AMENDMENTS TO BUNKER DELIVERY NOTE TO PERMIT THE SUPPLY OF FUEL OIL NOT IN COMPLIANCE WITH REGULATION 14 OF MARPOL ANNEX VI

Amendment to the last paragraph of appendix V of MARPOL Annex VI
(Information to be included in the bunker delivery note (regulation 18.5))

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom and the European Commission

SUMMARY

Executive summary: This submission is to follow up on the MEPC and PPR discussions to amend the last paragraph of appendix V of MARPOL Annex VI (Information to be included in the bunker delivery note (regulation 18.5)). This is to resolve the current impasse by which marine fuel oil which does not meet the sulphur limit values of regulation 14 of MARPOL Annex VI cannot be delivered to ships which instead have installed approved equivalent means in accordance with regulation 4 of MARPOL Annex VI.

Strategic direction: 7.3
High-level action: 7.3.1
Output: 7.3.1.7
Action to be taken: Paragraph 13
Related documents: PPR 1/16, PPR 1/WP.5; PPR 2/2/2, PPR 2/21; MEPC 67/12/7 and MEPC 67/20

Introduction

1 This submission proposes to amend 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 of MARPOL Annex VI set the limit of the sulphur content of any fuel oil used on board ships when operating either outside or inside the emission control
areas given by regulation 14.3 of MARPOL Annex VI. These proposed amendments extend the scope of the fuel oil supplier’s declaration, as required to be given on the bunker delivery note (BDN), to also cover fuel oil supplied to those ships which have instead installed alternative means approved in accordance with the requirements of regulation 4 of MARPOL Annex VI, which deals with “Equivalents”. These proposed amendments to appendix V of MARPOL Annex VI are considered most necessary as at present it only provides for a declaration that the fuel oil supplied on board has met the sulphur limits of regulation 14.1 or 14.4 of MARPOL Annex VI.

3 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. Essentially this proposal is comparable to the amendments to paragraph 2.3 of the supplement to the International Air Pollution Prevention Certificate as adopted by MEPC 61.

Background

4 In accordance with regulation 18.5 of MARPOL Annex VI, details of the fuel oil supplied to a ship shall be recorded by means of a BDN which shall contain at least the information specified in appendix V of MARPOL Annex VI. Regulation 18.6 further requires that ships are to retain the BDN on board for a period of three years after the fuel oil has been delivered on board.

5 The last paragraph of appendix V of MARPOL Annex VI, as adopted, has the following requirement:

“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.”

6 The European Sustainable Shipping Forum (ESSF) has been created bringing together 28 EU Member States, the European Commission and 32 maritime organizations to enable a structured dialogue, inter alia:

.1 on the monitoring of compliance of the sulphur regulations;
.2 on creating the framework conditions for the use of scrubber technology in shipping by addressing its technical, economic and operational aspects;
.3 on the use of marine liquefied natural gas (LNG) as ship fuel;
.4 on coordinating research and development activities and encourage innovation;
.5 on exploring all available financing opportunities;
.6 on identifying potential improvements in sustainability and competitiveness; and
.7 on addressing revision and implementation of port reception facilities and MRV regulations.
7 Within the ESSF, a set of activities have been launched aiming to take forward all aspects of sustainable shipping relevant to a cost-efficient and coherent implementation of the regulations for sulphur content in marine fuels. This document also takes into consideration deliberations held within the context of the ESSF.

**Discussion**

8 Regulation 4 of MARPOL Annex VI allows “Equivalents”, but the present declaration signed and certified by a fuel oil supplier effectively prevents this from taking place in the case of post combustion sulphur oxides (SO\textsubscript{x}) emission controls. In the present declaration, an oil supplier can only supply fuel oil with the sulphur content that meets either regulation 14.1 or 14.4 limits. However, ships that have installed approved alternative technologies in compliance with regulation 4, or ships that have installed alternative technologies and their approval is ongoing, or ships that have trial permit issued according to regulation 3.2, should be allowed to purchase, and an oil supplier to supply to such ships, fuel oil that does not meet the sulphur limits given by regulations 14.1 or 14.4 since the exhaust gas will be cleaned of SO\textsubscript{x}, prior to be discharged into the atmosphere, at least the level which would have been the case had instead fuel oils meeting the relevant sulphur limit been used.

9 This issue had been discussed in the Working Group on Prevention of Air Pollution from Ships established at PPR 1. The working group noted that there may be a need to amend the BDN declaration (PPR 1/WP.5, paragraph 42). The Sub-Committee approved the working group report.

10 Document MEPC 67/12/7 (Austria et al.) proposed amended text to the last paragraph of appendix V of MARPOL Annex VI. MEPC 67 agreed to the need for the amendments; however, the Committee held the view that further discussion of the text was required.

11 PPR 2, having considered document PPR 2/2/2 (IMarEST) and following extensive deliberation in the working group to which this issue was referred, was not able to agree to the exact form of the amended text. However, learning from the discussion in the PPR 2 working group, the proposal in this document has taken those views into consideration and accommodated them as far as possible.

12 The proposed amendments to the last paragraph of appendix V of MARPOL Annex VI are set out in the annex to this document.

**Action requested of the Sub-Committee**

13 The Sub-Committee is invited to consider the proposal in paragraph 12 and take action as appropriate.
ANNEX

PROPOSED AMENDMENTS TO APPENDIX V OF MARPOL ANNEX VI

Information to be included in the bunker delivery note
(regulation 18.5)

Name and IMO Number of receiving ship

Port

Date of commencement of delivery

Name, address, and telephone number of marine fuel oil supplier

Product name(s)

Quantity in metric tons

Density at 15˚C, kg/m³*

Sulphur content (% m/m)**

A declaration signed and certified by the fuel oil supplier’s representative that the fuel oil supplied is in conformity with regulation 18.3 of this Annex and that the sulphur content of the fuel oil supplied does not exceed:

☐ the limit value given by regulation 14.1 of MARPOL Annex VI;

☐ the limit value given by regulation 14.4 of MARPOL Annex VI; or

☐ the purchaser’s specified limit value of _____(% m/m)***.

This declaration shall be completed by the fuel oil supplier’s representative by marking the applicable box(es) with a cross (x).

* Fuel oil shall be tested in accordance with ISO 3675:1998 or ISO 12185:1996.

** Fuel oil shall be tested in accordance with ISO 8754:2003.

*** As completed by the fuel oil supplier’s representative and on basis of purchaser’s notification that the fuel oil is intended to be used in combination with an equivalent means of compliance with regulation 4 of this Annex.