



# **Fuel Management Plan**

# **Fuel Management Plan**

**for RV Brooks  
McCall**



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## Revision/ Review Log

Revision Date	Approved by	Reviewed / Generated by	Revision Details/ Proposal Notes
Jan 2020			Generation of Fuel Management Plan

# 1. THE REGULATION

Regulation 14 of IMO Annex VI requires fuels with a sulfur content not more than 0.50% m/m (by weight) to be used by ships worldwide beginning January 1, 2020. In addition, the regulation was amended to prohibit the carriage aboard ships of non-compliant fuels beginning March 1, 2020, and also will authorize port states to conduct testing of tanks and piping for non-compliant fuels aboard suspect vessels.

All fuel oil supplied to a ship shall comply with regulation 18.3 of MARPOL Annex VI and chapter II/2 of SOLAS. Furthermore, ship operators could consider ordering fuel oil specified in accordance with the ISO 8217 marine fuel standard.

Signatories to the Global Sulfur Cap 202, Flag States, and Classification societies have urged vessel owners and operators to develop ship implementation plans for the 2020 deadline that could cover various items relevant for their specific ships, including, as appropriate, but not limited to:

- 1 risk assessment and mitigation plan (impact of new fuels);
- 2 fuel oil system modifications and tank cleaning (if needed);
- 3 fuel oil capacity and segregation capability;
- 4 fuel oil changeover plans (conventional residual fuel oils to 0.50% Sulphur compliant fuel oil);
- 5 procurement of compliant fuel;
- 6 documentation and reporting.

Though NOT a requirement, this fuel management plan is intended to demonstrate to Flag and Port States TDI Brooks International's commitment to the regulations and environment, and to simplify the process of compliance for our ships' crews, in this time of what could be a difficult transition in some parts of the world.

The TDI Brooks fleet is fortunate in that all machinery onboard the vessels does not utilize or require any fuel types that would make the first four considerations above a factor in moving into 2020. All vessels utilize distillates MGO (marine gas oil) or MDO (marine diesel oil) interchangeably. Moreover, all the vessels have operated within and periodically outside of the North American Caribbean ECA since January 2015 with the even more stringent maximum sulfur content of 0.10% required. Thus, the TDI Brooks implementation plan will achieve compliance simply thru procurement of compliant fuel and documentation and reporting, and the commensurate crew and management training associated with these two "more stringent" procedures - procurement and documentation/reporting.

This figure from ABS "Marine Fuel Oil Advisory 2018" shows the extent of the Emission Control Areas (ECAs) for North America/Caribbean (Puerto Rico and British Virgin Islands), European Union (North and Baltic Seas, and northern coast of Mediterranean), and People's Republic of China. While sailing from within one of these ECA's presents no issues regarding compliance with the worldwide cap of 0.5%, as the available fuel within these waters will by regulation be of the even lower sulfur content (0.1%). This is the condition under which all three TDI Brooks vessel began 2019, fueling from sources within the ECA and departing with only 0.1% low sulfur MGO in all their tanks. All subsequent purchases of fuel in all of 2019 have been of fuel with sulfur content of 0.5% or less and are documented in the oil record book. As the deadline approaches all fuel on board is compliant with the new standard.



## 2. ENFORCEMENT

**Flag state Administrations that ratify the amendment have exclusive enforcement authority on the <0.5% sulfur cap on all ships of their flag regardless of whether their ships are in territorial seas (of a signatory or non-signatory country) or the open ocean.** Thus, the cap applies to 96% of the world's fleet, even though more states have NOT ratified the amendment than those that are signatory. Any ship (regardless of its flag) calling at a port or sailing through territorial waters of a signatory state is only subject to limited enforcement by that Port State Control (*under the non-preferential treatment clause*). PSC of non-signatory countries have no influence on a non-compliant vessel except to voluntarily report their finding to the signatory Administration of the vessel if there is one. This dichotomy presents some enforcement situations that are highly likely to foster corrupt or at minimum confusing practices.

A signatory state has an obligation to provide compliant fuel (at whatever the increased cost or difficulty), but a non-signatory state may feel no such compulsion. Similarly, a signatory state has very limited enforcement authority over all ships in its territorial waters or calling at its ports regardless of the flag of the vessel and whether the flag state is signatory. This is likely to change with upcoming amendments to the regulation, giving PSC more authority. Even so, if a Port State has no national legislation in place to administer penalties for non-compliance they are essentially barking without a bite.

If these situations are not confusing enough, some ratifying countries (India and Indonesia for example) have chosen and announced that they would not enforce the sulfur cap on domestic vessels in their territorial waters. Thus, the incentive to provide adequate sources of low sulfur fuels is further diminished (and costs will inevitably be higher)

The list of **Countries Signatory to the low sulfur 2020** convention as of this writing are listed below. Countries where we have or might operate in either category are displayed in a colored font. Some typical enforcement actions and allowable consequences are discussed in the section following this listing.

<b>Signatory</b>	As of Nov 25, 2019		<b>Non-Signatory</b>
Antigua & Barbuda	x		Afghanistan
Australia	x		Albania
Azerbaijan	x		Algeria
Bahamas	x		Andorra
Bangladesh	x		Angola
Barbados	x		Argentina
Belgium	x		Armenia
Belize	x		Austria
Benin	x		Bahrain
Brazil	x		Belarus
Bulgaria	x		Bhutan
Canada	x		Bolivia
Chile	x		Bosnia & Herzegovina
China	x		Botswana
Congo	x		Brunei Darussalam
Cook Islands	x		Burkina Faso
Croatia	x		Burundi
Cyprus	x		Cabo Verde
Czechia	x		Cambodia
Denmark	x		Cameroon
Estonia	x		Central African Republic
Faroese	x		Chad
Finland	x		Colombia
France	x		Comoros
Gabon	x		Costa Rica
Germany	x		Cote d'Ivoire
Ghana	x		Cuba
Greece	x		DPR Korea
Guatemala	x		DPR Congo
Guyana	x		Djibouti
Honduras	x		Dominica
Hong Kong, China	x		Dominican Republic
Iceland	x		Ecuador
India	x		Egypt
Indonesia	x		El Salvador
Iran	x		Equatorial Guinea
Ireland	x		Eritrea
Italy	x		Eswatini (former Swaziland)
Jamaica	x		Ethiopia
Japan	x		European Union
Jordan	x		Fiji
Kenya	x		Gambia
Kiribati	x		Georgia
Kuwait	x		Grenada
Latvia	x		Guinea
Liberia	x		Guinea-Bissau

Lithuania	x		Haiti
Luxembourg	x		Holy See
Madagascar	x		Hungary
Malaysia	x		Iraq
Malta	x		Israel
Marshall Islands	x		Kazakhstan
Monaco	x		Kyrgyzstan
Mongolia	x		Lao People's Dem. Rep.
Montenegro	x		Lebanon
Morocco	x		Lesotho
Netherlands	x		Libya
Nigeria	x		Liechtenstein
Niue	x		Macao, China
Norway	x		Malawi
Palau	x		Maldives
Panama	x		Mali
Peru	x		Mauritania
Philippines	x		Mauritius
Poland	x		Mexico
Portugal	x		Micronesia (Fed. States of)
Republic of Korea	x		Mozambique
Romania	x		Myanmar
Russian Federation	x		Namibia
Saint Kitts and Nevis	x		Nauru
Saint Lucia	x		Nepal
Samoa	x		New Zealand
Saudi Arabia	x		Nicaragua
Serbia	x		Niger
Sierra Leone	x		North Macedonia
Singapore	x		Oman
Slovakia	x		Pakistan
Slovenia	x		Papua New Guinea
South Africa	x		Paraguay
Spain	x		Qatar
St. Vincent & Grenadines	x		Republic of Moldova
Sweden	x		Rwanda
Switzerland	x		San Marino
Syrian Arab Republic	x		Sao Tome & Principe
Tonga	x		Senegal
Trinidad & Tobago	x		Seychelles
Tunisia	x		Solomon Islands
Turkey	x		Somalia
Turkmenistan	x		South Sudan
Tuvalu	x		Sri Lanka
Ukraine	x		Sudan
United Arab Emirates	x		Suriname
United Kingdom	x		Tajikistan

United States	x		Thailand
Uruguay	x		Timor-Leste
Vanuatu	x		Togo
Viet Nam	x		Uganda
			United Rep. of Tanzania
			Uzbekistan
			Venezuela
			Yemen
			Zambia
			Zimbabwe

### 3. PROCUREMENT of COMPLIANT FUEL

Our vessels are all Oceanographic Research Vessels, carrying no cargo and no passengers. We conduct research surveys, most often in offshore waters where petroleum development is occurring or anticipated. Accordingly, we have no established “trade routes”, routine ports of call, or even predictable regions in which we will work (or for how long) which would facilitate to some degree obtaining compliant fuel. Even the timing of our next fuel purchase is highly variable and speculative.

Gyre, conducting an almost yearlong survey offshore Senegal has been able to acquire compliant fuel consistently from the same supplier in Dakar through all of 2019. Using the same supplier this many times in any location for one of our vessels is a most unusual situation. Ironically Senegal is NOT a signatory to the convention requiring low sulfur fuel.

Proteus, on the other hand in 2019, sailing a typical survey schedule/route spent a month in Guadeloupe after leaving Texas, a month in Trinidad Tobago, three weeks in Georgetown Guyana, three months in Brazil, two weeks in French Guiana before transiting to Dakar via Las Palmas and never purchased fuel from the same place twice (or even the same supplier as for Gyre) until reaching Dakar.

Typically, almost every fuel purchase is like starting over to find a compliant fuel in a workable location along our transit route or at the site of our next survey project with little lead time and a highly variable delivery date.

To achieve the required high rate of success in locating and purchasing compliant <0.5% fuel, all fuel purchases will be commissioned through our Director of Marine Operations. Volume of fuel consumed and remaining on board are received from the Master and Chief Engineer in the daily Ship Position Reports. The Port Engineer monitors these data in comparison to the voyage plans and indications of upcoming work and deployments for the vessels generated by the CEO. The Port Engineer begins searching for several primary and secondary fuel suppliers within the survey region, along the voyage plan route and within the next survey/project area well ahead of the time of need. The Port Engineers records the essentials of his contacts with suppliers in a log that will form the basis of a purchase order and/or a FONAR (Fuel Oil Non-Availability Report). Having established the groundwork and price basis for a fuel purchase he turns the task for purchase order and authorization over to the DOMO. The Director of Marine Operations will also submit the FONARs (relative to an unsuccessful search) to the Flag State when compliant fuel is not available and (if) we are forced to accept a non-compliant fuel. Completion of the financial transaction for the fuel purchase will be conducted by our accounting department. A scan copy of the search records (and any FONARs) resulting in the fuel purchase will be emailed to the vessel for their onboard records.



## **4. WHEN COMPLIANT FUEL CANNOT BE OBTAINED**

### **MEPC 320(74) Sections 5 & 5.1.4, and APPENDIX 1**

When (if) it occurs that compliant fuel cannot be obtained, a signatory (flag or port state) can request evidence that adequate attempts (*within its voyage plan*) to secure compliant fuel were made. This is the FONAR (Fuel Oil Non-Availability Report), and it is not a “get out of jail free pass”, but rather only a voluntary. The FONAR will be completed and submitted by the Marine Operations Manager based on information and documentation provided by the Master and Chief Engineer to the Port Engineer who searches and preps all fuel purchases.

The FONAR is sent to the Flag Administration, Port State Administration of the destination, and the vessel as soon as it becomes apparent that compliant fuel is not available. The Parties to MARPOL Annex VI (flag and Port State signatory countries) have the sole responsibility for reporting and investigating non-availability within the MARPOL Annex XI GISIS module. That is not our (ship owner) responsibility.

## **5. VERIFICATION ISSUES AND CONTROL MECHANISMS BY PORT STATES**

A port state inspection (by a signatory state – check the list, there will be fraudulent attempts to extort “fines”) should limit their inspection to Bunker Delivery Notes, ORB entries, and other documentation or tools as appropriate (including remote sensing and portable devices).. As with ORB or LIO MLC “complaints or tips” these would be “clear grounds” for a more detailed investigation.

Fuel sampling and analysis is allowed by Port State or Administration with this further evidence of suspicion. However, note that most Port States do not have the equipment or techniques to perform the analysis (and an analysis threat may be part of a bluff to extract “fines of a lesser or more expedient amount”). Recall the country must have national legislation in place to assess and levy penalties.

## **6. FUEL SAMPLE ANALYSIS PERMITTED/REQUIRED**

### **MEPC 320 (74) 4.2.4**

If the Port State (signatory countries of that port state) identifies clear grounds of suspected non-compliance from the initial inspections, the Port State may require samples of fuel oils to be analyzed. These samples can be either the sealed representative samples provided by the supplier, or samples from designated points on the ship. If the latter, we should take and retain replicate samples sealed and identified as exact replicates of the samples provided to port state for analysis.

If the supplier provided MARPOL sample is taken from the ship a receipt (signed and clearly identified) MUST be provided to the ship. When specific samples are taken from points in the ship, the receipt or Chain of Custody form must be signed by the receiver and master and clearly noted that these are one set of duplicate samples. The second being retained on board.

The results of any analyses (on MARPOL provided or other individual samples) should be provided to the ship for inclusion in the ORB records.

In spite of the sampling process, all possible efforts should be made to avoid a ship being unduly detained or delayed. In other words, the sample analysis of fuel oils should not unduly delay the operation, movement, or departure of the ship. You can't be held up or detained awaiting sample analysis reports.

## **7. IF PORT STATE ESTABLISHES A CASE FOR NON-COMPLIANCE MEPC 320(74) 4.2.4.5 & 4.2.4.6**

If non-compliance is established (fuel >0.5% being utilized after 1/1/2020 or even on board, after March 1, 2020) the port state may detain the vessel until the ship takes any suitable measure to achieve compliance (which may include de-bunkering all non-compliant fuel).

However, both parties (signatory Flag state and signatory Port State) may permit (with agreement of the destination port authority) a single one-way, minimal distance voyage to the nearest bunkering facility for the ship to accomplish bunkering of compliant fuel. Once the confirmation of the destination port and Flag state are obtained Port State should allow the ship to sail.

## **8. IF YOU GET AN INCOMPLETE BDN OR WITHOUT CORRECT MEASUREMENT OF SULPHUR MEPC 320(74) 4.3.2**

Where non-compliance is a matter of issuance of an incorrect BDN or BDN without measurement of sulfur content, the designated authorities should take corrective action against the non-compliant supplier. However, be cautioned – a spurious, altered, incomplete or strike over “correction”, illegible or faded BDN may be interpreted (justifiably by port state) as an attempt to divert fault for the non-compliant fuel from the ship operator to the supplier. Hence the caution previously to make sure the BDN is complete, legible, and a scan copy made before it fades, smudges or otherwise becomes illegible.

## **9. DOCUMENTATION AND REPORTING**

As was required under the previous regulation a Bunker Delivery Note MUST be provided with each fuel delivery. In addition, a sealed and labeled sample of the fuel must be provided to the vessel with the same identifying information as found on the Bunker Delivery,

Documentation and identification on both the BDN and sealed fuel sample must be complete and legible (no strike thru without legible name and signature & date, annotation).

To prevent fading with time or handling, make and retain a scan of any of the receipts that are “carbon copies”.

A receipt for the fuel should also be provided and retained. Especially in the case where compliant fuel is not available, but as you are able, include a copy of the fuel search record and purchase order (from the CE). Where compliant fuel was not available, a copy of the FONAR should be appended to the bunkering record.

The completed and signed Declaration of Inspection (Pre-Transfer Conference attended by all who are involved in the fuel transfer – supplier and ship crew) must also accompany the documentation for a bunkering procedure.

Finally, a Material Data Sheet (formerly MSDS) is required for every chemical on board the vessel. The fuel supplier should provide the MDS.

In summary, this documentation is required for every fuel purchase and delivery:

- ✓ Bunker Delivery Note
- ✓ Sealed, labeled MARPOL sample
- ✓ Delivery Receipt
- ✓ Fuel Search/Purchase Record (from CE), or purchase order
- ✓ FONAR (if compliant fuel was not available – or was delivered)
- ✓ Declaration of Inspection
- ✓ Material Data Sheet for the fuel type/grade

These records need to be retained for 3 years.

## **10. OPERATIONS WITHIN ECA's**

There will be occasions when the TDI Brooks vessels operate within an Emission Control Area (ECA) where the fuel burned can only have a maximum sulfur content of <0.1%. To prepare for this each vessel needs to maintain at least one fuel tank with <0.1% sulfur fuel, and to make deliberate plans to switch to (and be burning) the low sulfur fuel before arrival in the ECA. ECA requirements and boundaries vary but may extend as far as 200 nm from shore, extend only as far as state territorial waters, or pertain to port operations and then only within a period of time after arrival at berth.

The point of switch over (and back) to ultra-low sulfur fuel (<0.1%) should be logged in the ship's log and in the ORB (similar to a Code D entry for discharge through the oily water separator) using Code "I" for the point/time of switch over to/from <0.1% sulfur fuel.

Once the low sulfur fuel is transferred to the day tank, it must be burned. Returning it to the tank of origin will contaminate the tank supply with residual 0.5% sulfur fuel remaining in the fuel lines and manifold, thus rendering the low sulfur fuel in the designated tank now non-compliant.

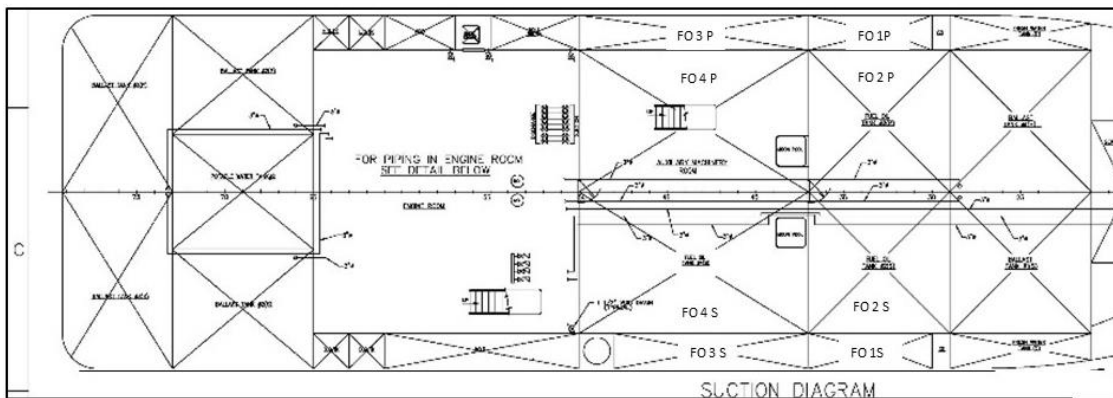
# **APPENDICES**

# 1. Brooks McCall TANK PLANS AND CAPACITIES

RV Brooks McCall Fuel Tanks			Capacity			Frame Reference
Tank No.		Type	Gallons	Long Tons	Cu M	Fws -- Aft
FO 1P	Port	Fuel Oil	4474	13.9	17.00	30-37
FO 1S	Starboard	Fuel Oil	4474	13.9	17.00	30-37
FO 2P	Port	Fuel Oil	7047	21.9	26.78	29-37
FO 2S	Starboard	Fuel Oil	7047	21.9	26.78	29-37
FO 3P wing	Port	Fuel Oil	8055	26.3	30.61	37-50
FO 3S wing	Starboard	Fuel Oil	8055	26.3	30.61	37-50
FO #4 P	Port	Fuel Oil	11493	35.7	43.67	37-50
FO #4 S	Starboard	Fuel Oil	11493	35.7	43.67	37-50

Totals	62138	195.6	236.1
	Gallons	LT	Cubic M

Brooks McCall Tank Plan



## Note:

1. This report is to be sent to the flag Administration and to the competent authorities in the relevant port(s) of destination in accordance with regulation 18.2.4 of MARPOL Annex VI. The report shall be sent as soon as it is determined that the ship/operator will be unable to procure compliant fuel oil and preferably before the ship leaves the port/terminal where compliant fuel cannot be obtained. A copy of the FONAR should be kept on board for inspection for at least 36 months.
2. This report should be used to provide evidence if a ship is unable to obtain fuel oil compliant with the provisions stipulated in regulations 14.1 or 14.4 of MARPOL Annex VI.
3. Before filing a FONAR, the following should be observed by the ship/operator:
  - 3.1 A fuel oil non-availability report is not an exemption. According to regulation 18.2 of MARPOL Annex VI, it is the responsibility of the Party of the destination port, through its competent authority, to scrutinize the information provided and take action, as appropriate.
  - 3.2 In the case of insufficiently supported and/or repeated claims of non-availability, the Party may require additional documentation and substantiation of fuel oil non-availability claims. The ship/operator may also be subject to more extensive inspections or examinations while in port.
  - 3.3 Ships/operators are expected to take into account logistical conditions and/or terminal/port policies when planning bunkering, including but not limited to having to change berth or anchor within a port or terminal in order to obtain compliant fuel.
  - 3.4 Ships/operators are expected to prepare as far as reasonably practicable to be able to operate on compliant fuel oils. This could include, but is not limited to, fuel oils with different viscosity and different sulphur content not exceeding regulatory requirements (requiring different lube oils) as well as requiring heating and/or other treatment on board.

<b>1 Particulars of ship</b>		
1.1	Name of ship:	
1.2	IMO Number:	
1.3	Flag:	
1.4	Distinctive Number or Letters:	
<b>2 Description of ship's voyage plan</b>		
2.1 Provide a description of the ship's voyage plan in place at the time of entry into "country X" waters (and ECA, if applicable) (Attach copy of plan if available):		
<b>2.2 Details of voyage</b>		
2.2.1	Last port of departure:	
2.2.2	First port of arrival in "country X":	
2.2.3	Date of departure from last port:	Click or tap to enter a date.
2.2.4	Date of arrival at first "country X":	Click or tap to enter a date.
2.2.5	Date ship first received notice that it would be transiting in "country X" waters (and ECA, if applicable):	Click or tap to enter a date.
2.2.6	Ship's location at the time of notice:	
2.2.7	Date ship operator expects to enter "country X" waters (and ECA, if applicable):	Click or tap to enter a date.
2.2.8	Time ship operator expects to enter "country X" waters (and ECA, if applicable):	hh:mm UTC
2.2.9	Date ship operator expects to exit "country X" waters (and ECA, if applicable):	Click or tap to enter a date.
2.2.10	Time ship operator expects to exit "country X" waters (and ECA, if applicable):	hh:mm UTC
2.2.11	Projected days ship's main propulsion engines will be in operation within "country X" waters (and ECA, if applicable):	
2.2.12	Sulphur content of fuel oil in use when entering and operating in "country X" waters (and ECA, if applicable):	
<b>3 Evidence of attempts to purchase compliant fuel oil</b>		
3.1	Provide a description of actions taken to attempt to achieve compliance prior to entering "country X" waters (and ECA, if applicable), including a description of all 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:	
3.2	Name and email address of suppliers contacted, address and phone number and date of contact (dd-mm-yyyy):	
<b>4 In case of fuel oil supply disruption only</b>		
4.1	Name of port at which ship was scheduled to receive compliant fuel oil:	
4.2	Name, email address, and phone number of the fuel oil supplier that was scheduled to deliver (and now reporting the non-availability):	
<b>5 Operation constraints, if applicable</b>		
5.1	If non-compliant fuel has been bunkered due to concerns that the quality of the compliant fuel available would cause operational or safety problems on board the ships, the concerns should be thoroughly documented.	

5.2	Describe any operational constraints that prevented use of compliant fuel oil available at port:			
5.3	Specify steps taken, or to be taken, to resolve these operational constraints that will enable compliant fuel use:			
<b>6 Plans to obtain compliant fuel oil</b>				
6.1	Describe availability of compliant fuel oil at the first port-of-call in "country X", and plans to obtain it:			
6.2	If compliant fuel oil is not available at the first port-of-call in "country X", list the lowest sulphur content of available fuel oil(s) or the lowest sulphur content of available fuel oil at the next port-of-call:			
<b>7 Previous Fuel Oil Non-Availability Reports</b>				
7.1	If shipowner/operator has submitted a Fuel Oil Non-Availability Report to "country X" in the previous 12 months, list the number of Fuel Oil Non-Availability Reports previously submitted and provide details on the dates and ports visited while using non-compliant fuel oil, as set out below:			
Report:	Date:	Port:	Type of Fuel:	Comments:
<b>8 Master/Company information</b>				
	Master name:			
	Local agent in "country X":			
	Ship operator name:			
	Shipowner name:			
	Name and position of official:			
	Email address:			
	Address (street, city, country, postal/zip code):			
	Telephone number:			

Signature of Master: \_\_\_\_\_

Print name:

Date:  Click or tap to enter a date.



### 3. FUEL SEARCH/PURCHASE LOG

Vessel		Date Inquiry Began		Vessel Position			
Last Port			Next Port				
Departure Date			Estimated Date				
Fuel ROB	<0.1% S		<0.5% S		>0.5% S		
Supplier:				Contact Name:			
Location/Port							
phone				email:			
website address							
Date of contact				Date for Delivery			
Fuel Type	MGO		MDO		S%		Quantity Requested
Sulfur <%							
Comments/Notes							AVAILABILITY
Delivery From	Pipe	Barge	Truck				
<b>Delivery Location</b>							

## RESOLUTION MEPC.320(74)

### 2019 GUIDELINES FOR CONSISTENT IMPLEMENTATION OF THE 0.50% SULPHUR LIMIT UNDER MARPOL ANNEX VI

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO that, at its fifty-eighth session, the Committee adopted, by resolution MEPC.176(58), a revised MARPOL Annex VI which significantly strengthens the emission limits for sulphur oxides (SO<sub>x</sub>),

RECALLING FURTHER that, at its seventieth session, the Committee adopted, resolution MEPC.280(70), *Effective date of implementation of the fuel oil standard in regulation 14.1.3 of MARPOL Annex VI*, confirming "1 January 2020" as the effective date of implementation for ships to comply with global 0.50% m/m sulphur content of fuel oil requirement,

NOTING ALSO that, at its seventy-third session, the Committee approved circular MEPC.1/Circ.878 on the *Guidance on the development of a ship implementation plan for the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI*,

HAVING CONSIDERED, at its seventy-fourth session, draft 2019 Guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI, prepared by the Sub-Committee on Pollution Prevention and Response, at its sixth session,

- 1 ADOPTS the *2019 Guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI*, as set out in the annex to the present resolution;
- 2 REQUESTS Parties to MARPOL Annex VI and other Member Governments to bring these Guidelines to the attention of shipowners, ship operators, fuel oil suppliers and any other interested groups;
- 3 AGREES to keep these Guidelines under review in the light of experience gained with their application.

## ANNEX

### 2019 GUIDELINES FOR CONSISTENT IMPLEMENTATION OF THE 0.50% SULPHUR LIMIT UNDER MARPOL ANNEX VI

#### 1 Introduction

##### 1.1 Objective

1.1.1 The purpose of these Guidelines is to ensure consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI. These Guidelines are intended for use by Administrations, port States, shipowners, shipbuilders and fuel oil suppliers, as appropriate.

##### 1.2 Definitions

1.2.1 For the purpose of these Guidelines, the definitions in MARPOL Annex VI apply.

1.2.2 The following definitions of fuel oils are used, as applicable:

- .1 Distillate marine fuels (DM) are as specified in ISO 8217:2017<sup>1</sup> (e.g. DMA, DMB, DMX, DMZ);
- .2 Residual marine fuels (RM) are as specified in ISO 8217:2017<sup>1</sup> (e.g. RMD 80, RMG 380);
- .3 Ultra-low sulphur fuel oil (ULSFO) are as specified in ISO 8217:2017<sup>1</sup> (e.g. maximum 0.10% S ULSFO-DM, maximum 0.10% S ULSFO-RM);
- .4 Very low sulphur fuel oil (VLSFO) (e.g. maximum 0.50% S VLSFO-DM, maximum 0.50% S VLSFO-RM); and
- .5 High sulphur heavy fuel oil (HSHFO) exceeding 0.50% S.

#### 2 Ship implementation planning for 2020

2.1 MEPC 70 agreed to "1 January 2020" as the effective date of implementation for ships to comply with the 0.50% m/m fuel oil sulphur content limit requirement and adopted resolution MEPC.280(70) on the *Effective date of implementation of the fuel oil standard in regulation 14.1.3 of MARPOL Annex VI*<sup>2</sup>.

2.2 In this context, MEPC 73 agreed that Administrations should encourage ships flying their flag to develop implementation plans, outlining how the ship may prepare in order to comply with the required sulphur content limit of 0.50% by 1 January 2020. The plan should be complemented with a record of actions taken by the ships in order to be compliant by the applicable date.

2.3 MEPC 73, recognizing the need for guidance to support the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI, approved MEPC.1/Circ.878 on the *Guidance on the development of a ship implementation plan for the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI*.

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<sup>1</sup> The latest edition of the ISO standard is recommended.

<sup>2</sup> Regulation 14.1.3 of MARPOL Annex VI, was amended by resolution MEPC.305(73).

### 3 Impact on fuel and machinery systems

3.0.1 The experiences and lessons learned from the transition to the 0.10% m/m SO<sub>x</sub>-ECA limit indicated that current ship machinery operations should be sufficiently capable of addressing the concerns regarding combustion of the new 0.50% m/m limit fuel oils.

3.0.2 Currently most of the marine diesel engines and boilers on ships operating outside Emission Control Areas (ECAs) are optimized to operate on heavy fuel oil. From 2020 ships are required to use fuel oils with a sulphur content of 0.50% m/m or lower, unless fitted with an approved equivalent means of compliance.

#### 3.1 *Distillate fuels*

3.1.1 A major challenge with distillate fuels is low viscosity. Low viscosity may cause internal leakages in diesel engines, boilers and pumps. Internal leakages in fuel injection system may result in reduced fuel pressure to the engine, which may have consequences for the engine performance (e.g. starting of the engine). Equipment makers recommendations should be taken into account, and adequate testing, maintenance and possible installation of coolers, etc., may be performed.

3.1.2 Cold Filter Plugging Points (CFPP) and Cloud Points (CP) as well as the Pour Point (PP) for distillate fuels need to be considered in light of the ship's intended operating area and ambient temperatures.

3.1.3 These issues are critical concerns as they can result in the formation and accumulation of wax sediment, which can cause costly and avoidable maintenance. In the worst-case scenario, sediment can cause engine fuel starvation and power loss.

3.1.4 ISO 8217:2017<sup>3</sup> limits the cold flow properties of a fuel through setting a limit on the PP. However, given that wax crystals form at temperatures above the PP, fuels that meet the specification in terms of PP can still be challenging to operations in colder operating regions, as the wax particles can rapidly block filters, potentially plugging them completely. For cold weather, additional cold flow properties, CFPP and CP, should be reported by the supplier when the receiving ship has ordered distillate fuel for cold weather operations, a requirement that is specified in ISO 8217:2017<sup>3</sup>.

3.1.5 Since the residual fuels are usually heated and distillate fuels are not heated, particular attention needs to be given to the cold flow properties of distillates. Cold flow property challenges can be managed by heating the fuel. CIMAC has issued "01 2015 CIMAC Guideline Cold flow properties of marine fuel oils"<sup>4</sup>.

3.1.6 Fuel temperature should be kept approximately 10°C above the PP in order to avoid any risk of solidification, however this may not reduce the risk of filter blocking in case of high CFPP and CP.

3.1.7 It is good practice to review the possibilities of heating arrangements for distillate fuels on board. This is usually very limited, as it is not standard practice to have heating arrangements in distillate storage, settling or service tanks. Transfer arrangements may be adapted to pass through a residual fuel oil heat exchanger should the need arise.

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<sup>3</sup> The latest edition of the ISO standard is recommended.

<sup>4</sup> [https://www.cimac.com/cms/upload/workinggroups/WG7/CIMAC\\_WG7\\_2015\\_01\\_Guideline\\_Cold\\_Flow\\_Properties\\_Marine\\_Fuel\\_Oils\\_final.pdf](https://www.cimac.com/cms/upload/workinggroups/WG7/CIMAC_WG7_2015_01_Guideline_Cold_Flow_Properties_Marine_Fuel_Oils_final.pdf)

3.1.8 Knowing the fuel properties before bunkering will assist in taking the necessary precautions where and when necessary. If the ship is heading towards colder climates and the cold flow properties are inferior, the fuel may be:

- .1 either used before entering cold regions, or
- .2 used with suitable heating arrangement, as mentioned above.

3.1.9 If the approach of applying heat is being followed it should be ensured that the fuel is not overheated resulting in the viscosity dropping below the minimum recommendation of 2 cSt at any point in the fuel system, including the engine inlet. In order to reduce this risk, heating should be limited to max 40°C.

### **3.2 *Distillate fuel with FAME content***

3.2.1 Increased demand for Distillate fuels may result in more land based products making their way into the marine supply pool, some of these fuels (e.g. biodiesel) may contain Fatty Acid Methyl Ester (FAME).

3.2.2 There are various technical challenges associated with use of fuel having FAME content, e.g. potential oxidation of biodiesel, its biodegradable nature etc. with adverse implications, limitations in storage life etc. It also needs to be tested for stability.

3.2.3 The ISO 8217:2017<sup>3</sup> standard includes a maximum FAME content of 7.0% by volume for DFA/DFZ/DFB fuel oil grades since some ports may offer automotive diesel fuel as the only fuel available, which contains FAME and could violate the fuel flashpoint requirements addressed in SOLAS chapter II-2. The maximum 7.0% (v/v) has been chosen as this aligns with the concentrations allowed in some of the countries applying environmental regulations.

3.2.4 Manufacturers of engines and equipment like oily water separators, overboard discharge monitors, filters, coalescers etc. need to be consulted to confirm the ability of engines and equipment to handle biodiesel blends of up to B7 (i.e. 7.0% v/v).

3.2.5 It is recommended to avoid using such biodiesel blend fuels for lifeboat engines, emergency generators, fire pumps, etc. where it is stored in isolated individual unit fuel tanks and subjected to conditions for accelerated degradation.

3.2.6 CIMAC has provided a Guideline for Shipowners and Operators on Managing Distillate Fuels up to 7.0% v/v Fame (Biodiesel).<sup>5</sup>

### **3.3 *Residual fuels***

#### **3.3.1 *Stability and compatibility***

3.3.1.1 It is essential to distinguish between "Fuel stability" within a single batch of fuel and "Fuel compatibility" between different fuel batches.

3.3.1.2 Regarding stability: the fuel shall be stable and homogeneous at delivery and it is the responsibility of the fuel oil blenders and suppliers to ensure this.

3.3.1.3 A wide range of blends of refined products will be used to make the new 0.50% sulphur fuels, and the stability and compatibility of the blends will be an important concern for shipowners/operators. Unstable fuels can separate on their own and incompatible ones can do so when mixed in a single bunker tank, forming sludge that can block filters and ultimately cause engine failures.

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<sup>5</sup> [https://www.cimac.com/cms/upload/workinggroups/WG7/CIMAC\\_WG7\\_Guideline\\_for\\_Ship\\_Owners\\_and\\_Operators\\_on\\_Managing\\_Distillate\\_Fuels\\_May\\_2013.pdf](https://www.cimac.com/cms/upload/workinggroups/WG7/CIMAC_WG7_Guideline_for_Ship_Owners_and_Operators_on_Managing_Distillate_Fuels_May_2013.pdf)

3.3.1.4 It is recommended that ships have a commingling procedure. The procedure should primarily aim to ensure new bunkers are loaded into empty tanks to the extent possible. In the event that a ship finds itself possibly having to commingle a new bunker with bunkers already on board, then it is important that the ship determines the compatibility between the two said bunkers before comingling.

3.3.1.5 The reference test method shall be the total potential sediment test in accordance with ISO 10307-2:2009.

### 3.3.2 *Catalytic fines (cat fines)*

3.3.2.1 Cat fines are a by-product of refining and consist of small particles of metal that are deliberately introduced as catalysts to "crack" the fuel oil. Unless reduced by purification, cat fines will become embedded in engine parts and cause serious and rapid engine damage. Reference should be made to engine manufacturer's guidance with respect to managing cat fines.

## **3.4 Key technical considerations for shipowners and operators**

3.4.1 Ship tank configuration and fuel system – the viscosity of most of these blended residual fuels is such that they cannot be used in distillate fuel-only systems and machinery, as they require heating for cleaning and combustion. A fully segregated fuel system for both distillate fuels and these new fuels is recommended.

3.4.2 Tank cleaning is recommended when using a residual fuel tank for storing these new fuels. This is to prevent sludge that has built up in these tanks from entering the fuel system. Further information on tank cleaning is set out in appendix 3 of MEPC.1/Circ.878 on *Guidance on the development of a ship implementation plan for the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI*.

3.4.3 Heating requirements – due to the cold flow properties of most of these new fuels, permanent heating of the fuel may be necessary to minimize the risk of wax formation, also in storage. This is especially important in colder regions.

3.4.4 Fuel treatment system – Some of these new fuels may contain cat fines and/or sediments and therefore need on board cleaning. Separator temperature and settings should be adjusted to the fuels' viscosity and density. Please refer to recommendations from OEM and fuel supplier.

3.4.5 Considering that many of these new fuels have lower viscosities compared to conventional residual fuels, care should be taken to ensure no overheating occurs.

## **3.5 ISO Standard for residual fuels**

3.5.1 The bunker market uses ISO 8217:2017<sup>6</sup> specifications to ensure that the properties of the fuels it delivers conform to a standard that mean they comply with MARPOL Annex VI.

3.5.2 The existing ISO 8217:2017<sup>6</sup> specification for marine fuels takes into consideration the diverse nature of marine fuels and incorporates a number of categories of distillate or residual fuels, even though not all categories may be available in every supply location it covers all marine petroleum fuel oils used today as well as the 0.50% Sulphur fuels of 2020. The General requirements, in the ISO 8217:2017<sup>6</sup> specification for marine fuels and characteristics, included in table 1 and 2 of ISO 8217:2017<sup>6</sup> identified safety, performance and environmental concerns and further takes into consideration the on board handling requirements, including

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<sup>6</sup> The latest edition of the ISO standard is recommended.

storage, cleaning and combustion aspects of all fuel oils used today and the anticipated fuel blends of 2020, irrespective of the sulphur content of the fuel oils.

3.5.3 It is important that any new standards address and do not preclude the use of renewable and alternative non-fossil crude derived products, so long as they comply with the chemical properties specified for these fuel oils.

### **3.6 Cylinder lubrication**

3.6.1 The choice of cylinder lubricating oils will often follow the fuel type in use. So, when changing to VLSFO operation from RM operation the choice of appropriate cylinder lubricating oil should be considered in accordance with the recommendations of the engine manufacturer.

## **4 Verification issues and control mechanism and actions**

### **4.1 Survey and certification by Administrations**

4.1.1 When undertaking a survey in accordance with regulation 5 of MARPOL Annex VI, the Administration should conduct a survey of a ship to verify that the ship complies with the provisions to implement the 0.50% sulphur limit. In particular, the Administration should check whether the ship carries compliant fuel oils for use, based on the Bunker Delivery Note (BDN) on board, any other document or fuel oil samples as appropriate consistent with the provisions of regulation 18 of MARPOL Annex VI. If carriage of HSHFO for use is identified, the Administration should check whether regulation 3.2, regulation 4 of MARPOL Annex VI are applied to the ship, or if the ship encountered a fuel availability problem and is operating pursuant to regulation 18.2 of MARPOL Annex VI.

4.1.2 When an Administration decides to analyse a fuel oil sample to determine compliance with the sulphur limits in regulation 14.1 or 14.4, the final analysis should be carried out in accordance with ISO 8754:2003 by a laboratory that is accredited for the purpose of conducting the test in accordance with ISO/IEC 17025 or an equivalent standard. The test results should be in accordance with ISO 8754 reporting protocol, meaning a tested value at or above 0.10% sulphur should be reported with no more than two decimal places.

4.1.3 According to regulation 11.4 of MARPOL Annex VI, the Administration shall investigate any report of an alleged violation and thereafter promptly inform the Party which made the report, as well as the Organization, of the action taken. When informing the Organization, the MARPOL Annex VI GISIS module should be used.

### **4.2 Control measures by port States**

4.2.1 Port States should take appropriate measures to ensure compliance with the 0.50% of sulphur limit under MARPOL Annex VI, in line with the regulation 10 of MARPOL Annex VI and the *2019 Guidelines for port State control under MARPOL Annex VI* (resolution MEPC.321(74)) (2019 PSC Guidelines). Specifically, the port State should conduct initial inspections based on documents and other possible materials, including remote sensing and portable devices. Given "clear grounds" to conduct a more detailed inspection, the port State may conduct sample analysis and other detailed inspections to verify compliance to the regulation, as appropriate.

4.2.2 Regulation 18.2.3 of MARPOL Annex VI requires a Party to take into account all relevant circumstances and the evidence presented to determine the action to take, including not taking control measures. Administrations and port State control authorities may take into account the implementation plan when verifying compliance with the 0.50% sulphur limit requirement.

#### 4.2.3 *Inspections based on documents and other possible targeting measurements*

4.2.3.1 During the port State control and other enforcement activities, the port State should investigate whether a ship carries either compliant fuel oils or HSHFOs for use, based on the documents listed in paragraph 2.1.2 of the 2019 PSC Guidelines additionally records required to demonstrate compliance should also then be viewed. Results from remote sensing could be used to trigger inspections and portable devices could be used during the initial inspections, as appropriate. Remote sensing and portable devices are, however, of indicative nature and should not be regarded as the evidence of non-compliance, but may be considered clear grounds for expanding the inspection.

4.2.3.2 Port state should determine if regulations 3.2, 4 or 18.2.3 apply together with retained bunker delivery notes and IAPP Certificate when considering the status of any HSHFO being carried for use on board.

#### 4.2.4 *Fuel oil sample analysis*

4.2.4.1 When the port State identifies clear grounds of suspected non-compliance of a ship based on initial inspections, the port State may require samples of fuel oils to be analysed. The samples to be analysed may be either the representative samples provided with BDN in accordance with regulation 18.8.2, MARPOL delivered samples or samples from designated sampling points in accordance with the *2019 Guidelines for on board sampling for the verification of the sulphur content of the fuel oil used on board ships* (MEPC.1/Circ.864/Rev.1) (in-use fuel oil samples) or other samples obtained by the port State.

4.2.4.2 Where the MARPOL delivered sample is taken from the ship a receipt should be provided to the ship. The outcome of the analysis undertaken with appendix VI of MARPOL Annex VI should be advised to the ship for its records.

4.2.4.3 In detecting suspected non-compliance, the sample analysis should be conducted in a uniform and reliable manner as described in paragraph 4.1.2. The verification procedure for MARPOL delivered samples should be in accordance with appendix VI<sup>7</sup> of MARPOL Annex VI. For other samples taken on board the ship, the in-use and onboard sample, the sample should be deemed to meet the requirements provided the test result from the laboratory does not exceed the specification limit  $+0.59R$  (where R is the reproducibility of the test method) and no further testing is necessary.

4.2.4.4 Notwithstanding the above process, all possible efforts should be made to avoid a ship being unduly detained or delayed. In particular, sample analysis of fuel oils should not unduly delay the operation, movement or departure of the ship.

4.2.4.5 If a non-compliance is established, consistent with regulation 18.2.3 the port State may prevent the ship from sailing until the ship takes any suitable measures to achieve compliance which may include de-bunkering all non-compliant fuel oil. In addition, the port State should report the information of the ship using or carrying for use non-compliant fuel oil to the Administration of the ship and inform the Party or non-Party under whose jurisdiction a bunker delivery note was issued of cases of delivery of non-compliant fuel oil, giving all relevant information. Upon receiving the information, the Party detecting the deficiency should report the information to the MARPOL Annex VI GISIS module in accordance with paragraph 3.4 of these Guidelines.

4.2.4.6 The Parties (the port and flag States), however, may permit, with the agreement of the destination port authority, a single voyage for bunkering of compliant fuel oil for the ship, in accordance with regulation 18.2.4 of MARPOL Annex VI. The single voyage should be one

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<sup>7</sup> Amendments to MARPOL VI, Appendix VI, *Verification procedures for a MARPOL Annex VI fuel oil sample (regulation 18.8.2 or regulation 14.8)*, expected to be adopted in Spring 2020 and set out in annex 11 to document MEPC 74/18.



way and minimum for bunkering, and the ship proceeds directly to the nearest bunkering facility appropriate to the ship. In the case that the parties permit a single voyage of a ship, the port State should confirm that the Administration of the ship has advised the authority at the destination port of the approval for a single voyage including information on the ship granted with the approval and the certified record of analysis of the sample as the evidence. Once confirmation has been provided the port State should permit the ship to sail as agreed.

4.2.4.7 If the port State is made aware that a ship is carrying non-compliant fuel oil, which is not for use through an equivalent method under regulation 4 or a permit under regulation 3.2 of MARPOL Annex VI, the port State should take action to confirm the fuel is not being used. Action to confirm should include, but is not limited to the examination of the oil record book and the record of tank soundings. Where necessary the port State may require tank soundings to be undertaken during the inspection. Where it is determined that the fuel has been used the control action in paragraph 4.2.4.5 should be applied.

4.2.5 Other open-sea compliance monitoring tools:

- .1 fuel oil changeover calculator;
- .2 data collection system for fuel oil consumption of ships (resolution MEPC.278(70)); and
- .3 continuous SO<sub>x</sub> monitoring.

#### **4.3 Control on fuel oil suppliers**

4.3.1 Designated authorities should, if deemed necessary, take a sample and test fuel oils from bunker barges or shore bunker terminals. Sampling of fuel oils in bunker barges or shore bunker terminals can be taken and tested in the same manner that the MARPOL delivered fuel oils are tested by the PSC. All possible efforts should be made to avoid a ship being unduly detained or delayed. If a sample is analysed, sample analysis of fuel oils should not unduly delay the operation, movement or departure of the ship.

4.3.2 If non-compliance, such as issuance of an incorrect BDN or a BDN without measurement of sulphur content, was found, the designated authorities should take appropriate corrective measures against the non-compliant supplier. In such case, the designated authorities should inform the Organization for transmission to the Member States of the non-compliant supplier, in accordance with the regulation 18.9.6 of MARPOL Annex VI and paragraph 4.4 of these Guidelines.

#### **4.4 Information sharing related to non-compliances under MARPOL Annex VI**

4.4.1 When a Party finds a non-compliance of a ship or a fuel oil supplier, the information of the non-compliance should be reported to the MARPOL Annex VI GISIS module (regulation 11.4).

4.4.2 Publication of information on non-compliant ships/fuel oil suppliers or a reporting scheme to IMO to be registered on centralized information platforms are proposed as elements of an effective enforcement strategy. Various PSC regimes have successfully used the publishing of information related to substandard ships/fuel suppliers as a deterrent to non-compliance. Port States also need to report detentions of ships to IMO which may affect the future PSC targeting of the ship. The IMO GISIS database already makes available certain information related to non-compliances with the MARPOL Annex VI regulations.

## **5 Fuel oil non-availability**

### **5.1 Guidance and information sharing on fuel oil non-availability**

5.1.1 Regulation 18.2.1 of MARPOL Annex VI provides that in the event compliant fuel oil cannot be obtained, a Party to MARPOL Annex VI can request evidence outlining the attempts made to obtain the compliant fuel oil, including attempts made to local alternative sources. Regulations 18.2.4 and 18.2.5 then require that the ship notifies its Administration and the competent authority of the port of destination on the inability to obtain compliant fuel oil, with the Party to notify IMO of the non-availability. This notification is commonly referred to as a Fuel Oil Non-Availability Report (FONAR).

#### *5.1.2 Guidance on consistent evidence*

5.1.3 Regulation 18.2.1.2 of MARPOL Annex VI requires that evidence be provided to support a claim that all efforts were made to obtain compliant fuel oil. In this regard, a Party may develop more detailed guidance for the consistent use and acceptance of these reports, including what evidence is needed to accompany a report to ensure that port States are applying the provisions under regulation 18.2.3, consistently.

5.1.4 Should a ship, despite its best effort to obtain compliant fuel oil, be unable to do so, the master/company must:

- .1 present a record of actions taken to attempt to bunker correct fuel oil and provide evidence of an attempt to purchase compliant fuel oil in accordance with its voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase; and
- .2 best efforts to procure compliant fuel oil include, but are not limited to, investigating alternate sources of fuel oil prior to commencing the voyage. If, despite best efforts, it was not possible to procure compliant fuel oil, the master/Company must immediately notify the port State Administration in the port of arrival and the flag Administration (regulation 18.2.4 of MARPOL Annex VI).

5.1.5 In order to minimize disruption to commerce and avoid delays, the master/company should submit a FONAR as soon as it is determined or becomes aware that it will not be able to procure and use compliant fuel oil.

#### *5.1.6 Investigating non-availability*

5.1.7 A Party should investigate the reports of non-availability. This process is important to ensure a consistent supply of compliant fuel to industry, as well as prevent incentives for ships to use ports where it is known that compliant fuel is not available on an ongoing basis. Critical to this process will be the sharing of information between Member States on reported compliant fuel oil supply issues.

5.1.8 Regulation 18.2.5 of MARPOL Annex VI provides that a Party to MARPOL Annex VI notify the Organization when a ship has presented evidence of the non-availability of compliant fuel oil in a port or at their terminal. For this purpose, MARPOL Annex VI GISIS module provides the platform for Parties to upload such notifications.

5.1.9 Regulation 18.1 of MARPOL Annex VI provides that each Party take all reasonable steps to promote the availability of above compliant fuel oil and inform the Organization through MARPOL Annex VI GISIS module of the availability of compliant fuel oils in its ports and terminals.

5.1.10 Port State control authority may contact the submitter (and/or shipowner or operator), including in the event of an incomplete submission, and request additional information, or to pursue an enforcement action such as a Notice of Violation.

## **5.2 Standard format for reporting fuel oil non-availability**

5.2.1 For ships which are unable to purchase fuel oil meeting the requirements of regulations 14.1 or 14.4 of MARPOL Annex VI, the standard format for reporting fuel oil non-availability is set out in appendix 1 to this document, pursuant to regulation 18.2.4 of MARPOL Annex VI.

## **6 Possible safety implications relating to fuel oils meeting the 0.50% m/m sulphur limit**

6.1 MEPC 73 (October 2018) approved MEPC.1/Circ.878 on *Guidance on the development of a ship implementation plan for the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI* (hereafter the "Ship Implementation Plan Guidance") addresses some safety issues identified with regard to 0.50% maximum sulphur fuel oil, in particular through the section on risk assessment (section 1 of the Ship Implementation Plan Guidance) and additional guidance provided on impact on machinery systems and tank cleaning (appendix 2 and appendix 3 of the Ship Implementation Plan Guidance, respectively).

6.2 Identified potential safety implications include, but are not limited to, the following:

- .1 stability of blended fuel oil;
- .2 compatibility, including new tests and metrics appropriate for future fuels;
- .3 cold flow properties;
- .4 acid number;
- .5 flash point;
- .6 ignition and combustion quality;
- .7 cat fines;
- .8 low viscosity; and
- .9 unusual components.

6.3 Additional technical information and a review, displayed in tabular format, of the possible potential safety implications is set out in appendix 2.

6.4 Reference should also be made to general industry guidance on potential safety and operational issues related to the supply and use of 0.50% maximum sulphur fuels<sup>8</sup>.

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<sup>8</sup> ICS, ASA and ECSA Guidance to shipping companies and crews on preparing for compliance with the 2020 global sulphur limit can be accessed at the following link: <http://www.ics-shipping.org/free-resources/2020-sulphur-compliance>

APPENDIX 1

**FUEL OIL NON-AVAILABILITY REPORT (FONAR)**

Note:

1 This report is to be sent to the flag Administration and to the competent authorities in the relevant port(s) of destination in accordance with regulation 18.2.4 of MARPOL Annex VI. The report shall be sent as soon as it is determined that the ship/operator will be unable to procure compliant fuel oil and preferably before the ship leaves the port/terminal where compliant fuel cannot be obtained. A copy of the FONAR should be kept on board for inspection for at least 36 months.

2 This report should be used to provide evidence if a ship is unable to obtain fuel oil compliant with the provisions stipulated in regulations 14.1 or 14.4 of MARPOL Annex VI.

3 Before filing a FONAR, the following should be observed by the ship/operator:

3.1 A fuel oil non-availability report is not an exemption. According to regulation 18.2 of MARPOL Annex VI, it is the responsibility of the Party of the destination port, through its competent authority, to scrutinize the information provided and take action, as appropriate.

3.2 In the case of insufficiently supported and/or repeated claims of non-availability, the Party may require additional documentation and substantiation of fuel oil non-availability claims. The ship/operator may also be subject to more extensive inspections or examinations while in port.

3.3 Ships/operators are expected to take into account logistical conditions and/or terminal/port policies when planning bunkering, including but not limited to having to change berth or anchor within a port or terminal in order to obtain compliant fuel.

3.4 Ships/operators are expected to prepare as far as reasonably practicable to be able to operate on compliant fuel oils. This could include, but is not limited to, fuel oils with different viscosity and different sulphur content not exceeding regulatory requirements (requiring different lube oils) as well as requiring heating and/or other treatment on board.

**1 Particulars of ship**

- 1.1 Name of ship: \_\_\_\_\_
- 1.2 IMO number: \_\_\_\_\_
- 1.3 Flag: \_\_\_\_\_
- 1.4 (if other relevant registration number is available, enter here): \_\_\_\_\_

**2 Description of ship's voyage plan**

2.1 Provide a description of the ship's voyage plan in place at the time of entry into "country X" waters (and ECA, if applicable) (Attach copy of plan if available):

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2.2 Details of voyage:

1 – Last port of departure

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2 – First port of arrival in "country X":

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3 – Date of departure from last port (dd-mm-yyyy):

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4 – Date of arrival at first "country X" (dd-mm-yyyy):

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5 – Date ship first received notice that it would be transiting in "country X" waters  
(and ECA, if applicable) (dd-mm-yyyy):

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6 – Ship's location at the time of notice:

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7 – Date ship operator expects to enter "country X" waters (and ECA, if applicable)  
(dd-mm-yyyy):

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8 – Time ship operator expects to enter "country X" waters (and ECA, if applicable)  
(hh:mm UTC):

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9 – Date ship operator expects to exit "country X" waters (and ECA, if applicable)  
(dd-mm-yyyy):

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10 – Time ship operator expects to exit "country X" waters (and ECA, if applicable)  
(hh:mm UTC):

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11 – Projected days ship's main propulsion engines will be in operation within  
"country X" waters (and ECA, if applicable):

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12 – Sulphur content of fuel oil in use when entering and operating in "country X"  
waters (and ECA, if applicable):

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**3 Evidence of attempts to purchase compliant fuel oil**

3.1 Provide a description of actions taken to attempt to achieve compliance prior to entering "country X" waters (and ECA, if applicable), including a description of all 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:

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3.2 Name and email address of suppliers contacted, address and phone number and date of contact (dd-mm-yyyy):

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Please attach copies of communication with suppliers (e.g. emails to and from suppliers)

**4 In case of fuel oil supply disruption only**

4.1 Name of port at which ship was scheduled to receive compliant fuel oil:

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4.2 Name, email address, and phone number of the fuel oil supplier that was scheduled to deliver (and now reporting the non-availability): \_\_\_\_\_

**5 Operation constraints, if applicable**

5.1 If non-compliant fuel has been bunkered due to concerns that the quality of the compliant fuel available would cause operational or safety problems on board the ships, the concerns should be thoroughly documented.

5.2 Describe any operational constraints that prevented use of compliant fuel oil available at port:

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5.3 Specify steps taken, or to be taken, to resolve these operational constraints that will enable compliant fuel use:

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**6 Plans to obtain compliant fuel oil**

6.1 Describe availability of compliant fuel oil at the first port-of-call in "country X", and plans to obtain it:

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6.2 If compliant fuel oil is not available at the first port-of-call in "country X", list the lowest sulphur content of available fuel oil(s) or the lowest sulphur content of available fuel oil at the next port-of-call:

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**7 Previous Fuel Oil Non-Availability Reports**

7.1 If shipowner/operator has submitted a Fuel Oil Non-Availability Report to "country X" in the previous 12 months, list the number of Fuel Oil Non-Availability Reports previously submitted and provide details on the dates and ports visited while using non-compliant fuel oil, as set out below:

Report: \_\_\_\_\_ Date  
(dd-mm-yyyy): \_\_\_\_\_ Port:  
Type of fuel: \_\_\_\_\_ Comments:

**8 Master/Company information**

Master name: \_\_\_\_\_ Local  
agent in "country X": \_\_\_\_\_ Ship  
operator name: \_\_\_\_\_ Shipowner  
name: \_\_\_\_\_ Name and  
position of official: \_\_\_\_\_ Email  
address: \_\_\_\_\_ Address  
(street, city, country, postal/zip code): \_\_\_\_\_ Telephone  
number: \_\_\_\_\_

Signature of Master: \_\_\_\_\_

Print name: \_\_\_\_\_  
Date (DD/MM/YYYY): \_\_\_\_\_



APPENDIX 2

**TECHNICAL REVIEW OF IDENTIFIED POTENTIAL SAFETY IMPLICATIONS  
ASSOCIATED WITH THE USE OF 2020 COMPLIANT FUELS**

<b>Fuel Property</b>	<b>Potential Challenges</b>	<b>Remarks</b>
<b>Stability</b>	The consequences of a ship receiving an unstable fuel, or one that becomes unstable during storage or handling, can be serious. Sludge may build up in the storage tanks, piping systems or centrifuges and filters can become totally blocked by voluminous amounts of sludge.	<p>The challenge for the fuel producer is to blend a fuel which is not only stable but also has a degree of reserve stability such that it will remain stable during periods of storage and treatment at elevated temperatures.</p> <p>More paraffinic blend components are expected for Very Low Sulphur Fuel Oil (VLSFO) compared to existing fuels. Whereas aromatic components have a stabilizing effect on asphaltenes, paraffins do not. Fuel suppliers are responsible for ensuring that the supplied fuel is stable.</p>
<b>Compatibility issues</b>	Challenges are the same as with stability (above).	<p>An incompatible mix may be harmful to ship's operation.</p> <p>VLSFOs are expected to be paraffinic based in some regions and aromatic based in other regions. There is a risk of experiencing incompatibility when mixing an aromatic fuel with a paraffinic fuel. The same risk exists today, but with the wide range of products which may exist post 2020, it is important to segregate fuels as far as possible and to be cautious of how to manage/handle incompatible fuels on board.</p>
<b>Cold flow properties and Pour Point</b>	ISO 8217:2017 limits the cold flow properties of a fuel through setting a limit on the pour point (PP). However, given that wax crystals form at temperatures above the PP, fuels that meet the specification in terms of PP can still be challenging when operating in colder regions. Wax particles can rapidly block filters, potentially plugging them completely. The paraffin's may crystallize and/or deposit in the storage tanks leading to blockages at the filters and reduced fuel flow to the machinery plants. If fuels are held at temperatures below the pour point, wax will begin to precipitate. This wax may cause blocking of filters and can deposit on heat exchangers. In severe	<p>VLSFO products are expected to be more paraffinic compared to existing fuels. As such, it is important to know the cold flow properties of the bunkered fuel in order to ensure proper temperature management on board.</p> <p>It is important to note that for additives to be effective, they have to be applied before crystallization has occurred in the fuel.</p> <p>Reference 1.</p>

Fuel Property	Potential Challenges	Remarks
	<p>cases the wax will build up in storage tank bottoms and on heating coils, which can restrict the coils from heating the fuel (fuel will become unpumpable from the bunker tanks).</p>	
<b>Acid number</b>	<p>The fuel shall be free from strong, inorganic acids.</p> <p>Fuels with high acid number test results arising from acidic compounds cause accelerated damage to marine diesel engines. Such damage is found primarily within the fuel injection equipment.</p>	<p>There is currently no recognized correlation between an acid number test result and the corrosive activity of the fuel.</p> <p>ISO 8217:2017, appendix E covers the topic.</p>
<b>Flashpoint</b>	<p>Flashpoint is considered to be a useful indicator of the fire hazard associated with the storage of marine fuels. Even if fuels are stored at temperatures below the determined flash point, flammable vapours may still develop in the tank headspace.</p>	<p>SOLAS requirement.</p>
<b>Ignition and combustion quality</b>	<p>Fuels with poor ignition &amp; combustion properties can, in extreme cases, result in serious operational problems, engine damage and even total breakdown. Poor combustion performance is normally characterized by an extended combustion period and/or poor rates of pressure increase and low "p max" resulting in incomplete combustion of the fuel. The resulting effects are increased levels of unburned fuel and soot that may be deposited in the combustion chamber, on the exhaust valves and in the turbocharger system, exhaust after treatment devices, waste heat recovery units and other exhaust system components. Extended combustion periods may also result in exposure of the cylinder liner to high temperatures which may disrupt the lubricating oil film, leading to increased wear rates and scuffing. Unburnt fuel droplets may also carry over impinging on the liner surfaces causing further risk of damage to the liner.</p>	<p>High and medium-speed engines are more prone to experience operational difficulties due to poor ignition and combustion properties than low speed two stroke types. With four stroke engines, poor ignition can result in excessive exhaust gas system deposits, black smoke, engine knocking and difficulties operating at low load.</p> <p>If the ignition process is delayed for too long a period by virtue of some chemical quality of the fuel, too large a quantity of fuel will be injected into the engine cylinders and will ignite at once, producing a rapid pressure and heat rise and causing associated damage to the piston rings and cylinder liners of the engine.</p> <p>Reference 2.</p>

Fuel Property	Potential Challenges	Remarks
<b>Cat fines</b>	Cat fines will cause abrasive wear of cylinder liners, piston rings and fuel injection equipment if not reduced sufficiently by the fuel treatment system. High wear in the combustion chamber can result.	Major engine manufacturers recommend that the fuel's cat fines content does not exceed 10 mg/kg (ppm) at engine inlet.
<b>Low viscosity</b>	<p>Low-viscosity fuels (less than 2 cSt at engine inlet) challenge the function of the fuel pump in the following ways:</p> <ul style="list-style-type: none"> <li>.1 breakdown of the oil film, which could result in seizures;</li> <li>.2 insufficient injection pressure, which results in difficulties during start-up and low-load operation; and</li> <li>.3 insufficient fuel index margin, which limits acceleration.</li> </ul>	<p>Low fuel viscosity does not only affect the engine fuel pumps. Most pumps in the external fuel oil system (supply pumps, circulating pumps, transfer pumps and feed pumps for the centrifuge) also need viscosities above 2 cSt to function properly.</p> <p>Viscosity is highly temperature dependent and the crew must take proper care of fuel oil temperature management to avoid viscosity related issues.</p> <p>Reference 3.</p>
<b>Unusual components</b>	<p>The below components and group of components can be linked to the risk of encountering the following problems:</p> <p>Polymers (e.g. polystyrene, polyethylene, polypropylene) Associated with filter blocking</p> <p>Polymethacrylates Associated with fuel pump sticking</p> <p>Phenols Occasionally Associated with filter blocking/fuel oil pump sticking</p> <p>Tall oils Associated with filter blocking</p> <p>Chlorinated hydrocarbons Associated with fuel pump seizures</p> <p>Estonian shale oil Associated in the past with excessive separator sludging</p> <p>Organic acids Associated with corrosion as well as fuel pump sticking</p>	<p>Only for few components, there exists a clear cause and effect between component and associated operational problems.</p> <p>There is no statistical study performed of which components are typically found in marine fuels and in which concentration.</p> <p>As per ISO 8217:2017, annex B: The marine industry continues to build on its understanding of the impact of specific chemical species and the respective critical concentrations at which detrimental effects are observed on the operational characteristics of marine fuels in use.</p> <p>Only in some of the past cases the origin of the unusual components found in bunkers were revealed and were due to various reasons such as:</p> <ul style="list-style-type: none"> <li>.1 Russia/Baltic states 1997, cross contamination in storage/piping (polypropylene);</li> <li>.2 Singapore 2001, 4 bunker barges received material from road</li> </ul>

Fuel Property	Potential Challenges	Remarks
		<p>tankers which, in addition to transporting fuel, also collected/transported waste oil from shipyards and motor shops (esters);</p> <p>.3 Ventspils 2007, Estonian shale oil to convert HSHFOs to LSFOS; and</p> <p>.4 Houston 2010/11, bunker barges that were not cleaned between cargoes (polyacrylates) Reference 4.</p>

**References**

- 1 CIMAC WG7 Fuels Guideline 01/2015: "Cold flow properties of marine fuel oils"
- 2 CIMAC WG7 Fuels 2011: "Fuel Quality Guide: Ignition and Combustion"
- 3 MAN Service Letter SL2014-593/DOJA
- 4 Bureau Veritas Verifuel, Investigative analysis of marine fuel oils: Pros & Cons



**ANNEX 15**

**RESOLUTION MEPC.321(74)  
(adopted on 17 May 2019)**

**2019 GUIDELINES FOR PORT STATE CONTROL  
UNDER MARPOL ANNEX VI CHAPTER 3**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that, at its fifty-eighth session, the Committee adopted, by resolution MEPC.176(58), a revised MARPOL Annex VI which significantly strengthens the controls on emissions,

NOTING that articles 5 and 6 of the MARPOL Convention and regulations 10 and 11 of MARPOL Annex VI provide control procedures to be followed by a Party to the 1997 Protocol with regard to foreign ships visiting its ports,

RECALLING that, at its fifty-ninth session, the Committee adopted, by resolution MEPC.181(59), *2009 Guidelines for port State control under the revised MARPOL Annex VI*,

NOTING that the revised MARPOL Annex VI entered into force on 1 July 2010 and since then there have been several amendments to the provisions,

RECOGNIZING the need to revise the *2009 Guidelines for port State control under the revised MARPOL Annex VI*, in accordance with provisions of the MARPOL Annex VI, as amended,

HAVING CONSIDERED, at its seventy-fourth session, draft 2019 Guidelines for port State control under MARPOL Annex VI prepared by the Sub-Committee on Pollution Prevention and Response, at its sixth session, following a review by the Sub-Committee on Implementation of IMO Instruments, at its fifth session,

1 ADOPTS the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* (2019 PSC Guidelines), as set out in the annex to the present resolution;

2 INVITES Governments, when exercising port State control under MARPOL Annex VI, to apply the 2019 PSC Guidelines from 1 January 2020;

3 INVITES Governments, when exercising port State control under MARPOL Annex VI, to apply the provisions of MARPOL Annex VI concerning the prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship from 1 March 2020;

4 INVITES Governments, when exercising port State control under MARPOL Annex VI, to apply the provisions of MARPOL Annex VI concerning electronic record books from 1 October 2020;

5 AGREES to keep these Guidelines under review in the light of experience gained with their application;

6 REVOKES the *2009 Guidelines for port State control under the revised MARPOL Annex VI* adopted by resolution MEPC.181(59), from 1 January 2020.

## ANNEX

### 2019 GUIDELINES FOR PORT STATE CONTROL UNDER MARPOL ANNEX VI CHAPTER 3

#### Chapter 1 GENERAL

1.1 This document is intended to provide basic guidance on the conduct of port State control inspections for compliance with MARPOL Annex VI (hereinafter referred to as "the Annex") and afford consistency in the conduct of these inspections, the recognition of deficiencies and the application of control procedures.

1.2 Chapters 1 (General), 4 (Contravention and detention), 5 (Reporting requirements) and 6 (Review procedures) of the *Procedures for Port State Control*, as adopted by the Organization, as may be amended, also applies to these Guidelines.

#### Chapter 2 INSPECTIONS OF SHIPS REQUIRED TO CARRY THE IAPP CERTIFICATE

##### 2.1 Initial inspections

2.1.1 The PSCO should ascertain the date of ship construction and the date of installation of equipment on board which are subject to the provisions of the Annex, in order to confirm which regulations of the Annex are applicable.

2.1.2 On boarding and introduction to the master or responsible ship's officer, the port State control officer (PSCO) should examine the following documents, where applicable:

- .1 the International Air Pollution Prevention Certificate (IAPP Certificate) (regulation VI/6), including its Supplement;
- .2 the Engine International Air Pollution Prevention Certificate (EIAPP Certificate) (paragraph 2.2 of the NO<sub>x</sub> Technical Code) including its Supplement, for each applicable marine diesel engine;
- .3 the Technical File (paragraph 2.3.4 of the NO<sub>x</sub> Technical Code) for each applicable marine diesel engine;
- .4 depending on the method used for demonstrating NO<sub>x</sub> compliance for each applicable marine diesel engine:
  - .1 the Record Book of Engine Parameters for each marine diesel engine (paragraph 6.2.2.7 of the NO<sub>x</sub> Technical Code) demonstrating compliance with regulation VI/13 by means of the marine diesel engine parameter check method; or
  - .2 documentation relating to the simplified measurement method; or
  - .3 documentation related to the direct measurement and monitoring method;
- .5 for a ship to which regulation VI/13.5.1 applies for a particular NO<sub>x</sub> Tier III emission control area and that has one or more installed marine diesel engines certified to both Tier II and Tier III or which has one or more marine diesel

- engines certified to Tier II only<sup>1</sup> that there are the required log book and the recordings for the tier and on/off status of those marine diesel engines while the ship is within an applicable NO<sub>x</sub> Tier III emission control area;
- .6 the Approved Method File (regulation VI/13.7);
  - .7 the written procedures covering fuel oil change over operations (in a working language or languages understood by the crew) where separate fuel oils are used in order to achieve compliance (regulation VI/14.6);
  - .8 the approved documentation relating to exceptions and/or exemptions granted under regulation VI/3;
  - .9 the approved documentation (SECC where issued, ETM, OMM, SECP) and relating to any installed Exhaust Gas Cleaning System (EGCS) or equivalent means, to reduce SO<sub>x</sub> emissions (regulation VI/4);
  - .10 that the required EGCS monitoring records have been retained and show compliance. Additionally, that the EGCS Record Book including nitrate discharge data and performance records,<sup>2</sup> or approved alternative, has been duly maintained;
  - .11 the bunker delivery notes (BDNs) and representative samples or records thereof (regulation VI/18);
  - .12 the copy of the type approval certificate of applicable shipboard incinerator (resolutions MEPC.76(40) or MEPC.244(66));
  - .13 the Ozone Depleting Substances Record Book (regulation VI/12.6);
  - .14 the VOC Management Plan (regulation VI/15.6);
  - .15 any notification to the ship's flag Administration issued by the master or officer in charge of the bunker operation together with any available commercial documentation relevant to non-compliant bunker delivery, regulation VI/18.2; and
  - .16 if the ship has not been able to obtain compliant fuel oil, the notification to the ship's flag Administration and the competent authority of the relevant port of destination as set out in the appendix.

The Record Books referenced in sub-paragraphs .1, .5, .10 and 13 above may be presented in an electronic format. A declaration from the Administration should be viewed in order to accept this Electronic Record Book. If a declaration cannot be provided, a hard copy Record Book will need to be presented for examination.

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<sup>1</sup> Unified Interpretation to regulation 13.5.3 set out in MEPC.1/Circ.795/Rev.4.

<sup>2</sup> In assessing the Emission Ratio and discharge water records the PSCO should be mindful that such factors as transient engine operation or analyser performance outputs may result in isolated "spikes" in the recorded output which, while these measurements in themselves may be above the required Emission Ratio or discharge water limit values, do not indicate that overall the EGCS was not being operated and controlled as required and hence should not be taken as evidence of non-compliance with the requirements.

2.1.3 As a preliminary check, the IAPP Certificate's validity should be confirmed by verifying that the Certificate is properly completed and signed and that required surveys have been performed.

2.1.4 Through examining the Supplement to the IAPP Certificate, the PSCO may establish how the ship is equipped for the prevention of air pollution.

2.1.5 In the case where the bunker delivery note or the representative sample as required by regulation VI/18 presented to the ship are not in compliance with the relevant requirements (the BDN is set out in appendix V of MARPOL Annex VI), the master or officer in charge of the bunker operation may have documented that through a Notification to the ship's flag Administration with copies to the port authority under whose jurisdiction the ship did not receive the required documentation pursuant to the bunkering operation and to the bunker deliverer.

2.1.6 In addition, if the BDN shows compliant fuel, but the master has independent test results of the fuel oil sample taken by the ship during the bunkering which indicates non-compliance, the master may have documented that through a Notification to the ship's flag Administration with copies to the competent authority of the relevant port of destination, the Administration under whose jurisdiction the bunker deliverer is located and to the bunker deliverer.

2.1.7 In all cases, a copy may be retained on board the ship, together with any available commercial documentation, for the subsequent scrutiny of port State control.

## **2.2 Initial inspection on ships equipped with equivalent means of SO<sub>x</sub> compliance.**

2.2.1 On ships equipped with equivalent means of compliance, the PSCO will look at:

- .1 evidence that the ship has received an appropriate approval for any installed equivalent means (approved, under trial or being commissioned);
- .2 evidence that the ship is using an equivalent means, as identified on the Supplement of the IAPP certificate, for fuel oil combustion units on board or that compliant fuel oil is used in equipment not so covered; and
- .3 BDNs on board<sup>3</sup> which indicate that the fuel oil is intended to be used in combination with an equivalent means of SO<sub>x</sub> compliance or the ship is subject to a relevant exemption to conduct trials for SO<sub>x</sub> emission reduction and control technology research.

2.2.2 In the case where an EGCS is not in compliance with the relevant requirements for other than transitory periods and isolated spikes in the recorded output, the master or officer in charge may have documented that through a Notification to the ship's flag Administration with copies to the competent authority of the relevant port of destination, and present those corrective actions taken in order to rectify the situation in accordance with the guidance given in the EGCS Technical Manual. If a malfunction occurs in the instrumentation for the monitoring of emission to air or the monitoring of washwater discharge to sea, the ship may have alternative documentation demonstrating compliance.<sup>4</sup>

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<sup>3</sup> Resolution MEPC.305(73) *Prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship* is not applicable to fuel oil carried as cargo or for ships fitted with an approved equivalent means of compliance.

<sup>4</sup> MEPC.1/Circ.883 on *Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the Exhaust Gas Cleaning Systems (EGCS) fails to meet the provisions of the 2015 EGCS Guidelines (resolution MEPC.259(68))*, ships should have documented notification of system non-compliance to relevant authorities as in paragraph 2.2.2.



## 2.3 Initial inspection within an ECA

2.3.1 When a ship is inspected in a port in an ECA designated for SO<sub>x</sub> emission control, the PSCO should look at:

- .1 evidence of fuel oil delivered to and used on board with a sulphur content of not more than 0.10% m/m through the BDNs and appropriate onboard records including records of bunkering operations as set out in the Oil Record Book Part 1 (regulation VI/18.5 and VI/14.4); and
- .2 for those ships using separate fuel oils for compliance with regulation VI/14, evidence of a written procedure (in a working language or languages understood by the crew) and records of changeover to fuel oil with a sulphur content of not more than 0.10% m/m before entering the ECA such that compliant fuel was being used while sailing in the entire ECA as required in regulation VI/14.6.

2.3.2 When a ship to which regulation VI/13.5.1 applies for a particular NO<sub>x</sub> Tier III emission control area is inspected in a port in that area, the PSCO should look at:

- .1 the records in respect of the tier and on/off status, together with any changes to that status while within that NO<sub>x</sub> Tier III emission control area, which are to be logged as required by regulation VI/13.5.3 in respect of an installed marine diesel engine certified to both Tier II and Tier III or which is certified to Tier II only<sup>5</sup>; and
- .2 the status of an installed marine diesel engine which is certified to both Tier II and Tier III showing that that engine was operating in its Tier III condition on entry into that NO<sub>x</sub> Tier III emission control area and that status was maintained at all times while that marine diesel engine was in operation within that area; or
- .3 the records related to the conditions associated with an exemption granted under regulation VI/13.5.4 have been logged as required by that exemption and that the terms and duration of that exemption have been complied with as required.

## 2.4 Initial inspection outside an ECA or first port after transiting an ECA

2.4.1 When a ship is inspected in a port outside ECA the PSCO will look to the same documentation and evidence as during inspections in ports inside the ECA. The PSCO should in particular look at:

- .1 evidence that the sulphur content of the fuel oil is in accordance with regulation VI/14.1<sup>6</sup> through the BDNs and appropriate onboard records including records of bunkering operations as set out in the Oil Record Book Part 1 (regulation VI/18.5 and VI/14.4); and

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<sup>5</sup> Unified Interpretation to regulation 13.5.3 set out in MEPC.1/Circ.795/Rev.4.

<sup>6</sup> Resolution MEPC.305(73) *Prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship* is not applicable to fuel oil carried as cargo or for ships fitted with an approved equivalent means of compliance.

- .2 evidence of a written procedure (in a working language or languages understood by the crew) and records of changeover from fuel oil with a sulphur content of not more than 0.10% m/m after leaving the ECA such that compliant fuel was being used while sailing in the in the entire ECA.

2.4.2 When a ship to which regulation VI/13.5.1 applies for a particular NO<sub>x</sub> Tier III emission control area is inspected in a port outside that area, the PSCO should look at the records required by 2.3.2.1 and 2.3.2.2 or 2.3.2.3 to ensure that the relevant requirements were complied with for the whole period of time the ship was operating in that area.

## **2.5 Outcome of initial inspection**

2.5.1 If the certificates and documents are valid and appropriate and, after an inspection of the ship to check that the overall condition of the ship meets generally accepted international rules and standards, the PSCO's general impressions and observations on board confirm a good standard of maintenance, the inspection should be considered satisfactorily concluded.

2.5.2 If, however, the PSCO's general impressions or observations on board give clear grounds (see paragraph 2.5.3) for believing that the condition of the ship or its equipment do not correspond substantially with the particulars of the certificates or the documents, the PSCO should proceed to a more detailed inspection.

2.5.3 "Clear grounds" to conduct a more detailed inspection include:

- .1 evidence that certificates required by the Annex are missing or clearly invalid;
- .2 evidence that documents required by the Annex are missing or clearly invalid;
- .3 the absence or malfunctioning of equipment or arrangements specified in the certificates or documents;
- .4 the presence of equipment or arrangements not specified in the certificates or documents;
- .5 evidence from the PSCO's general impressions or observations that serious deficiencies exist in the equipment or arrangements specified in the certificates or documents;
- .6 information or evidence that the master or crew are not familiar with essential shipboard operations relating to the prevention of air pollution, or that such operations have not been carried out;
- .7 evidence of inconsistency between information in the bunker delivery note and paragraph 2.3 of the Supplement to the IAPP certificate;
- .8 evidence that an equivalent means has not been used as required; or
- .9 evidence, for example by fuel calculators, that the quantity of bunkered compliant fuel oil is inconsistent with the ship's voyage plan; and

- .10 receipt of a report or complaint containing information that the ship appears to be non-compliant including but not limited to information from remote sensing surveillance of SO<sub>x</sub> emissions or portable fuel oil sulphur content measurement devices indicating that a ship appears to use non-compliant fuel while in operation/underway;
- .11 evidence that the tier and/or on/off status of applicable installed marine diesel engines has not been maintained correctly or as required;
- .12 receipt of a report or complaint containing information that one or more of the installed marine diesel engines has not been operated in accordance with the provisions of the respective Technical File or the requirements relevant to a particular NO<sub>x</sub> Tier III emission control area; and
- .13 receipt of a report or complaint containing information that the conditions attached to an exemption granted under regulation VI/13.5.4 have not been complied with.

## **2.6 More detailed inspections**

### 2.6.1 The PSCO should verify that:

- .1 there are effectively implemented maintenance procedures for the equipment containing ozone-depleting substances; and
- .2 there are no deliberate emissions of ozone-depleting substances.

### 2.6.2 In order to verify that each installed marine diesel engine with a power output of more than 130 kW is approved by the Administration in accordance with the NO<sub>x</sub> Technical Code and maintained appropriately, the PSCO should pay particular attention to the following:

- .1 examine such marine diesel engines to be consistent with the EIAPP Certificate and its Supplement, Technical File and, if applicable, Record Book of Engine Parameters or Onboard Monitoring Manual and related data;
- .2 examine marine diesel engines specified in the Technical Files to verify that no unapproved modifications, which may affect NO<sub>x</sub> emission, have been made to the marine diesel engines;
- .3 in the case of an installed marine diesel engine certified to Tier III that the required records, if applicable, in accordance with regulation VI/13.5.3 or in the Technical File, including those required by 2.3.6 of the NO<sub>x</sub> Technical Code, have been maintained as necessary and that the marine diesel engine, including any NO<sub>x</sub> control device and associated ancillary systems and equipment, including, where fitted, bypass arrangements, is maintained in accordance with the associated Technical File and is in good order;
- .4 if applicable, examine whether the conditions attached to an exemption granted under regulation VI/13.5.4 have been complied with as required;
- .5 examine marine diesel engines with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000 to verify that they are certified, if so required, in accordance with regulation VI/13.7;

- .6 in the case of ships constructed before 1 January 2000, verify that any marine diesel engine which has been subject to a major conversion, as defined in regulation VI/13, has been approved by the Administration; and
- .7 emergency marine diesel engines intended to be used solely in case of emergency are still in use for this purpose.

2.6.3 The PSCO should check and verify whether fuel oil complies with the provisions of regulation VI/14 taking into account appendix VI<sup>7</sup> of this Annex.

2.6.4 The PSCO should pay attention to the record required in regulation VI/14.6 in order to identify the sulphur content of fuel oil used by the ship depending on the area of trade, or that other equivalent approved means have been applied as required. The fuel oil consumed in and outside the ECA, and that there is enough fuel in compliance with regulation VI/14 to reach the next port destination.

2.6.5 Where EGCS is used, the PSCO should check that it has been installed and operated, together with its monitoring systems, in accordance with the associated approved documentation according to the survey procedures as established in the OMM.

2.6.6 If the ship is equipped with an EGCS as an equivalent means of SO<sub>x</sub> compliance, the PSCO should verify that the system is properly functioning, is in operation, there are continuous-monitoring systems with tamper-proof data recording and processing devices,<sup>8</sup> if applicable and the records demonstrate the necessary compliance when set against the limits given in the approved documentation and applies to relevant fuel combustion units on board. Checking can include but is not limited to: emissions ratio, pH, PAH, turbidity readings as limit values given in ETM-A or ETM-B and operation parameters as listed in the system documentation.

2.6.7 If the ship is a tanker, as defined in regulation VI/2.21, the PSCO should verify that the vapour collection system approved by the Administration, taking into account MSC/Circ.585, is installed, if required under regulation VI/15.

2.6.8 If the ship is a tanker carrying crude oil, the PSCO should verify that there is on board an approved VOC Management Plan.

2.6.9 The PSCO should verify that prohibited materials are not incinerated.

2.6.10 The PSCO should verify that shipboard incineration of sewage sludge or sludge oil in boilers or marine power plants is not undertaken while the ship is inside ports, harbours or estuaries (regulation VI/16.4).

2.6.11 The PSCO should verify that the shipboard incinerator, if required by regulation VI/16.6.1, is approved by the Administration. For these units, it should be verified that the incinerator is properly maintained, therefore the PSCO should examine whether:

- .1 the shipboard incinerator is consistent with the certificate of shipboard incinerator;

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<sup>7</sup> Amendments to MARPOL VI, Appendix VI, *Verification procedures for a MARPOL Annex VI fuel oil sample (regulation 18.8.2 or regulation 14.8)*, expected to be adopted in Spring 2020 and set out in annex 13 to document MEPC 74/18/Add.1.

<sup>8</sup> Equivalent emission values for emission abatement methods are 4.3 and 21.7 SO<sub>2</sub> (ppm)/CO<sub>2</sub> (% v/v) for marine fuels with a sulphur content of 0.10 and 0.50 (% m/m) respectively.

- .2 the operational manual, in order to operate the shipboard incinerator within the limits provided in appendix IV to the Annex, is provided; and
- .3 the combustion chamber flue gas outlet temperature is monitored at all times the unit is in operation (regulation VI/16.9).

2.6.12 If there are clear grounds as defined in paragraph 2.5.3, the PSCO may examine operational procedures by confirming that:

- .1 the master or crew are familiar with the procedures to prevent emissions of ozone-depleting substances;
- .2 the master or crew are familiar with the proper operation and maintenance of marine diesel engines, in accordance with their Technical Files or Approved Method file, as applicable, and with due regard for Emission Control Areas for NO<sub>x</sub> control;
- .3 the master or crew are familiar with fuel oil bunkering procedures in connection to the respective bunker delivery notes and onboard records including the Oil Record Book Part 1 (regulation VI/18.5 and VI/14.4) and retained samples as required by regulation VI/18;
- .4 the master or crew are familiar with the correct operation of an EGCS or other equivalent means on board together with any applicable monitoring and recording, and record keeping requirements;
- .5 the master or crew are familiar and have undertaken the necessary fuel oil changeover procedures, or equivalent, associated with demonstrating compliance within an Emission Control Area;
- .6 the master or crew are familiar with the garbage screening procedure to ensure that prohibited garbage is not incinerated;
- .7 the master or crew are familiar with the operation of the shipboard incinerator, as required by regulation VI/16.6, within the limits provided in appendix IV to the Annex, in accordance with its operational manual;
- .8 the master or crew are familiar with the regulation of emissions of VOCs, when the ship is in ports or terminals under the jurisdiction of a Party to the 1997 Protocol to MARPOL 73/78 in which VOCs emissions are to be regulated, and are familiar with the proper operation of a vapour collection system approved by the Administration (in case the ship is a tanker as defined in regulation VI/2.21); and
- .9 the master or crew are familiar with the application of the VOC Management Plan, if applicable.

## **2.7 Detainable deficiencies**

2.7.1 In exercising his/her functions, the PSCO should use professional judgment to determine whether to detain the ship until any noted deficiencies are corrected or to allow it to sail with certain deficiencies which do not pose an unreasonable threat of harm under the scope of the Annex provided they will be timely addressed. In doing this, the PSCO should be guided by the principle that the requirements contained in the Annex, with respect to the construction, equipment and operation of the ship, are essential for the protection of the marine

environment, the navigational safety or the human health and that departure from these requirements could constitute an unreasonable threat of harm to the mentioned protection aspects and should be avoided.

2.7.2 In order to assist the PSCO in the use of these Guidelines, there follows a list of deficiencies, which are considered, taking into account the provisions of regulation VI/3, to be of such a serious nature that they may warrant the detention of the ship involved:

- .1 absence of valid IAPP Certificate, EIAPP Certificates or Technical Files, if applicable;
- .2 a marine diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000, which does not conform to its Technical File, or where the required records have not been maintained as necessary or where it has not met the applicable requirements of the particular NO<sub>x</sub> Tier III emission control area in which it is operating;
- .3 a marine diesel engine, with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres, which is installed on board a ship constructed on or after 1 January 1990 but prior to 1 January 2000, and an approved method for that engine has been certified by an Administration and was commercially available, for which an approved method is not installed after the first renewal survey specified in regulation VI/13.7.2;
- .4 on ships not equipped with equivalent means of SO<sub>x</sub> compliance, based on the methodology of sample analysis in accordance with appendix VI<sup>9</sup> of MARPOL Annex VI, the sulphur content of any fuel oil being used or carried for use on board exceeds the applicable limit required by regulation VI/14. If the master claims that it was not possible to bunker compliant fuel oil, the PSCO should take into account the provisions of regulation VI/18.2 (see the appendix).
- .5 on ships equipped with equivalent means of SO<sub>x</sub> compliance, absence of an appropriate approval for the equivalent means, which applies to relevant fuel combustion units on board. With regard to combustion units not connected to an EGCS, the sulphur content of any fuel oil being used on these combustion units exceeds the limits stipulated in regulation VI/14, taking into account the provisions of regulation VI/18.2 (see the appendix).
- .6 non-compliance with the relevant requirements while operating within an Emission Control Area for SO<sub>x</sub> and particulate matter control;
- .7 an incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolutions MEPC.76(40) and MEPC.244(66)); and

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<sup>9</sup> Amendments to MARPOL VI, appendix VI, Verification procedures for a MARPOL Annex VI fuel oil sample (regulation 18.8.2 or regulation 14.8), expected to be adopted in Spring 2020 and set out in annex13 to document MEPC 74/18/Add.1.

- .8 the master or crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment as defined in paragraph 2.5.12 above.

### **Chapter 3 INSPECTIONS OF SHIPS OF NON-PARTIES TO THE ANNEX AND OTHER SHIPS NOT REQUIRED TO CARRY THE IAPP CERTIFICATE**

3.1 As this category of ships is not provided with the IAPP Certificate, the PSCO should judge whether the condition of the ship and its equipment satisfies the requirements set out in the Annex. In this respect, the PSCO should take into account that, in accordance with article 5(4) of the MARPOL Convention, no more favourable treatment is to be given to ships of non-Parties.

3.2 In all other respects the PSCO should be guided by the procedures for ships referred to in chapter 2 and should be satisfied that the ship and crew do not present a danger to those on board or an unreasonable threat of harm to the marine environment.

3.3 If the ship has a form of certification other than the IAPP Certificate, the PSCO may take such documentation into account in the evaluation of the ship.

## APPENDIX

### **NON-AVAILABILITY OF COMPLIANT FUEL OIL CLAIMED**

In case non-availability of compliant fuel oil is claimed the master/owner must present a record of actions taken to attempt to bunker compliant fuel oil and provide evidence:

- .1 of attempts to purchase compliant fuel oil in accordance with its voyage plan;
- .2 if the fuel oil was not made available where expected, that attempts were made to locate alternative sources for such fuel oil; and
- .3 that despite best efforts to obtain compliant fuel oil no such fuel oil was made available for purchase.

Best efforts to procure compliant fuel oil include, but are not limited to, investigating alternative sources of fuel oil prior to commencing the voyage or en route.

The ship should not be required to deviate from its intended voyage or to unduly delay the voyage in order to achieve compliance.

If the ship provides the information, as above, the port State should take into account all relevant circumstances and the evidence presented to determine the appropriate action to take, including not taking control measures.

The master/owner may provide evidence as below to support their claim (not exhaustive):

- .1 a copy (or description) of the ship's voyage plan, including the ship's port of origin and port of destination;
- .2 the time the ship first received notice it would be conducting a voyage involving transit/arrival in the port and the ship's location when it first received such notice;
- .3 a description of the actions taken to attempt to achieve compliance, including a description of all attempts that were made to locate alternative sources of compliant fuel oil, and a description of the reason why compliant fuel was not available (e.g. compliant fuel oil was not available at ports on the "intended voyage", fuel oil supply disruptions at port, etc.);
- .4 the cost of compliant fuel is not considered to be a valid basis for claiming non-availability of fuel;
- .5 include names and addresses of the fuel oil suppliers contacted and the dates on which contact was made;
- .6 in cases of fuel oil supply disruption, the name of the port at which the ship was scheduled to receive compliant fuel oil and the name of the fuel supplier that is reporting the non-availability of compliant fuel oil;
- .7 the availability of compliant fuel oil at the next port-of-call and plans to obtain that fuel oil; and



- .8 if applicable, identify and describe any operational constraints that prevented use of compliant fuel oil, e.g. with respect to viscosity or other fuel oil parameters.

If, despite best efforts, it was not possible to procure compliant fuel oil the master/owner must notify the port State control authorities in the port of arrival and the flag Administration (regulation VI/18.2.4).

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