

Port State Control – Information Notice No. 2 of 2014

The purpose of this notice is to advise shipowners, operators, managers and Masters of Isle of Man registered ships of the following;

Guidelines on the Application of MARPOL Annex VI Regulation 18 in an Emission Control Area (ECA)

The Isle of Man Ship Registry gives advance notice of the forthcoming implementation of the latest revision to the fuel oil sulphur content within MARPOL Annex VI, Chapter III, Regulation 14 – Sulphur Oxides (SO_x) and Particulate Matter. Annex VI of MARPOL entered into force on 19 May 2005, and the revised Annex VI was adopted in October 2008 through IMO MEPC.176 (58).

General Information and Application:-

The current requirement for ships which are operating within an Emission Control Area (ECA), is that the sulphur content of fuel oil used is not to exceed 1.0% m/m

From 1st January 2015 this limit will fall to 0.1% m/m whilst operating in any ECA.

Regulation 18, Fuel Oil Availability & Quality, provides for situations where a ship may not have compliant fuel oil on board or where it has not been possible to bunker compliant fuel. In such cases the Master should compile and present a record of the actions or reasonable steps taken, in attempting to purchase compliant fuel oil in accordance with the vessel's voyage plan and, if compliant fuel was not made available where planned, that attempts were made to locate alternative sources of fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.

Additionally Regulation 18 states that a vessel should not be required to deviate from the intended voyage or unduly delay the voyage, in order to achieve this compliance.

Therefore it may be possible from the 1st January 2015 when the requirement to use fuel oil with a sulphur content of not more than 0.10% m/m in an ECA enters force, shipowners and / or Masters, may invoke regulation 18 to claim it was not possible to bunker the correct fuel prior to entering the ECA.

Guidance Notes:-

Where through the Master's or shipowner's best efforts, it was not possible to obtain compliant fuel oil prior to entering the ECA, the Master or shipowner is required to notify the Port State Administration in the port of arrival within the ECA and the Isle of Man Ship Registry – reference MARPOL Annex VI Regulation 18.2.4.

If the vessel is transiting an ECA then notification should be made to the port of destination after transiting the ECA. The master and / or shipowner should provide evidence as noted below in support of their claim, which should contain;

- A copy (or description) of the ship's voyage plan that was in place at the intended time of entry into the ECA, including the vessel's port of origin and port of destination;
- When the vessel first received notice it would be conducting a voyage involving

the transit and/or arrival in the ECA, and the vessel's location when it first received such notice;

- The date and time the ship expects to enter and exit the ECA;
- A description of the steps taken in an attempt to achieve compliance prior to entering the ECA, including a description of any attempts that were made to locate alternative sources of compliant fuel oil, and a description of the reason why compliant fuel oil was not available. The cost of compliant fuel oil is not considered to be a valid basis for claiming the non-availability of compliant fuel oil;
- Include the names and addresses of the fuel oil suppliers contacted and the dates on which the contact was made;
- In cases of fuel oil supply disruption, the name of the port at which the vessel was scheduled to receive compliant fuel oil and the name of the fuel oil supplier that is now reporting the non-availability of compliant fuel oil;
- The availability of compliant fuel oil at the first port-of-call in the ECA and plans to obtain that fuel oil;
- If the vessel has operated in the ECA in the last 12 months, provide the names of all ports visited, the dates of the port calls, and whether the vessel used compliant fuel oil;
- Where applicable, identify and describe any operational constraints that prevented the use of compliant fuel oil, for example with respect to the viscosity or other fuel oil parameters.
- Provide the Isle of Man Ship Registry with notification of non-availability in order we can inform the IMO

However, when a Port State Control Officer (PSCO) carries out an initial inspection within an ECA area or in the first port of call after the transit of an ECA he/she will look at;

- The bunker delivery note showing a sulphur content of not more than 0.10% m/m for fuel oil used on board – reference MARPOL Annex VI Regulation 18(5)
- The representative sample of fuel oil with a sulphur content of not more than 0.10% m/m – reference MARPOL Annex VI Regulation 18(8.1)
- Evidence of a written procedure and the record of changeover to fuel oil with a sulphur content of not more than 0.10% m/m, before entering the ECA such that this fuel is being used when entering the ECA. The volume of low sulphur fuel oils in each tank as well as the date, time, and position of the ship when any fuel-oil-change-over operation is completed prior to the entry into an ECA or commenced after exit from such an area. The above shall be recorded in a log-book as prescribed by the Administration – reference MARPOL Annex VI Regulation 14(6)

If any of the above shows a non-compliance the PSCO will have clear grounds to carry out a more detailed inspection. The burning of non-compliant fuel in an ECA is deemed to constitute an unreasonable threat or harm to the environment, and is considered to be of such a serious nature, it may result in a port state control detention.

When a ship provides the information as stated above, the PSCO shall take into account all the relevant evidence presented, in order to determine the appropriate action, this includes not taking control measures

References:-

IMO Resolution 129(53); IMO Resolution MEPC 176(58) and IMO Resolution MEPC 182(59); MEPC.1 Circular 637 and MSN 038 – August 2014

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