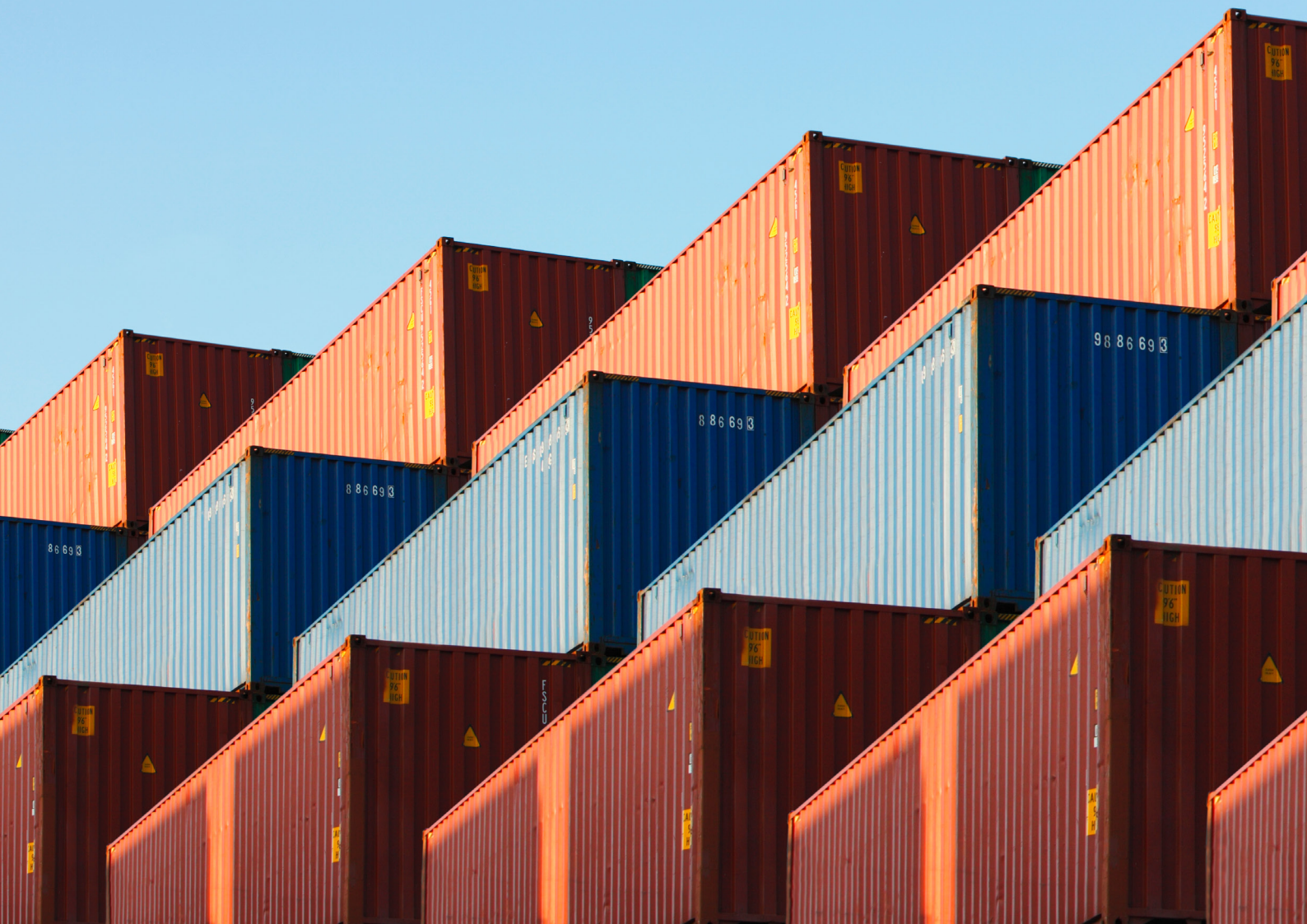


Clifford Chance

Global maritime and offshore update January 2026



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01

Autonomous vessels – update to the international regulatory framework – MASS Code

Key takeaway

While it is difficult for regulators to keep pace with the rapid rate of technological advances, the International Maritime Organisation (IMO), a specialist agency of the United Nations, has made significant headway in dealing with the advent of maritime autonomous vessels. The IMO is developing a Code for Autonomous Shipping, known as the MASS Code (Maritime Autonomous Surface Ships). The MASS Code is expected to be finalised and ready for non-mandatory adoption by May 2026. Thereafter the MASS Code enters a 2 year “experience building” phase, for development and revision, with the ultimate adoption of a mandatory MASS Code in around mid 2030, which is expected to enter into force in 2032.

Key details

The MASS Code aims to provide a global regulatory framework for autonomous and remote operated vessels to ensure safe, secure and environmentally sustainable operations. The MASS Code is outcomes focused and technologically neutral. Its key areas of concern includes:

- (a) mitigating cybersecurity risks;
- (b) ensuring connectivity;
- (c) human interaction with the autonomous vessels and upskilling the workforce; and
- (d) the allocation of legal responsibility for vessel operations to a human Master (whether the Master is situated on board the vessel or at a Remote Control Centre).

02

Maritime decarbonisation – update

Key takeaway

In a bid to address the ever increasing threat of climate change, the IMO, a specialist Agency of the United Nations, has developed a global Net-Zero Framework. The mandatory framework for the reduction of GHG emissions from ships sets a marine fuel standard, and it also deals with GHG pricing, aims at achieving net-zero GHG emissions from ships by 2050. The Marine Environment Protection Committee of the IMO approved the framework in April 2025. Final adoption, which was due to occur in October 2025, has been postponed for 12 months to afford Member States additional time to prepare for the changes. The postponement should not be seen as a softening of the multilateral commitment to maritime decarbonisation, but rather as an opportunity to allow additional time to prepare for the changes and to assess whether special dispensation or treatment should be allowed for developing countries to enable them to adjust to the change. The measures were set to come into force in 2027 following their formal adoption, but the timeframe for formal adoption will likely be extended.

Key details

Once in effect the Framework will amend the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI by the introduction of Chapter 5.

The IMO's Net-Zero Framework is based upon a two pronged approach;

- (a) reducing ships' annual greenhouse gas fuel intensity (GFI) (this measures the greenhouse gases emitted per unit of energy used); and
- (b) requiring vessels that exceed the GFI thresholds to balance their emissions deficit by acquiring "remedial units", while those that comply will be eligible for rewards from the IMO Net-Zero Fund which will be created.

The Fund will also be used for training, innovation and research, capacity building, to assist vulnerable states, and other such initiatives.

03

UNCLOS – obligation to protect the world’s oceans from climate change

Key takeaway

In May 2024, the International Tribunal For Law of the Sea (ITLOS) (an independent judicial body established under UNCLOS) issued an Advisory Opinion at the request of a Coalition of Small Island States on Climate Change and International Law seeking clarification as to the effect (in particular) of Part XII of UNCLOS. Climate Change is an existential threat to the Coalition of Small States, each of which is particularly vulnerable to the effects of climate change and is reliant on the oceans and marine ecosystem.

Key details

The ITLOS’ Advisory Opinion has international significance. It concluded that UNCLOS imposed affirmative legal obligations on member states to protect the world’s oceans and marine biodiversity from the effects of climate change. Specifically, ITLOS opined that the emission of greenhouse gases into the atmosphere with its deleterious effects constitutes “pollution of the marine environment” within the meaning of UNCLOS.

Further, it opined that Part XII ‘Protection and Preservation of the Marine Environment’ obliged member states to take ‘all necessary measures’ to reduce their greenhouse gas emissions, to reduce marine pollution and to exercise stringent due diligence measures. Member states are obliged to conduct environmental impact assessments and restore damaged ecosystems and avoid transboundary pollution.

While the Advisory Opinion is not legally binding, it is nonetheless globally significant. Member states are expected by the international community to implement UNCLOS into local legislation and to take enforcement action.

The Advisory Opinion can be found [here](#).

04

Amendments to Australian financial assurance model and to safety regulations in the offshore sector

Key takeaway

As part of the Australian Government's commitment to ensure the "polluter pay" principle is honoured and to improve safety, the offshore sector has recently seen changes in:

- (a) the financial assurance to be provided by petroleum titleholders to the Regulator as a condition precedent to grant of approval. The aim is to ensure the titleholder can meet its operational costs and the costs of meeting its decommissioning, remediation and other obligations under the Offshore Petroleum and Greenhouse Gas Storage Act (OPGGGS Act). This financial assurance is a prerequisite for approval of environmental plans and must be maintained throughout the life of the title (s 571(a) of the OPGGS Act); and
- (b) safety regulations. These changes are in response to the inherent hazards and unpredictability of the offshore sector and aim to bolster the regulatory framework.

Key details

In October 2024, NOPSEMA (Australian National Offshore Petroleum Safety and Environmental Safety Authority) endorsed the 2024 Australian Energy Producers (AEP) Method for Cost Estimation (which replaces the 2018 Method) to assess the adequacy of financial assurance provided by titleholders. The 2024 AEP Method revises indicative cost bandings, and expands its scope of operations to cover most petroleum activities in Australia, including oil spill involving the offshore release of hydrocarbons of <1,750,000m³ and the release ashore of <30,000m³. Indicative cost bandings have been revised to reflect updated costings for operational response and well controls.

On 12 June 2025, the OPGGS Legislative Amendment (Safety and Other Measures) Act, 2024 (Cth) came into effect, with the stated aim of ensuring that facilities in Commonwealth waters are designed, constructed, operated and decommissioned strictly in accordance with a NOPSEMA approved Safety Case. The reforms include strengthening the role and powers of the Health and Safety Representative.

The Australian Government has recently released a consultation paper seeking input on reforms to Decommissioning and Financial assurance arrangements for the offshore oil and gas industry. Consultation will close on 13 January 2026. The paper can be accessed at consult.industry.gov.au.

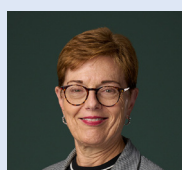
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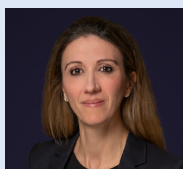
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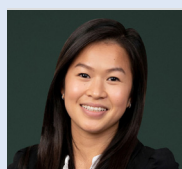
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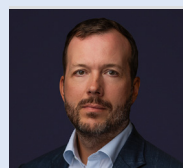
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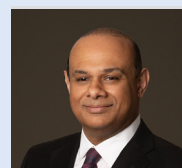
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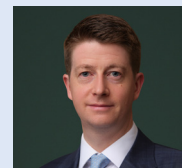
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