

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
6th session
Agenda item 8

PPR 6/8/11
28 December 2018
Original: ENGLISH

CONSISTENT IMPLEMENTATION OF REGULATION 14.1.3 OF MARPOL ANNEX VI

**Comment on document PPR 6/8 relating to verification issues
and control mechanisms**

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SUMMARY

Executive summary: This document provides comments on the new draft definition of "sulphur content" and the draft amendments to appendix VI of MARPOL Annex VI concerning fuel oil sampling and testing and verification procedures for a MARPOL Annex VI fuel oil sample. The document also highlights the need to finalize the draft provisions at this session.

Strategic direction, if applicable: 1

Output: 1.17

Action to be taken: Paragraph 15

Related documents: PPR 6/8 and PPR 6/8/1

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the document on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and comments on document PPR 6/8 (Secretariat).

2 The Intersessional Meeting on Consistent implementation of regulation 14.1.3 of MARPOL Annex VI (ISWG-AP 1), which met from 9 to 13 July 2018, was tasked with developing a series of preparatory measures for effective implementation for ships to comply with the 0.50% m/m sulphur content limit of fuel oil requirements and, inter alia, to:

- .1 develop a definition of "sulphur content"; and
- .2 develop draft amendments to MARPOL Annex VI relating to the testing and verification procedure for in-use fuel oil samples (amendments to regulation 14 and associated consequential amendments to regulation 18 and appendix VI).

3 During the development of the draft amendments to MARPOL Annex VI, ISWG-AP 1 successfully developed a definition of "sulphur content" referring to a specific version of ISO 8754 in a footnote to regulation 2 of MARPOL Annex VI. It also developed draft amendments to regulation 14 and appendix VI of MARPOL Annex VI for finalization at PPR 6 and approval at MEPC 74. Both sets of draft amendments, set out in annex 3 to document PPR 6/8, are expected to enter into force in summer 2021.

4 The co-sponsors have actively participated in developing these draft provisions together with Member States and wish to express their appreciation for the work carried out by ISWG-AP 1.

5 The co-sponsors would like to provide supplementary comments on annex 3 to document PPR 6/8 with a view to highlighting the clarity of the testing and verification issues.

Definition of Sulphur Content

6 The new draft definition in regulation 2.51 reads:

"*Sulphur content* means the concentration of sulphur in any fuel oil, measured in % m/m as tested in accordance with standard acceptable to the Organization¹."

¹ Refer to ISO 8754:2003 Petroleum products – Determination of sulphur content – Energy-dispersive X-ray fluorescence spectrometry"

7 ISO 8217 (Petroleum products – Specifications of marine fuels) specifies that the reference test method for sulphur content shall be ISO 8754. ISO 8754 refers to ISO 4259 (Determination and application of precision of data in relation to methods of test). The latter provides a statistical 95% confidence formula including 0.58R method. In the flow of logical thinking, this 0.58R method needs to be added to the testing and verification procedures for fuel oils. This point is well reflected in the draft amendments to appendix VI of MARPOL Annex VI.

Sampling, testing and verification

8 Documents PPR 4/20/3 and PPR 5/13/4 (ICS et al.) suggested that the following item should be included in the new output to promote consistent implementation of the 0.50% m/m global sulphur limit:

"verification issues and mechanisms necessary to ensure a level commercial landscape, including efforts to ensure that compliant fuel is delivered for use on ships."

9 Documents PPR 5/13/11 and PPR 5/13/12 (INTERTANKO) provided an analysis of reported verification cases where:

.1 marginal exceedances of the sulphur content limit (0.10% m/m) led to non-compliance verifications; and

.2 the lack of uniformity in decimal placing and rounding led to non-compliance verifications,

highlighting the need to establish uniformly agreeable and workable verification procedures for both MARPOL samples and in-use fuel oil samples.

The referenced documents above further provided possible ways forward to address the concerns raised.

10 Document ISWG-AP 1/3/2 (Austria et al.) and document ISWG-AP 1/3/3 (Panama et al.) provide a new testing and verification procedure for fuel oil samples in alignment with widespread and updated best practices by Administrations and industry.

11 ISWG-AP 1 developed draft amendments to MARPOL Annex VI including new provisions concerning [in-use][onboard] fuel oil sampling and testing for both regulation 14 [A1] and appendix VI of MARPOL Annex VI. Fuel oil samples delivered, which are referred to as ["MARPOL"]["delivered"] samples, are also addressed in part 1 of the draft amendments to appendix VI of MARPOL Annex VI.

12 It is important to note that application of the 95% confidence limit would not reduce the stringency of the regulation for the following reasons:

- .1 The fuel oil suppliers, or fuel producers, should target a sulphur limit lower than the 0.50% m/m sulphur limit so as to make the fuel oils meet the specified limit when they are delivered.
- .2 Paragraph 10.3 of the Guidance on Best Practice for Fuel Oil Suppliers for Assuring the Quality of Fuel Oil Delivered to Ships (MEPC 73/WP.7, annex 2) reads:

For the bunker producer/supplier, the recommendation is that the blend target should not be the actual specification limit, but rather the limit minus (or plus if it is a minimum limit) an appropriate safety margin. For the bunker producer/supplier to ensure that the product meets the specification limit with 95% confidence, the blend target should be the limit minus 0.59R for a maximum limit (or plus 0.59R for a minimum limit).
- .3 ISWG-AP 1, after lengthy discussions on subject, agreed that the 0.59R method could be used for verification of in-use fuel oil sample (PPR 6/8, paragraph 57.4).

13 The co-sponsors, having thoroughly reviewed the proposed texts, find that the two sets of draft amendments to MARPOL Annex VI referred to in paragraph 3 address the long-standing concerns of the industry and provide a good basis for an international level-playing field.

14 The co-sponsors would like to stress that the proposed draft amendments to MARPOL Annex VI concerning the sulphur content definition and verification procedures were overwhelmingly supported at ISWG-AP 1 after careful consideration with other alternative proposals. A required level of consistency between the draft definition of "sulphur content" and appendix VI of MARPOL Annex VI is also provided. Combined with the *Guidance on best practice for fuel oil purchasers/users for assuring the quality of oil used on board ships* (MEPC.1/Circ.875) and the *Guidance on best practice for fuel oil suppliers for assuring the quality of fuel oil delivered to ships* (MEPC.1/Circ.875/Add.1), they provide congruent verification procedures for both [MARPOL][delivered] and [in-use][on board] fuel oils.

Action requested of the Sub-Committee

15 The Sub-Committee is invited to consider the comments provided above, as well as note the final draft amendments to MARPOL Annex VI (PPR 6/8, annex 3), and approve the proposed texts as submitted, taking into account document PPR 6/8/1.