

MARITIME SAFETY COMMITTEE
102nd session
Agenda item 6

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**DEVELOPMENT OF FURTHER MEASURES TO ENHANCE THE SAFETY OF SHIPS
RELATING TO THE USE OF FUEL OIL**

Comments on document MSC 102/6

Submitted by the Cook Islands and ICS

SUMMARY

Executive summary: The co-sponsors provide comments and propose solutions on a list of items that were either not resolved or were found to be beyond the scope of work of the Correspondence Group

Strategic direction, if applicable: 1

Output: 1.29

Action to be taken: Paragraph 16

Related document: MSC 102/6

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 MSC 102/6 (Germany) which contains the report of the Correspondence Group on Oil Fuel Safety.

2 The co-sponsors actively participated in the Correspondence Group and thank the coordinator for his work in progressing this output.

Discussion

Declaration of flashpoint

3 The Correspondence Group agreed for documenting the flashpoint by means of a separate fuel certificate or through the Bunker Delivery Note (BDN). The Group was unable to resolve the issue of whether it is a statement of compliance or the actual flashpoint that is to be declared in this document.

4 The co-sponsors believe that the best way to address the risk of low-flashpoint fuels being used on board ships not designed to use them is to prevent the supply of these fuels in the first place. It is therefore important that the flashpoint of the batch of fuel being supplied to the ship is established before the oil fuel bunker reaches the inlet manifold of the receiving ship. A simple declaration of compliance will achieve the regulatory requirement; however, the ship will potentially be at risk up until the time that the exact flashpoint of the fuel is verified through voluntary laboratory analysis.

Control on fuel supply side

5 The co-sponsors consider that oversight by national Administrations is the only way to ensure a responsible, traceable and accountable bunker supply chain. The SOLAS Convention should be amended to require Administrations to undertake measures against suppliers who have delivered non-complaint fuel. The bunker licensing schemes will help in identifying and confirming violations of instances where oil fuel not complaint with the flashpoint requirements is delivered.

6 The Group briefly considered a proposal to include the trace of fuel from producer to the oil fuel supplier. While the co-sponsors agree these issues are beyond the scope of work of the output, considering that traceability of safety and quality issues with marine fuel supply has been a long-standing concern for the industry.

Action against suppliers in confirmed cases of deliveries of non-compliant oil fuel

7 The co-sponsors welcome the Group's agreement, in principle, to use the draft regulation on action against suppliers in confirmed cases of deliveries of non-compliant oil fuel as set out in annex 2 of document MSC 102/6 as the basis for further discussion. In this regard, the co-sponsors consider that in confirmed cases of supply of oil fuel not compliant with the flashpoint limit as provided in SOLAS regulation II-2/4.2.1, the Party under whose jurisdiction the bunkers were supplied should be required to report to the Organization the actions that they have undertaken in these instances.

Sampling and documentation

8 The Correspondence Group has agreed to the development of regulations on documentation of the flashpoint by means of a separate fuel certificate or BDN under the SOLAS regime. The co-sponsors support the decision of the Group.

9 As with the provisions pertaining to the fuel oil sulphur content in regulation 14 of MARPOL Annex VI, the co-sponsors are of the view that the documentation of the flashpoint needs to be supplemented by a representative oil fuel sample. The co-sponsors are of the view that these SOLAS samples should be obtained at the receiving ship's inlet bunker manifold and should be drawn continuously throughout the bunker delivery period.

Actions following identification of non-complaint oil fuel on board

10 The co-sponsors are of the view that if indicative results obtained from the ship's own sampling and fuel testing programme are below the flashpoint limit, as provided in SOLAS II- 2/4.2.1, the fuel should not be used until the flashpoint has been confirmed by the respective Authorities. Whether or not the oil fuel needs to be debunkered may be left to the discretion of the ship's flag State following confirmation of the flashpoint violation.

Proposals

11 Based on discussions in paragraph 3 and 4, the co-sponsors propose the following draft regulation on the documentation of the flashpoint of the actual fuel batch when bunkering (to replace the text provided in annex 3 of document MSC 102/6):

"Ships carrying oil fuel, as defined in regulation 1 of Annex 1 of the *International Convention for the Prevention of Pollution from Ships, 1973*, as modified by the Protocol of 1978 relating thereto, shall be provided with an oil fuel safety declaration prior to bunkering. This declaration shall be signed and certified by the fuel oil supplier's representative that the oil fuel supplied is in conformity with regulation SOLAS II-2/4.2.1 and contain at least the flashpoint of the fuel delivered to the ship, specified in accordance with standards acceptable to the Organization.*

* ISO 8217:2017 and ISO 2719:2016, Determination of flash point – Pensky-Martens closed cup method"

12 The co-sponsors propose that the Committee encourages Member States to implement licensing schemes for bunker suppliers operating in their jurisdiction that includes a requirement for traceability of any identified issues to its source in the supply chain.

13 Based on the discussion provided in paragraph 7, the co-sponsors propose the following addition (underlined) to the draft regulation on action against suppliers in confirmed cases of deliveries of non-compliant oil fuel as provided in annex 2 of document MSC 102/6:

"the contracting governments undertake to ensure that appropriate authorities designated by them take action as appropriate against oil fuel suppliers that have been found to deliver fuel that does not comply with SOLAS regulation II-2/4.2.1 and notify the organization of these actions."

14 Based on discussions in paragraphs 8 and 9, the co-sponsors propose the following draft provision to be added for consideration to annex 3 of document MSC 102/6:

"The oil fuel safety declaration shall be accompanied by a representative sample of the oil fuel delivered taking into account guidelines developed by the Organization. The sample shall be obtained at the receiving ship's inlet bunker manifold and be sealed and signed by the supplier's representative and the master or officer in charge of the bunker operation on completion of bunkering operations and retained under the ship's control until the fuel oil is substantially consumed, but in any case for a period of not less than 12 months from the time of delivery."

15 Based on the discussion provided in paragraph 10, the co-sponsors provide a third alternative to the measures in case of indicative test results from the ships own tests to be included in the guidelines for ships to address situations where they have indicative test results suggesting that the oil fuel supplied may not comply with SOLAS regulation II-2/4.2.1 as found in annex 5 of document MSC 102/6:

"If indicative test result obtained from the ship's own sampling and fuel testing programme is below the flashpoint limit as provided in SOLAS II-2/4.2.1, ensure that fuel from the tanks containing this oil fuel is not used. If further tests confirm the result the ship should arrange for debunkering."

Action requested of the Committee

16 The Committee is invited to note the discussion in paragraphs 3 to 10, consider the proposals in paragraphs 11 to 15 and take action, as appropriate.
