



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° POL 018

GUIDELINES ON APPLICATION OF MARPOL ANNEX VI REGULATION 18 IN EMISSION CONTROL AREAS (ECAs)

TO: **SHIPOWNERS, SHIPS' OPERATORS AND MANAGERS,
MASTERS, SURVEYORS TO FLAG STATE
ADMINISTRATION AND RECOGNIZED ORGANIZATIONS**

APPLICABLE TO: ALL SHIPS

EFFECTIVE AS FROM: DATE OF PRESENT CIRCULAR

25th February 2015

In accordance with the requirements of Regulation 14.4.3 of Annex VI of MARPOL 73/78 all ships are required to use fuel oil with a sulphur content not exceeding 0.1% m/m when operating within an ECA area.

Control actions by coastal State and Port Authorities may be applied to ships failing to use compliant fuel on voyages through ECAs.

St Vincent and the Grenadines Maritime Administration strongly recommends that ships' operators include appropriate procedures in their safety management systems regarding operations within ECAs, which should include but are not limited to the following:

- Crew familiarization and training regarding ECA requirements.
- Procedures for change-over to compliant fuel prior to entering an ECA, including record keeping;
- Procedures for reporting non-availability of compliant fuel;
- Procedures for emergency change-over to non-compliant fuel whilst operating in an ECA, including record keeping;

Fuel oil availability

Regulation 18 provides for situations where compliant fuel cannot be supplied, provided the Owner has taken reasonable steps to do so and does not need to deviate from the intended route or unduly delay the voyage to achieve compliance.

When compliant fuel cannot be supplied locally or timely, Regulation 18.2.2 of Annex VI specifies that the ship should not be required to deviate from its intended voyage or to unduly delay its voyage in order to achieve compliance.

In such cases documentary evidence addressing non-availability of compliant fuel should be submitted to St Vincent and the Grenadines Maritime Administration and the competent authority of the relevant destination port. This information should also be available for inspection by Port State Control Officers.

St Vincent and the Grenadines Maritime Administration will further communicate to IMO, as required by Regulation 18.2.5 of Annex VI, when a ship has presented evidence of the non-availability of compliant fuel oil.

Using non-compliant fuel in an ECA in an emergency

In accordance with Regulation 3.1.1 of Annex VI, any emission necessary for the purpose of securing the safety of a ship or saving life at sea does not fall under requirements of Regulation 14.

In case of such incidents and subsequent change-over to non-compliant fuel whilst in an ECA area, the following actions should be taken:

- Prompt notification should be made to St Vincent and The Grenadines Maritime Administration and relevant coastal State authorities;
- Details of the fuel change-over related to the incident should be entered into the Official Log Book and MARPOL VI Record Book, or equivalent;
- All documentation related to the incident should be available on board for review by St Vincent and the Grenadines Maritime Administration, coastal State authorities and Port State Control Officers.

Guidelines on application of MARPOL Annex VI Regulation 18 in an Emission Control Area (ECA)

Paris MoU's Guidelines describe the actions that Port State Control Officers will take for the initial and more detailed inspection. These Guidelines also includes instructions for Owners and Masters in case a ship is not able to bunker compliant fuel prior entering an ECA and the evidence that may be necessary to support a claim of non-availability.

Paris MoU has recently published these Guidelines for Port State Control Officers which may be found on its website:

<https://www.parismou.org/sites/default/files/Guidelines%20on%20fuel%20availability.pdf>

United States of America - Enforcement and Penalty Policy

The United States Environmental Protection Agency (EPA) has published its penalty policy for ships using non-compliant fuel whilst in the North American and U.S. Caribbean ECA area. The policy can be downloaded from the following link:

<http://www2.epa.gov/sites/production/files/2015-01/documents/marinepenaltypolicy.pdf>

GUIDELINES ON APPLICATION OF MARPOL ANNEX VI REG 18 IN AN EMISSION CONTROL AREA (ECA)

Introduction

The purpose of these guidelines is to provide advice on the implementation of Reg 18 of Chapter III of Annex VI of MARPOL – Fuel Oil Availability.

Reg 18 provides for situations where compliant fuel cannot be bunkered, provided the owner has taken reasonable steps to do so and therefore does not need to deviate from the intended route or unduly delay the voyage to achieve compliance.

It is possible that, from **01/01/2015** when the requirement to burn fuel oil with a sulphur content of not more than 0.10% m/m SO_x content fuel in an ECA comes into force, shipowners may invoke Reg 18 and claim it was not possible to bunker the correct fuel before entering the ECA.

Guidance

During the Initial Inspection within an ECA or first port after transiting an ECA the PSCO will look at:

1. Bunker delivery note showing a sulphur content of not more than 0.10% m/m for fuel oil used onboard (MARPOL Annex VI Reg 18 (5))
2. The representative sample of fuel oil with a sulphur content of not more than 0.10% m/m (MARPOL Annex VI Reg 18 (8.1))
3. Evidence of a written procedure (Note: there is no requirement for this to be in English) and record of changeover to fuel oil with a sulphur content of not more than 0.10% m/m before entering the ECA such that this fuel is being burnt **when** entering the ECA **and** the volume of low sulphur fuel oils in each tank as well as the date, time, and position of the ship when any fuel-oil-change-over operation is completed prior to the entry into an ECA or commenced after exit from such an area, shall be recorded in such log-book as prescribed by the Administration. (MARPOL Annex VI Reg 14 (6))

For the vessels operating in climate conditions with low temperature of air and/or water or expecting low temperature of air and/or water the PSCO may pay special attention to the following:

1. Existing pipelines for required fuel oil with a sulphur content of not more than 0.10% m/m delivery to machinery space are located or equipped with appropriate heating facilities to provide operation of the pipelines in low temperature conditions of air and/or water.

2. Written procedures of changeover to fuel oil with a sulphur content of not more than 0.10% m/m before entering the ECA include actions to provide that fuel delivery to machinery space in conditions of low temperature of air and/or water.
3. Any possibility of unavailability of fuel oil with a sulphur content of not more than 0.10% m/m due to possible considerable changing of weather conditions during all times of ship operation in ECA is excluded.

If either of the above shows a non-compliance the PSCO will conduct a More Detailed Inspection. The burning of non-compliant fuel in an ECA constitutes an unreasonable threat of harm to the environment and is of such a serious nature it may result in detention.

The master may claim that it was not possible to bunker the correct fuel prior to entering the ECA. If this is the case the master/owner must:

Present a record of actions taken to attempt to bunker correct fuel and provide evidence of an attempt to purchase compliant fuel in accordance with it's 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.

Best efforts to procure compliant fuel oil include, but are not limited to, investigating alternate sources of fuel oil prior to commencing the voyage or enroute prior to entering the ECA. If, despite best efforts, it was not possible to procure compliant fuel oil prior to entering the ECA, the master/owner must notify the Port State Administration in the port of arrival in the ECA and the flag Administration. (Annex VI Regulation 18.2.4).

The notification should be made to the port of destination within the ECA or port of destination after transiting an ECA

The master/owner may provide evidence as below to support their claim (not exhaustive):

- A copy (or description) of the ship's voyage plan in place at the intended time of entry into the ECA, including the vessel's port of origin and port of destination;
- When the vessel first received notice it would be conducting a voyage involving transit/arrival in the ECA, and the vessel's location when it first received such notice;
- The date and time the ship expects to enter and exit the ECA;

- A description of the actions taken to attempt to achieve compliance prior to entering the ECA, including 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 (e.g., compliant fuel oil was not available at ports on “intended voyage;” fuel oil supply disruptions at port; etc. Cost of compliant fuel oil is not considered to be a valid basis for claiming the non-availability of compliant fuel oil).
- Include names and addresses of the fuel oil suppliers contacted and the dates on which the contact was made;
- In cases of fuel oil supply disruption, the name of the port at which the vessel was scheduled to receive compliant fuel oil and the name of the fuel oil supplier that is now reporting the non-availability of compliant fuel oil;
- The availability of compliant fuel oil at the first port-of-call in the ECA and plans to obtain that fuel oil;
- If the vessel has operated in the ECA in the last 12 months, provide the names of all ports visited, the dates of the port calls, and whether the vessel used compliant fuel oil;
- If applicable, identify and describe any operational constraints that prevented use of compliant fuel oil, for example with respect to viscosity or other fuel oil parameters.

The ship should not be required to **deviate** from its intended voyage or to **unduly delay** the voyage in order to achieve compliance.

If a ship provides the information as above, 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**.

A Party shall notify the Organization when a ship has presented evidence of the non-availability of compliant fuel oil.