

MARINE ENVIRONMENT PROTECTION
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AIR POLLUTION PREVENTION

Experiences gained from the implementation of the guidelines for the sampling of fuel oil

Submitted by ICS, INTERTANKO and INTERCARGO

SUMMARY

Executive summary: This document informs the Committee of the outcome of an industry wide survey that collected data from shipowners/operators on fuel oil suppliers' inconsistent sampling and bunkering procedures. The co-sponsors invite the Committee to consider either mandating the fuel oil sampling Guidelines or introducing a mandatory fuel oil suppliers licensing scheme under MARPOL Annex VI.

*Strategic direction,
if applicable:* 7

Output: Not applicable

Action to be taken: Paragraph 22

Related documents: MSC-MEPC.2/Circ.18 and MEPC 79/15 (paragraph5.25)

Introduction

1 The Committee, at its seventy-ninth meeting, having discussed matters relating to licensing schemes for bunker suppliers, invited interested Member States and international organizations to submit information on experience gained of the implementation of the revised *Guidance for best practice for Member State/coastal State* set out in circular MEPC.1/Circ.884/Rev.1 and relevant instruments to a future session (MEPC 79/15, paragraphs 5.24 and 5.25).

2 Paragraph 12.9.4 of the appendix of MEPC.1/Circ.884/Rev.1 reads:

"(Fuel oil) Suppliers should follow the *2009 Guidelines for the sampling determination of compliance with the revised MARPOL Annex VI* (resolution MEPC.182(59)) which state that the supplier should provide a MARPOL (delivered) sample drawn by the supplier's representative at the receiving ship's bunker inlet manifold."

3 MEPC 81 (18 to 22 March 2024) and MSC 108 (15 to 24 May 2024), recognizing the need to establish an agreed method to obtain a representative sample of the fuel oil for combustion purposes delivered to and intended for use on board a ship, approved MSC-MEPC.2/Circ.18 on *Guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI and SOLAS chapter II-2*, revoking resolution MEPC.182(59) on 2009 *Guidelines for the sampling of fuel oil for determination of compliance with the revised MARPOL Annex VI* (hereinafter referred to as 'fuel oil sampling Guidelines').

4 The co-sponsors undertook an industry-wide survey amongst their membership from February 2023 to January 2024 promoting uniform application of the fuel oil sampling Guidelines and collecting the shipping companies' experiences in the application of the fuel oil sampling Guidelines.

Background of the fuel oil sampling Guidelines (previously resolution MEPC.182(59), now MSC-MEPC.2/Circ.18)

5 Since 2009, the IMO's fuel oil sampling Guidelines have been assisting the shipping industry, bunker suppliers and test laboratories around the world, by providing uniform procedures for taking representative fuel oil samples during a ship's bunkering operation. Industry standards are also now fully aligned with the IMO fuel oil sampling Guidelines.

6 The IMO fuel oil sampling Guidelines are structured as follows with the aim of providing uniformity of the bunkering procedures:

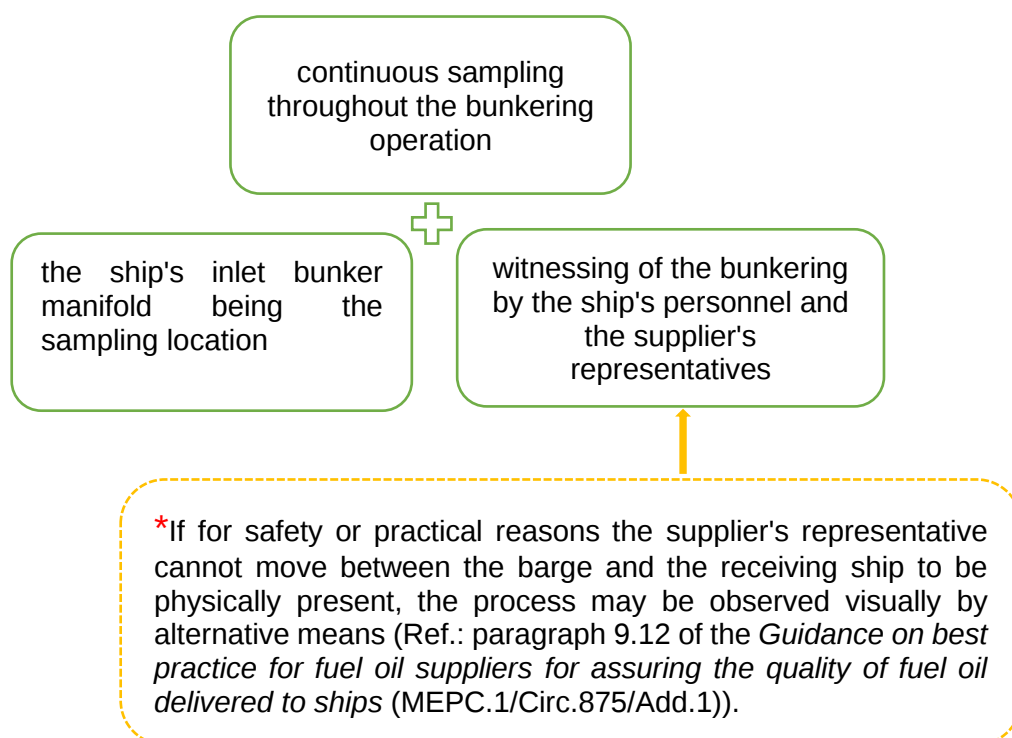


Figure 1: Structure of the fuel oil sampling Guidelines to provide uniformity of bunkering procedures

7 MARPOL Annex VI requires a Bunker Delivery Note (BDN) to be provided by the supplier to the ship stating that the fuel delivered to the ship is compliant with statutory requirements relating to sulphur content and non-harmful substances. The amendments to

SOLAS regulation II-2/4, adopted at the IMO's Maritime Safety Committee at its 106th session (MSC 106) in November 2022, require the fuel oil supplier to declare that the fuel oil is in conformity with the 60°C flashpoint limit of SOLAS regulation II-2/4.2.1.

8 Uniform application of the fuel oil sampling procedures forms the basis of compliance with these statutory requirements.

9 Regarding industry standards, the earlier editions of ISO 13739 '*Petroleum products - procedures for the transfer of bunkers to vessels*' and other recommendations such as those of some oil majors recommended that the sampling location might be at either end of the bunkering hose. This misalignment between resolution MEPC.182(59) and industry standards became a source of disputes between the ship and the supplier when they signed the bunkering contracts. However, ISO 13739 was finally revised to be aligned with resolution MEPC.182(59) in regarding the sampling location in year 2020. 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), also states: "bunkers delivered at the point of custody, which can be the receiving ship's rail or manifold, to meet the buyer's ordered specifications". SS 600 issued by the Singapore Maritime Porty Authority has a similar provision.

ISO 8217, Products from petroleum, synthetic and renewable sources — Fuels (class F) — Specifications of marine fuels

10 ISO 8217 requires that the sampling of fuels for analysis shall be carried out in accordance with the procedures given in ISO 13739 or an equivalent national standard. It is a standard practice in the industry that a fuel buyer places a bunkering order and a supplier delivers fuel oils according to ISO 8217. The fuel oil supplier must therefore comply with the sampling requirements of ISO 13739.

11 It is therefore concluded that both resolution MEPC.182(59) and industry standards unequivocally specify the ship's inlet bunker manifold as the designated sampling location, continuous sampling throughout the bunkering operation, and the two parties' witnessing of the sampling procedures.

Observations prior to the survey

12 Despite the uniform recommendations from IMO and the industry standard setting organizations, ship operators are experiencing different procedures being adopted by fuel oil suppliers. The extent to which different bunkering procedures are applied varies. Examples include:

- .1 the bunker supplier locating the sampler at the barge end of the delivery hose;
- .2 the bunker supplier requiring the ship's representative (buyer) to sign a bunkering contract with terms and conditions that do not match resolution MEPC.182(59) or ISO 13739:2020. The contract refers to a vague term such as 'other bunkering standards'; and
- .3 there were cases, according to INTERTANKO members' reports, where the fuel oil supplier only handed over a few bottles of samples to the ship after bunkering. How, when and where the samples had been taken was not transparent to the ship's crew.

13 If there is no uniformity in the sampling procedures, it would be difficult to establish whether the delivered fuel oils are in compliance with statutory requirements or specifications ordered by the buyer. There is higher risk that the ship would be unfairly treated by port State authorities for reasons that were outside of the ship's control.

14 By nature, the fuel oil sampling Guidelines are recommendatory. The best way to address these inconsistencies would be to make the fuel oil sampling Guidelines set out in MSC-MEPC.2/Circ.18 mandatory, so that all parties are equally required to adhere to strict compliance with the fuel oil sampling Guidelines.

15 It is worth noting that the EU Sulphur Directive 2016/802 stipulates that Member States shall sample, analyse and inspect fuel oils in accordance with resolution MEPC.182(59) in its article 13.2. The co-sponsors are informed that resolution MEPC.182(59) has been incorporated in the national legislation of EU Member States accordingly. This demonstrates the importance of having the uniform bunker sampling procedures as a basis of inspection, analysis and verification relating to marine fuel oil.

Survey conducted from February 2023 to January 2024

16 The co-sponsors launched an industry-wide survey campaign, amongst their membership, raising awareness of difficulties facing ship operators for their compliance with statutory regulations as well as for ensuring that the delivered fuel oil does meet the buyer's specifications. At the same time, ship operators were requested to report fuel oil sampling cases that they consider to be unsatisfactory in view of the fuel oil sampling Guidelines and ISO 13739:2020. A total of 354 cases were reported.

Table 1: Questionnaire for the survey

Report on Lack of uniformity on fuel oil sampling procedures, MEPC.182(59)					
Date	Port	Ship's name (We will anonymize this data)	IMO No. (We will anonymize this data)	Bunkering procedures not in line with MEPC.182(59) and ISO 13739:2020. Select the relevant category from the <u>drop down list</u> .	details (Narrative)

Executive summary of the findings

17 The following is a summary of the survey based on responses from 354 ships:

- .1 More than 90% of the reported inconsistencies indicate that the fuel oil sampling had not been taken at the receiving ships' inlet bunker manifold. If the bunker sampling is not taken at the receiving ships, all the rest of bunkering procedures would be cast in doubt. Therefore, it is considered that keeping the receiving ship's inlet bunker manifold as the sampling point is fundamental.
- .2 53 ships reported that the BDN formats did meet the requirement of regulation 18.5 and appendix V on information to be included in the BDN of MARPOL Annex VI.
- .3 The following two inconsistencies were also reported in some cases either in combination with the inconsistency relating to the receiving ship's inlet bunker manifold or in isolation:

- .1 no witnessing of the bunkering by the ship's personnel and the supplier's representatives; and
- .2 no continuous sampling throughout the bunkering operation.
- .4 There are many cases where the bunker suppliers had faithfully followed all of the above three principles. These reports demonstrate that the bunker industry can harmonize their bunkering practices.

Conclusion

18 It is encouraging that there are fuel oil suppliers who are faithfully following the procedures recommended in the fuel oil sampling Guidelines (MSC-MEPC.2/Circ.18) and ISO 13739:2020. However, the reported cases of the fuel oil suppliers' inconsistent sampling and bunkering procedures demonstrate that the current situation needs to be addressed properly at an international level.

19 The co-sponsors note the increasing instances of ships bunkering and using biofuel blends in order to comply with the various GHG reduction regulations. Obtaining a truly representative sample of these fuels is key to verifying the quality and safety of these fuels. Establishing globally consistent bunkering and sampling procedures will become even more critical in the future.

20 The co-sponsors hereby reiterate the call for IMO action by making the fuel oil sampling Guidelines mandatory. As an alternative with a more goal-based approach, the co-sponsors invite the Committee to consider introducing a mandatory fuel oil suppliers' licensing scheme under MARPOL Annex VI.

21 Once the decision is made, it would require a new work output. The co-sponsors are willing to provide their assistance in making necessary steps towards a next phase of discussions.

Action requested of the Committee

22 The Committee is invited to consider the findings of the survey, provided in paragraphs 18 to 21, and take action as appropriate.