

WORK PROGRAMME

Report of the PPR Sub-Committee

Clarification for Regulation 5-2 of chapter VI of SOLAS regarding Prohibition of the blending of bulk liquid cargoes and production processes during sea voyages

Submitted by Norway, Panama, Marshall Islands, Liberia, ICS, BIMCO and INTERTANKO

SUMMARY

Executive summary:

This document is submitted in response to the request in PPR 1/16, paragraph 3.26 to submit proposals to MSC 93 with regard to developing guidance on the application of new SOLAS Regulation VI/5-2 related to the prohibition of blending of bulk liquid cargoes. This document proposes that the PPR Sub-Committee, be requested to develop relevant guidance.

Strategic direction: 5.2 and 7.2

High-level action: 5.2.3 and 7.2.2

Planned Output: 5.2.3.7 and 7.2.2.1

Action to be taken: Paragraph 10

Related documents: PPR1/16; PPR1/WP.3

General

1 This document is submitted in accordance with paragraph 6.12.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2) and comments on the report of PPR 1, PPR 1/16, paragraph 3.26 and the report of the Evaluation of Safety and Pollution Hazards of Liquid Chemicals and preparation of consequential amendments to the IBC Code (ESPH) Working Group, PPR1/WP.3, paragraph 10.1 to 10.4

2 The ESPH Working Group met from 3 to 5 February 2014 during the meeting of the Sub-Committee on Pollution Prevention and Response (PPR1).

3 At this meeting the working group, under Any Other Business, (PPR1/WP.3 paragraph 10.1) discussed the questions that had arisen within Member States and from members of shipping organizations, as well as to the IMO Secretariat, with regard to the application of the new regulation 5-2 of chapter VI of SOLAS (resolution MSC. 325(90)), regarding the *Prohibition of the blending of bulk liquid cargoes and production processes during sea voyages*, which entered into force on 1 January 2014.

4 Having recalled the history of development of this regulation, initially through the BLG Sub-Committee and the ESPH Working Group, the group noted that the number and nature of recent enquiries underscored the need to develop some guidance with regard to the interpretation and application of the new regulation, in particular for the carriage of MARPOL Annex I cargoes. (PPR1/WP.3 paragraph 10.2)

5 Having identified this need, the group referenced the instruments and guidance that had been developed with regard to blending of bulk liquid cargoes and past decisions that would influence and clarify the application of the prohibition, notably:

- .1 the new SOLAS regulation VI 5-2, noted above (MSC 90/28/Add.1, annex 1);
- .2 the 2011 *Guidelines for the carriage of blends of petroleum oil and biofuels*, as amended (MEPC.1/Circ.761/Rev.1);
- .3 the discussion of the ESPH Working Group on the intended exclusion of bunkering operations from this prohibition (BLG 16/WP.3, paragraph 6.3);
- .4 that the prohibition of the blending of cargoes would not apply where cargo is recirculated within its cargo tank or through an external heat exchanger during the voyage (MSC 90/28, paragraph 14.3); and
- .5 clarification on other points raised by the group.

6 The group invited the Sub-Committee to note the group's discussions and invite interested Member Governments and international organizations to submit relevant proposals to MSC 93. (PPR.1/WP.3 paragraph 10.4)

Comments

7 The co-sponsors have received a number of requests for clarification on the application of the new SOLAS regulation VI/5-2 and are of the opinion that further guidance would greatly benefit the industry in complying with the regulation and would facilitate a consistent enforcement of the regulations among Member States.

8 Based on the requests received, some of the areas that should be considered for clarification are as below. This list is not exhaustive and other possible areas for clarification should be reviewed.

- .1 What is the definition of "sea voyage"?
- .2 The meaning of "two or more different cargoes";
- .2 What does a "new product designation mean"?
- .3 What is meant by "chemical reaction" in the context of a production process?
- .4 The application to the carriage of gases?
- .5 The correct interpretation of the words "process whereby the ship's cargo pumps and pipelines are used to internally circulate two or more different cargoes with the intent to achieve a new product designation".
- .6 The application of this regulation to accepted practices such as the mixing of additives

Proposal

9 The co-sponsors propose that the Committee request, subject to the concurrence by MEPC 67, the PPR Sub-Committee, to develop appropriate guidance to clarify the application of SOLAS regulation VI/5-2 to ensure uniform application of this regulation.

Action requested of the Committee

10 The Committee is invited to consider the proposal put forward in this paper and take action as appropriate.

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