

SUB-COMMITTEE ON POLLUTION
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Agenda item 2

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DECISIONS OF OTHER IMO BODIES

Comment on proposal for an additional sentence to Appendix V (information to be included in the bunker delivery note (regulation 18.5)) of MARPOL Annex VI

Submitted by the Institute of Marine Engineering, Science and Technology (IMarEST)

SUMMARY

Executive summary: This document comments on document MEPC 67/12/7, as referred to PPR 2, which proposed an amendment to the bunker supplier declaration clause and also comments on that clause as it currently exists in Appendix V of MARPOL Annex VI. On the basis of those aspects for which the fuel oil supplier has direct responsibility, an alternative wording for the declaration clause to that proposed is presented.

Strategic direction: 7.3

High-level action: 7.3.1

Planned output: No related provisions

Action to be taken: Paragraph 12

Related documents: PPR 1/WP.5; MEPC 67/12/7 and MEPC 67/20

Introduction

1 This document comments on document MEPC 67/12/7, as referred to PPR 2 by MEPC 67 (MEPC 67/20, paragraph 4.21) for consideration.

Background

2 In document MEPC 67/12/7, an amendment to the fuel oil supplier declaration clause, as given in appendix V of MARPOL Annex VI, was proposed. The proposed amendment was in the form of an additional sentence to the existing text in respect of the information to be included in the bunker delivery note, and would cover those instances where the fuel oil supplied was to be used in combustion systems fitted with approved equivalent means, as provided for by regulation 4 of MARPOL Annex VI.

3 The proposed text covering the fuel oil supplier declaration as provided in paragraph 10 of document MEPC 67/12/7, if adopted, would read:

"A declaration signed and certified by the fuel oil supplier's representative that the fuel oil supplied is in conformity with the applicable paragraph of regulation 14.1 or 14.4 and regulation 18.3 of this Annex. If the receiver of the fuel oil identifies that the fuel oil is intended to be used in combination with an approved equivalent means of compliance in accordance with regulation 4 of MARPOL Annex VI, the declaration shall certify that the fuel oil supplied is in conformity with regulation 18.3 of this Annex."

Discussion

4 As proposed, this would result in two forms of the fuel oil supplier's declaration: the existing one referencing regulations 14.1, 14.4 and 18.3 and the other one referencing only regulation 18.3. Therefore, in the latter case, no part of the declaration would cover the sulphur content of the fuel oil actually supplied. Where equivalent means have been installed to date, these have been exhaust gas cleaning systems approved in accordance with the Organization's guidelines adopted through resolution MEPC.184(59). In those guidelines, exhaust gas cleaning systems are approved in accordance either with Scheme A – which requires the establishment of a certified value (i.e. the emission level of the unit is capable of achieving with fuel oil of the maximum sulphur content specified), or Scheme B – where exhaust gas monitoring is required to ensure that no more than the required SO₂/CO₂ ratio is achieved and for which the manufacturer will typically quote a maximum fuel oil sulphur content against which the system is designed for the guidance of the shipowner. Therefore, when using exhaust gas cleaning systems, it is still necessary for the shipowner to be assured of the sulphur content of the fuel oil supplied.

5 Additionally, in having two forms of the fuel oil supplier declaration, there is the concern that this would result in additional complexity, requiring the fuel oil supplier to establish from the shipowner for each fuel oil supply which of these forms of the declaration should be used. It is therefore proposed that it would be preferable to retain the existing approach of having a single form of this declaration to cover all instances.

6 As clearly identified in document MEPC 67/12/7, the references to regulation 14.1 or 14.4 are not appropriate in those instances where exhaust gas cleaning systems or other equivalent means are installed. However, on further review, it would appear that generally references to regulation 14.1 or 14.4 are not appropriate as part of the fuel oil supplier's declaration.

7 Regulations 14.1 and 14.4 refer not to the fuel oil as supplied, but rather to the fuel oil as used; this is a process over which the fuel oil supplier has no control. Additionally, the values given therein are the applicable maximum sulphur content values, whereas the bunker delivery note is to give the actual sulphur content value – regulation 18.5 and appendix V. Furthermore, the existing text refers to "... regulation 14.1 or 14.4 ...". Therefore, in completing the existing declaration, the supplier is confirming neither the actual sulphur content of the fuel oil supplied nor whether it is intended for use outside ECA-SO_x (regulation 14.1) or inside ECA-SO_x (regulation 14.4). Further explanation for these points is set out in the annex.

8 Furthermore, ISO 8217, the widely used international marine fuel specification, has since the 2010 revision placed the onus solely on the fuel oil purchaser (in consultation with the receiver/user) to specify the applicable maximum sulphur limit in respect of the fuel oil to be supplied on the basis of environmental compliance requirements, such as

MARPOL Annex VI. This requirement to specify the sulphur content limit to the fuel oil supplier therefore covers both fuels to be used with and without approved exhaust gas treatment systems or other equivalent means.

9 Consequently, it is proposed that the requirement in respect of the fuel oil supplier declaration in appendix V to MARPOL Annex VI should be revised to read:

"A declaration signed and certified by the fuel oil supplier's representative that the sulphur content of the fuel oil supplied is in accordance with the value stated on the bunker delivery note and that the fuel oil is in conformity with regulation 18.3 of MARPOL Annex VI."

10 This would provide a single form of the declaration applicable to all fuel oil supplied and would additionally cover the actual sulphur content of that fuel oil.

11 In providing for the possible supply of fuel oils with sulphur content above the limit values in respect of fuel oils as used as given in regulation 14.1 or 14.4, amendments to regulations 18.3.2.1, 18.9.2, 18.9.5, 18.9.6 and 18.11, together with the first paragraph of appendix VI of MARPOL Annex VI (Fuel verification procedure for MARPOL Annex VI fuel oil samples), would consequently also be required.

Action requested of the Sub-Committee

12 The Sub-Committee is invited to consider the proposal in paragraphs 9 and 10 and the need for amendments as given in paragraph 11 and take action as appropriate.

ANNEX

ADDITIONAL EXPLANATION FOR POINTS HIGHLIGHTED IN PARAGRAPH 7

1 The fuel oil supplier is considered to be in no position to make the declaration as currently given in appendix V of MARPOL Annex VI since the fuel oil supplier has no control as to how the fuel oil being delivered will be used onboard and hence cannot know, or be expected to know:

- .1 if the fuel oil as actually used will be a blend of the fuel oil covered by the bunker delivery note in question which has been mixed on board with other fuel oils resulting in the sulphur content of the overall blend to exceed the applicable limit for the area in which the ship is operating;
- .2 if fuel oil supplied for use outside an emission control area under regulation 14.3 (ECA-SO_x) is being used inside an ECA-SO_x;
- .3 if the change-over from outside ECA-SO_x to ECA-SO_x fuel oil has been undertaken in a timely manner as required by regulation 14.6;
- .4 if fuel oil is being used at a date following the entry into effect date for the next level of control, i.e. if fuel oil was supplied 20 November 2014 with a sulphur content of 0.98%, against a purchaser sulphur limit value of 1.00% maximum, it complied with the ECA-SO_x limit applicable at the time of delivery. However, if that fuel oil is used on or after 1 January 2015 it does not comply with the then applicable ECA-SO_x limit (the same will apply when the outside ECA-SO_x limit reduces to 0.50% maximum sulphur) – compliance is dependent on when (time, date) the fuel oil is used, not the date when the fuel oil was supplied; or
- .5 if fuel oil is supplied for use in engines fitted with an approved exhaust gas cleaning systems (EGCS) that it is actually used only in those engines (not in other engines on board without EGCS), or if the sulphur content is within the capabilities of the particular EGCS or if that EGCS is in operation as required or if the EGCS is functioning to the required SO₂/CO₂ ratio.

2 Furthermore, the existing wording of the bunker supplier declaration does not link that declaration to the actual sulphur content of the fuel oil as physically supplied – only that it complies with "... the applicable paragraph of regulation 14.1 or 14.4...." since the particular "applicable paragraph" itself is not identified (there is, for example, no tick-boxes against the individual 14.1 and 14.4 references which would be completed to indicate which is intended).

3 As an example – the sulphur content value stated on a bunker delivery note dated 16 January 2015 is given as 0.098%, against an ordered value of 0.10% maximum, but on testing the sulphur content is found to be 0.62%. Clearly that advised value was not correct, and is in excess of the applicable limit value at that time as given in regulation 14.4 (which the purchaser obviously intended given their specified maximum value). However, the supplier's declaration is not in itself untrue since a value of 0.62% is nevertheless still below the currently applicable limit in regulation 14.1.