Additional sentence to appendix V of the MARPOL Annex VI – Information to be included in the bunker delivery note (regulation 18.5)

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SUMMARY

Executive summary: This submission calls for the need to insert an additional sentence in the last paragraph of appendix V of MARPOL Annex VI – Information to be included in the bunker delivery note (BDN) (regulation 18.5)

Strategic direction: 7.3

High-level action: 7.3.1

Planned output: 7.3.1.1

Action to be taken: Paragraph 11

Related documents: PPR 1/16, paragraph 9, 18, and PPR1/WP.5, paragraph 42

Introduction

1 This submission proposes to insert an additional sentence in the last paragraph of appendix V of MARPOL Annex VI – Information to be included in the bunker delivery note.

2 Regulations 14.1 and 14.4 set the limits of the sulphur content of any fuel used on board ships when operating inside and outside the emission control areas. This proposed additional sentence would allow ships that meet the requirements within regulation 4 of MARPOL Annex VI, which deals with "Equivalents", not to have the Bunker Delivery Note (BDN) declaring that the fuel oil supplied on board has met the regulations 14.1 and 14.4 of MARPOL Annex VI.
It should be emphasized that this proposal is neither a new regulation nor a requirement change. It merely facilitates the application of regulation 4 of MARPOL Annex VI.

Background

In accordance with regulation 18.6 of MARPOL Annex VI, ships are required to retain the BDN on board for a period of three years after the fuel oil has been delivered on board.

Presently, the BDN contains a declaration which takes account of the last sentence of appendix V of MARPOL Annex VI.

The last paragraph of appendix V of MARPOL Annex VI contains the following declaration:

"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."

The European Commission has launched a set of activities aiming to take forward all aspects of sustainable shipping relevant to a cost-efficient and coherent implementation of the forthcoming more stringent regulations for sulphur content of fuel oil in European Emission Control Areas for SOx emissions. To serve this purpose, the European Sustainable Shipping Forum (ESSF) has been created bringing together 28 EU Member States and 32 maritime organizations to enable a structural dialogue, inter alia, on the monitoring of compliance of the sulphur regulations, on creating the framework conditions for the use of marine liquefied natural gas (LNG) as ship fuel, on promotion of the use of scrubber technology in shipping by addressing its technical, economic and operational aspects, on coordinating research and development activities and encourage innovation, on exploring all available financing opportunities, and on identifying potential improvements in sustainability and competitiveness. The current submission follows specific deliberations held within the context of the ESSF.

Discussion

Regulation 4 of MARPOL VI allows "Equivalents", but the present declaration signed and certified by the fuel oil supplier prevents this from taking place. In the present declaration, the oil supplier can only supply fuel oil with the sulphur content that meets MARPOL Annex VI regulation 14.1 or 14.4 limits. However, ships that have installed alternative technologies in compliance with regulation 4 should be allowed to purchase and the oil supplier to supply fuel oil that will not meet regulation 14.1 or 14.4.

This issue had been discussed in the Working group on Prevention of Air Pollution from Ships during PPR 1. The working group agreed that there might be a need to amend the BDN declaration. The Sub-Committee approved the working group report.

In order to allow the application of regulation 4 of MARPOL Annex VI, the following is the proposed text for the last paragraph of appendix V of the MARPOL Annex VI, with the additional sentence shown in underlined text:

"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."

Action requested of the Committee

11 The Committee is invited to consider the proposal in paragraph 10 and take action as appropriate.