

INTERSESSIONAL MEETING ON
CONSISTENT IMPLEMENTATION OF
REGULATION 14.1.3 OF MARPOL ANNEX VI
Agenda item 2

ISWG-AP 1/2/4
25 May 2018
ENGLISH ONLY

**DEVELOPMENT OF DRAFT GUIDELINES FOR CONSISTENT IMPLEMENTATION OF
REGULATION 14.1.3 OF MARPOL ANNEX VI**

Draft standard for reporting on fuel oil non-availability

Submitted by Panama, ICS, BIMCO, INTERTANKO, CLIA, INTERCARGO and WSC

SUMMARY

Executive summary: This document provides a draft standard format for reporting fuel oil non-availability as provided in regulation 18.2.4 of MARPOL Annex VI that may be used to document if a ship is unable to obtain fuel oil compliant with the provisions stipulated in regulations 14.1.3, 14.4.3 and 18.3 of MARPOL Annex VI

*Strategic direction, 1
if applicable:*

Output: 1.17

Action to be taken: Paragraph 12

Related documents: MEPC 70/5/2; MEPC 71/17; MEPC 72/WP.1; PPR 5/13/4, PPR 5/13/6 and PPR 5/13/10

Background

1 In the continued efforts to ensure the effective implementation of the 0.50% m/m global limit on the sulphur content of fuel oil from 1 January 2020 that was decided at MEPC 71, the agreed scope of work included considerations of a number of areas for further work.

2 The scope of work includes, but not limited to, preparatory and transitional issues that may arise with a shift from the current 3.50% m/m sulphur limit to the new 0.50% m/m sulphur limit; verification issues; control mechanisms and actions necessary to ensure compliance and consistent implementation; and the development of a draft standard format (a standardized system) for reporting fuel oil non-availability, that may be used to provide documentation if a ship is unable to obtain compliant fuel.

3 At PPR 5, the Sub-Committee considered a number of proposals addressing the issue of non-availability of compliant fuel and agreed that this measure should be further considered.

4 This submission expands on matters relating to non-availability and puts forward a proposal for a standard format for reporting fuel oil non-availability to be considered for use in cases where ships can claim such in relation to regulation 18 of MARPOL Annex VI.

Discussion

5 The co-sponsors highlight the fact that there is the increased pressure on ship operators to purchase compliant fuel during a fuel supply market transition period. This coupled with concerns about regional non-availability of compliant fuel raises serious concerns for the safe and efficient operation of shipping.

6 The co-sponsors anticipate that as the demand for compliant low sulphur fuels increases, new grades of fuels will enter the market in the form of distillates, blends and other streams such as vacuum gas oil (VGO) in order to respond to the significant increase in demand for low sulphur marine fuels. The development of new blending recipes may increase the spread of fuel parameters to an extent which ISO 8217:2017 does not cover. At the time of this writing, fuel oils with a maximum content of 0.50% m/m are not widely available or introduced to the market. It is therefore not possible, at this stage, to precisely predict quality parameters and limits for these fuel oils. Shipowners may face prospective situations where fuel oils delivered are compliant with the sulphur limits specified in regulation 14 of MARPOL Annex VI however not compliant with other fuel oil parameters.

7 The co-sponsors therefore support the introduction of a standard form for reporting fuel oil quality and non-availability to support regulation 18 of MARPOL Annex VI. This standard form may be used to provide documentation for a ship unable to obtain compliant fuel with the provisions stipulated in regulations 14.1.3, 14.4.4 and 18.3 of MARPOL Annex VI.

8 The co-sponsors agree that ships will be expected to bunker and use other compliant fuels including 0.10% m/m sulphur distillates in cases where 0.50% m/m sulphur compliant fuels are unavailable. This option should be carefully considered on a case by case basis. Consideration should be given to the ability of the ship's fuel oil system to safely store, process and consume these fuels and the need for cleaning out the tanks of all remaining residual fuels prior to loading non-compatible alternatives into the same tank.

9 The co-sponsors believe that the proposed standard fuel oil non-availability report (FONAR) provides a useful format to facilitate consistent reporting and to assist Administrations and port authorities as they review reports of fuel oil non-availability and highlight that its use is not an attempt to avoid compliance. The FONAR should be considered as documentation to prove that every effort to obtain compliant fuel has been pursued prior to a decision to bunker non-compliant fuel.

Proposal

10 The co-sponsors propose a draft standard format for a fuel oil non-availability report (FONAR) as set out in the annex. The draft standard format can be used for reporting non-availability of both 0.50% m/m and 0.10% m/m sulphur fuels in ECA's where applicable.

11 The co-sponsors respectfully recommend that regulations 18.2.4 and 18.2.5 of MARPOL annex VI should be amended to include the use of the standard format for reporting.

Action requested of the Intersessional Meeting

12 The Intersessional Meeting is invited to consider the issues raised in this document and take action as appropriate.

ANNEX

DRAFT REPORT ON COMPLIANT FUEL OIL NON-AVAILABILITY

IMO Compliant Fuel Oil Non-Availability Report (FONAR)

This form shall be used for reporting non-availability of 0.50% m/m or 0.10% m/m sulphur fuels where applicable

This report is to be used to provide documentation if a ship is unable to obtain fuel oil compliant with the provisions stipulated in MARPOL Annex VI, Regulation 14.1.3 and 14.4.3 and the fuel quality in Regulation 18.3.

The ship shall present a record of the actions taken to attempt to achieve compliance; and provide evidence that it attempted 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.

As per regulation 18.2.2 of MARPOL Annex VI, the ship should not be required to deviate from its intended voyage or delay unduly the voyage in order to achieve compliance.

The ship shall notify its Administration and the competent authority of the relevant port of destination when it cannot purchase compliant fuel.

A copy of the report and all supporting documents shall be kept on board for inspection for at least 12 months.

If a ship provides the information set forth in paragraph 2.1 of Regulation 18 of MARPOL Annex VI (this form provides a standard format to facilitate reporting of this information), a Party shall take into account all relevant circumstances and the evidence presented to determine the appropriate action to take, including not taking control measures.

Name of Ship:	Flag:	IMO Number:
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Port of registry:	Gross tonnage:	
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(If other relevant registration number is available, enter here):

Provide a description of the vessel's voyage plan in place at the time of entry into the port where compliant fuel oil was not available (attach copy of plan if available):

Last port of Departure:	Date of departure from last port:
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First port of call:	Date of arrival at first port of call:
Date ship expect to departure from the port:	The sulphur content of the fuel in use (BDN):
<i>If ship is to enter an Emissions Control Area (ECA) provide information as requested in items E1 through E6</i>	
E1. Date vessel first received notice that it would be transiting in the ECA:	
E2. Vessel's location at the time of notice:	
E3. Date/time vessel operator expects to enter ECA:	E4. Date/time vessel operator expects to exit ECA:
E5. Projected days vessel's main propulsion engines will be in operation within ECA:	
E6. Sulphur content of fuel oil in use when entering and operating in the ECA (BDN):	
Provide a description of actions taken to attempt to achieve compliance and 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:	

Name of suppliers contacted:	Address:	Date of contact:
1)		
2)		
3)		
4)		
In case of fuel oil supply disruption only		
Name of port at where vessel was scheduled to receive compliant fuel oil:		
Name of the fuel oil supplier that was scheduled to deliver (and now reporting non-availability):		
Operational constraints, if applicable		
Describe any operation constraints that prevented using available compliant fuel oil (e.g. with respect to fuel system arrangements, flash point, viscosity, compatibility, or other fuel oil parameters):		
Specify steps you have taken, or are taking, to resolve these operational constraints that will allow you to use all commercially available residual fuel oil blends:		
Describe availability of compliant fuel oil at the first port-of-call and plans to obtain compliant fuel oil:		

<p>If compliant fuel oil is not available at the first port-of-call, 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:</p>				
<p>If the available compliant fuel oil quality fails to meet the requirements of Regulation 18.3 specify the reason along with the method used for detection and testing:</p>				
<p>If this vessel or owner/operator has submitted a Fuel Oil Non-Availability Report to this Administration 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.</p>				
Report	Date	Port	Type of Fuel	Comments
1)				
2)				
3)				
4)				
Name of master:			Vessel operator name:	
Local agent(s) in port of call and telephone number:			Name of c(as named on ISM document):	
Name of Designated Person Ashore (DPA) and telephone number:				
Address (Street, city, country, postal/zip code):			Tel. number:	
Signature of master:		Print name:		Date: