



İstanbul :

Sayı:

Our Reference : 3675

26.09.2018

Konu:

Subject : ICS'in Taslak Gündem Notları Hk.

Sirküler No: 548 / 2018

Sayın Üyemiz,

**İlgi:** Uluslararası Deniz Ticaret Odası(ICS)'nın 24.09.2018 tarihli ve ENV18(10) sayılı yazısı ve Eki

İlgi yazı ile;

ICS Üyelerinin, Çevre Alt Komitesi'nin bir sonraki toplantısına ilişkin taslak gündem notlarını incelemeleri ve 2 Ekim 2018 tarihine kadar ICS Sekreteryasına görüş bildirmeleri, İlgi yazı ile talep edilmektedir.

İlgi yazının Odamızca yapılan Türkçe çevirisi (Ek-1) ile "Çevre Alt Komitesi'nin bir sonraki toplantısına ilişkin taslak gündem notları" hakkında hazırlanan Bilgi Notu (Ek-2) ilişikte sunulmaktadır.

Konu ile ilgili varsa görüş ve önerilerinizin [erkin.tugran@denizticaretodasi.org.tr](mailto:erkin.tugran@denizticaretodasi.org.tr) adresine 1 Ekim 2018 tarihi mesai saati bitimine kadar gönderilmesini, bilgilerinize arz ve rica ederiz.

Saygılarımızla,

Murat TUNCER

Genel Sekreter

**EKLER:**

Ek-1: İlgi yazı Türkçe Çevirisi (1 syf.)

Ek-2: İlgi yazı ve Eki (24 syf.)

**DAĞITIM:****Gereği:**

- Tüm Üyelerimiz (Web)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- İMEAK DTO Meslek Komitesi Başkanları
- İMEAK DTO Şube ve Temsilcilikleri
- Türk Loydu Uygunluk Değerlendirme Hiz. A.Ş.
- GİSBİR
- Yalova Altınova Tersane Girişimcileri San.ve Tic.A.Ş
- TÜRKLİM
- GESAD
- Gemi Sahibi Firmalar

**Bilgi:**

- Ulaştırma ve Altyapı Bakanlığı
- Deniz ve İçsular Düzenleme Genel Müdürlüğü
- Ulaştırma ve Altyapı Bakanlığı
- Deniz Ticareti Genel Müdürlüğü
- Çevre ve Şehircilik Bakanlığı
- Çevre Yönetimi Genel Müdürlüğü
- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkanı ve Üyeleri
- İMEAK DTO Çevre Komisyonu
- İMEAK DTO Şube Y/K Başkanları
- Gemi Makineleri İşletme Mühendisleri Odası
- Gemi Mühendisleri Odası
- WISTA Türkiye Derneği

Ayrıntılı bilgi: Erkin TUĞRAN, Çevre Birimi Telefon:252 0130-246 E-mail: [erkin.tugran@denizticaretodasi.org.tr](mailto:erkin.tugran@denizticaretodasi.org.tr)

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EK-1

24 Eylül 2018

(Serbest Çeviridir)

**TASLAK GÜNDEM NOTLARI**

**Yapılması Gereken: Üyeler, Çevre Alt Komitesinin bir sonraki toplantısına (2 Ekim 2018) ilişkin taslak gündem notlarını incelemeye ve uygun şekilde Sekretere açıklama yapmaya davet edilmektedir.**

Londra'da düzenlenen Çevre Alt Komitesi'nin bir sonraki toplantısı 2 Ekim 2018 tarihinde ICS ofislerinde, saat 10:00'da başlayacak ve açık büfe öğle yemeği servisi edilecektir.

Taslak gündem notları, değerlendirilmek üzere Ek-A'da verilmiştir. Bireysel/Özel Balast Suyu Yönetim Sistemlerinin, 'Balast Suyu Yönetimi Sözleşmesi D-2 Kuralı'nın kabul edilmesiyle birlikte ilk sörvey esnasında uygunluğunun onaylanması, Ek-B(MEPC 73/4/5 Japonya)'de değerlendirilmektedir. Ek-C, IMO Sözleşmeleri'nde Yakıt Kalitesi ve Güvenliği için, Mevcut Hükümlerin Etkin Uygulamalarına ilişkin bir taslak ICS Dökümanı sunmaktadır. Bu konulara daha fazla madde eklenmesi için, herhangi bir yorum veya önerinin, (john.stawpert@ics-shipping.org) adresine gönderilmesi gerekmektedir.

Henüz katılımını teyit etmemiş olan üyelerin ayrıntılarını, aşağıdaki mail adresine sunmaları rica olunur: Jade Smith (jade.smith@ics-shipping.org).

John Stawpert  
Müdür (Çevre ve Ticaret)

İngilizceden Çeviren: Erkin TUĞRAN  
İMEAK DTO Çevre Sorumlusu / Çevre Mühendisi

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24 September 2018

ENV(18)10

TO: ENVIRONMENT SUB-COMMITTEE

Copy: ALL FULL AND ASSOCIATE MEMBERS

### DRAFT AGENDA NOTES

**Action Required: *Members are invited to review the draft agenda notes for the Environment Sub-Committee's next meeting (2 October 2018) and provide comments to the Secretary as appropriate.***

The next meeting of the Environment Sub-Committee will be held at the ICS Offices in London on 20 March 2018, commencing at 10:00, a buffet lunch will be served.

Draft agenda notes are provided at Annex A for consideration. Annex B provides MEPC 73/4/5 (Japan) commenting on validating the compliance of individual Ballast Water Management Systems with regulation D-2 of the Ballast Water Management Convention in conjunction with their commissioning during the initial survey. Annex C provides a draft ICS paper on Effective Implementation of Existing Provisions for Fuel Quality and Safety in IMO Conventions. Any comments or proposals for further items should be provided to the undersigned ([john.stawpert@ics-shipping.org](mailto:john.stawpert@ics-shipping.org)).

Members who have not yet confirmed their attendance are requested to provide their details to the undersigned, copied to Jade Smith ([jade.smith@ics-shipping.org](mailto:jade.smith@ics-shipping.org)).

John Stawpert  
Manager (Environment and Trade)

# INTERNATIONAL CHAMBER OF SHIPPING

## Environment Sub-Committee

To be held on 2 October 2018 at 10:00

38 St Mary Axe, London

### Draft Agenda Notes

#### 1) Introduction

#### 2) Minutes of the Previous Meeting

The Sub-Committee will be invited to approve the minutes of the previous meeting.

#### 3) Noise from Commercial Shipping

Members will recall the Sub-Committee's consideration of paper MEPC 72/16/5 (Canada), which included observations regarding measures to reducing underwater noise utilizing ship design and operational measures, at its previous session.

It will be reported that, at MEPC 72, Canada and other interested member States and international organizations were informed by ICS and others, of the need for the work to:

- Take into account the work already done to develop the *Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life* (MEPC.1/Circ.833);
- To ensure that decisions on the objectives of new outputs or work were not made prematurely, in advance of scientific data on the effectiveness of design and operational measures being available; and
- The existence of co-benefits between measures to enhance the energy efficiency of ships and reductions in underwater noise should be taken into account.

It will be noted that Canada and New Zealand have made a further submission to MEPC 73. This submission does not request a new output, but builds on the previous submission.

The submission focuses on design and technology, rather than operational measures, and highlights specific knowledge gaps which need to be addressed before work by IMO can progress. In particular:

- Lack of clarity on the conditions or ship types that are likely to benefit most from specific quiet ship designs or technologies;
- Knowledge regarding if and how design features can be combined to compound benefits; and
- Uncertainty as to the overall level of noise reduction that can be realistically implemented for commercial ships.

However the submission also suggests that the priority is an update to MEPC.1/Circ.833 to adequately reflect developments in noise reduction designs and

technologies, as well as changes in ship designs. Making design recommendations in MEPC.1/Circ.833 mandatory for new ships is not explicitly considered.

Further to the outcome of the previous meeting of the Sub-Committee, the Secretariat proposes the following outline position on underwater noise:

- Primacy should be given to mandatory design measures for new-builds based on MEPC.1/Circ.833 and informed by scientific data, reflecting a necessary, proportionate and achievable reductions in underwater noise;
- If proposed, retrofit requirements for existing ships should be carefully considered. In particular, no measures which do not have demonstrable co-benefits for energy efficiency should be considered; and
- Operational measures (speed reductions and re-routeing) should be based on the principle of optimisation. One size-fits-all approaches should be avoided.

This could form the basis of a formal position paper on underwater noise.

The Secretariat also notes that the potential significance of noise as an IMO agenda item could warrant ICS commissioning independent research to inform its position at IMO. This may also be necessary to encourage proportionate and effective measures, and give substance to any formal position paper prepared by the Secretariat.

Further to ENV(18)07, Canada is hosting an international workshop on ship design and technology. This will be held at IMO from 30 January to 1 February 2019. Members who have not yet indicated a wish to attend, are invited to do so at their earliest convenience.

**The Sub-Committee will be invited to:**

- **Note the information provided, including the international workshop on underwater noise;**
- **Endorse the outline position on underwater noise, and consider the need for a formal position paper; and**
- **Consider whether ICS should commission independent research into underwater noise generated by commercial shipping.**

#### **4) Hull Biofouling**

The Secretariat will advise the Sub-Committee of progress made in the development of an Underwater Cleaning Standard coordinated by BIMCO. The Committee will be advised that the standard will be tested prior to launch and that the ultimate aim is for the standard to be sent either to the International Maritime Organization (IMO) or International Organization for Standardization (ISO) for international approval and recognition. Furthermore the Chairman will report on the latest developments relating the Californian State Land Commission regulation on Hull Biofouling.

**Members will be invited to consider the reports and comment on developments in their states or regions and, to consider whether further action could be considered by ICS and the industry in light of the increasing focus on Biofouling as a vector for invasive species.**

## **5) Marine Plastic Litter**

The Secretariat will brief the Committee on papers submitted to MEPC 73 under agenda Item 8 – Development of an Action Plan to Address Marine Plastic Litter from Ships. It will be noted that that ICS has co-sponsored MEPC 73/8/8 which highlights the need for adequate reception facilities ashore.

Furthermore, the Sub-Committee will be advised of paper MEPC 73/18/11, by WSC and BIMCO, which proposes a reporting scheme mechanism for containers lost overboard. It will be noted that the paper received a generally positive response from members, but that this was not unanimous and one member in particular felt that this was primarily a safety issue rather than one of environmental protection and, that it should therefore be handled under MSC and the CCC Sub-Committee.

**Members will be requested to advise on their own governments' positions with respect to the various proposals before MEPC, in order to assist in the development of an ICS position for this and future sessions of the Sub-Committee. It will be noted that given its political profile, the issue of Marine Plastic Litter is likely to a longstanding work item for the Committee, and the Sub-Committee will therefore need to consider a range of options for responding to pressure and mitigating against unnecessary or impractical proposals on ships. In particular, consideration will need to be given to proposals for:**

- **A study on marine plastic litter from ships by IMO;**
- **Mandating of garbage record books for ships above 100GT;**
- **Review of the Model Course “Marine Environmental Awareness 1.38”;**
- **Establishing a compulsory system for declaring and reporting the loss of containers as well as tracking them to facilitate recovery;**
- **Reducing marine microplastic litter from shipping including, wear from ships hulls and, grey water.**

**Recognising that the discharge of plastic into the marine environment from ships is expressly prohibited by MARPOL Annex V. Consideration should also be given to the role the ICS Guidance for the Preparation and Implementation of Garbage Management Plans could play in minimizing marine plastic litter from shipping.**

**Members will be invited to provide their views, and the outcome will be forwarded to the Marine Committee as appropriate.**

## **6) Ballast Water Management**

### **a) Ballast Water Management Convention Developments**

#### **i) BWM Convention update**

The Subcommittee will note that the International Ballast Water Management Convention entered into force on 8 September 2017 and as of the 26 July 2018, with Serbia being the latest to accede, a total of seventy-four countries have now ratified the Convention representing more than 75% of the world's merchant fleet tonnage.

**ii) New Provision in the HSSC Survey Guidelines on validating the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning during the initial survey (survey item (BI) 1.1.2.19).**

Members will recall that the Marine Committee previously agreed that the ICS position at MEPC 72 should be that the efficacy test related to the installation and commissioning of BWMSs should be mandatory, and a basic efficacy test consisting of indicative sampling and analysis should be successfully completed prior to issuance of the IBWMC as part of the Initial Survey. The Secretariat will report that MEPC 72 agreed that the survey item should be considered mandatory and that the guidance called for in survey item (BI) 1.1.2.19 of the 2017 HSSC Guidelines is required. However it will be noted that Japan has submitted MEPC 73/4/5, commenting on the decision at MEPC 72 and, proposing that the mandatory verification of BWMS efficacy associated with commissioning be held in abeyance "until data and experience have been gained and reliable sampling methods and procedures have been established through the EBP. In case BWMS are approved in accordance with the regulation and have been installed appropriately, the BWMS shall not be required to be re-installed or to take other measures similar to the reinstallation of the system solely due to an exceedance of the D-2 standard". The submission justifies the proposal based on suitability of sampling and analysis methods, the required time for sampling and analysis, and quality criteria for the ballast water used for verification. The submission concerned is attached as **Annex B** to the meeting notes. **Members will be requested to provide their views so as to inform the ICS position at MEPC 73.**

**iii) New Work output on efficient identification and enhancement of safety, technical, operational and documentation review and amendment for improvement and consistent implementation of the Ballast Water Management Convention.**

Members are advised that ICS was approached by Singapore and has co-sponsored along with Denmark and Ireland submission MEPC 73/15. This submission proposes a new work output for the current biennium agenda of MEPC in relation to the "Efficient identification and enhancement of safety, technical, operational and documentation review and amendment for improvement and consistent implementation of the Ballast Water Management Convention". Importantly the submission concerned will, if agreed at MEPC, facilitate significant implementation issues to be raised and discussed as a matter of urgency without having to wait to the conclusion of the EBP. This includes urgent issues identified concerning significant safety, technical and operational challenges faced by some ship types. Additionally, the submission will facilitate the BWM Convention text being amended as a matter of priority (noting it couldn't be amended before entry into force), so that it aligns with guidance adopted following adoption of the Convention. At the request of the ICS secretariat a specific agenda item is being proposed in the new work output (see paragraph 17.3 of the submission) as follows "Alignment of Article 9 of the BWM Convention in line with the invitation to Governments to adopt a four-stage inspection approach as set out in the Guidelines for port State control under the BWM Convention (resolution MEPC.252(67))".

**The Sub-Committee will be invited to note the submission and, requested to encourage their respective national Administrations to support the new**

**proposed work output and particularly the incorporation of the proposed agenda item detailed in paragraph 17.3.**

**iv) Experience Building Phase associated with the BWM Convention.**

Members will be invited to note that MEPC 72 approved the draft BWM.2 circular on the data gathering and analysis plan for the experience-building phase (set out in annex 2 to MEPC 72/WP.9 and now circulated as BWM.2/Circ.67). It should be noted that the timeline for the EBP is provided in paragraph 6.2 and a summary in tabular form is provided as follows:

MEPC session	Timing	Milestone	EBP / MEPC action
73	Autumn 2018	Convention has been in force one year	
74	Spring 2019		First year of data available
75	Spring 2020	Convention has been in force two years	Second year of data available, stocktaking of EBP timeline
76	Autumn 2020	Convention has been in force three years	Partial third year of data available, enough to agree to data analysis report terms of reference.
77	Spring 2021		Full third year of data available, Draft analysis report received.
78	Spring 2022	Convention has been in force four years	Final analysis report received. Convention issues agreed.
79	Autumn 2022	Convention has been in force five years	Package of amendments submitted to the Parties.

**Members may wish to note that the first year of data will not be made available until MEPC 74 which will take place in spring 2019**



## b) United States Ballast Water Regulation Developments

The Sub-Committee will be advised that the USCG has now granted full USCG approval to 10 systems as follows:

<b>Manufacturer</b>	<b>Model</b>	<b>System Type</b>	<b>Approved Range (m<sup>3</sup>/h)</b>	<b>Certificate Issued* (Amended)</b>
Optimarin AS	OBS/OBS Ex	Filtration + UV	167 – 3,000	2 Dec 2016 (3 Nov 2017)
Alfa Laval Tumba AB	Pure Ballast 3	Filtration + UV	150 – 3,000	23 Dec 2016 (21 Dec 2017)
TeamTec OceanSaver AS	OceanSaver MK II	Filtration + Electrodialysis	200 – 7,200	23 Dec 2016 (18 Oct 2017)
Sunrui	BalClor	Filtration + Electrolysis	50 – 8,500	06 Jun 2017 (5 Jan 2018)
Ecochlor, Inc.	Ecochlor BWTS	Filtration + Chemical Injection	500-16,200	10 Aug 2017 (26 Apr 2018)
Erma First	Erma First FIT	Filtration + Electrolysis	100 – 3,740	18 Oct 2017
Techcross, Inc.	Electro-Clean	Electrolysis	150-12,000	5 Jun 2018
Samsung Heavy Industries Co., Ltd	Purimar	Filtration + Electrolysis	250-10,000	15 Jun 2018 (20 Jul 2018)
BIO-UV Group	BIO-SEA B	Filtration + UV	55-1,400	20 Jun 2018
Wartsila Water Systems Ltd.	Aquarius EC	Filtration + Electrolysis	250-4,000	30 Aug 2018

\* Some manufacturers have requested multiple amendments to their Type Approval Certificates. The date not in brackets is the date the original approval certificate was issued by the USCG, the date in brackets is the date of the current amended certificate. Copies of the Coast Guard Type Approval Certificates can be found on the USCG Approved Equipment List at:

<http://cgmix.uscg.mil/Equipment/Default.aspx> .

In addition to the 10 approved systems above 7 further systems, as follows, are currently being reviewed for approval:

<b>Manufacturer</b>	<b>Model</b>	<b>System Type</b>	<b>Approved Range (m<sup>3</sup>/h)</b>	<b>Date Approved</b>
De Nora Water Technologies	BALPURE	Filtration + Electrolysis	400-7,500	Pending

JFE Engineering Corporation	BallastAce	Filtration + Chemical Dosing	500-3,500	Pending
Panasia Co.,Ltd.	GloEn-Patrol	Filtration + UV	50-6,000	Pending
Headway Technology Co.,Ltd	OceanGuard	Filtration + Electrolysis	65-5,200	Pending
Hyundai Heavy Industries Co.,Ltd	HiBallast	Filtration + Electrolysis	75-10,000	Pending
Envirocleanse, LLC	inTank	Electrolysis + Chemical Dosing	0-120,000	Pending
NK BMS Co.,Ltd.	NK-O3 BlueBallast II	Ozone generation & Injection	200-8,000	Pending

**The Secretariat will provide a summary of developments relating to the United States Ballast Water Regulation and Kathy Metcalf (CSA) may also provide a further update.**

## **7) Air Emissions**

### **a) Global Sulphur Cap**

#### **i. IMO Developments**

Members will be advised that the IMO Intersessional Working Group on Air Pollution (ISWG-AP1) was held from 9 to 13 July 2018. A detailed report of this meeting can be found in MC(18)58. The salient outcomes of the Meeting were:

- Following discussions on an ICS cosponsored submission, the Meeting agreed to recommend MEPC 73 to invite MSC 100 to consider the outcome of the meeting concerning the safety implications associated with the use of low-sulphur fuel oil;
- During discussions on issues related to Ship Implementation Plan, the representative from ISO delivered a statement which specified that the 0.50% max sulphur fuel oils will be fully capable of being categorised within the existing ISO 8217 standard and that the publicly available specifications (PAS) under development expected to be published next year will provide guidance as to the application of the existing ISO 8217 standard to such fuels;
- The Meeting finalized an indicative template and related Guidance for the development of a ship implementation plan for the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI. The ship implementation plan would not have a mandatory nature and would not need to be endorsed by the Administration. The Meeting could not agree on the inclusion of reference to "practical and

pragmatic approach by port State control authorities" in the draft MEPC circular as proposed by ICS and co-sponsors, and therefore invited MEPC 73 to consider this matter and decide as appropriate. There was, however, an agreement that Port State Control authorities 'may take account' of ships' Implementation Plans when verifying compliance.;

- The Meeting agreed to develop draft amendments to regulation 14 and appendix VI of MARPOL Annex VI which would result in 95% confidence limit applied to in use fuel oil samples. This work will continue at PPR 6; and
- Work on other related provisions such as the Fuel Oil Non-Availability Report (FONAR), designated sampling point for in-use fuel oil sampling and amendments to PSC Guidelines will continue at PPR 6.

**Members will be invited to note the information provided and to comment as appropriate.**

**ii. RMI Submission to MEPC 73 entitled "Safety implications and respective challenges associated with 2020 compliant fuels"**

Members of the Sub Committee will be informed that the Republic of Marshall Islands (RMI) submitted the document MEPC 73/5/14 titled "Safety implications and respective challenges associated with 2020 compliant fuels" to MEPC 73, which in its final form proposes an Experience Building Period in relation to the introduction of the 2020 Global Sulphur Cap. Members will also be informed that ICS was not able to obtain a consensus from members to co-sponsor the initial or final versions of the submission. This submission was discussed at the last meeting of the ICS Board on 11 September where the following was noted:

1. There is consensus throughout the membership that the challenges set by the 2020 Global Sulphur cap are considerable, that the challenges in ensuring global availability of compliant fuels are understood and so are the possible issues related to fuel quality and safety;
2. There is consensus amongst members that there should be transparency and information should be made available to IMO prior to and following 1 January 2020 in relation to actual availability, quality and safety issues that may arise;
3. That in line with the position of the Marine Committee and its instructions ICS had already made a proposal to the IMO ISWG on air pollution with respect to a period of three months practical and pragmatic PSC enforcement in conjunction with the existence of shipboard implementation plan. It was noted that ICS proposal was NOT AGREED but it was also NOT REJECTED and in fact MEPC in October (22 to 26) will be asked to consider and decide if a "practical and pragmatic approach" should be referenced in the covering MEPC Circular for the "Guidance on the Development of a Ship Implementation plan for the Consistent Implementation of the 0.5% Sulphur Limit under MARPOL Annex VI". The Secretariat, in line with the ICS

submission to the ISWG will continue to support at MEPC 73 the same position with respect to the approach of PSC.

Following the discussions of the Board it was agreed that noting the need to maintain the appearance of industry unity the Marine Committee should develop a suitable intervention to be delivered at MEPC 73 which demonstrates an appropriate level of support for a practical and pragmatic PSC approach to enforcement whilst ensuring a level operational playing field together with support for timely information gathering for reporting to MEPC in the first half of 2020 and on the basis of which informed decisions could be made.

Based on the above instruction, the Secretariat will prepare a relevant intervention that will be circulated to Members for consideration before the next Marine Committee meeting.

### **The Sub-Committee to note the Board's instructions to the Marine Committee.**

#### **iii. Industry guidance on compliance:**

In response to the agreement to prepare and issue guidance for shipping companies on preparatory and transitional issues, ICS has developed, with the assistance of a number of shipping companies, "Provisional Guidance to Shipping Companies and Crews on Preparing for Compliance with the 2020 Global Sulphur Cap for Ships' Fuel Oil". It is anticipated that the free Guidance may need to be updated in due course to take account of any further developments at IMO, as well as guidance developed by other stakeholders. Taking into account the decision made by the ICS Board held on 11 September 2018, the Sub-Committee is advised that the ICS Guidance has now been published and is also available at the following link on the ICS website:

<https://bit.ly/2x7B7tC>

**Members will be invited to note the information provided and to comment as appropriate.**

#### **b) NOX**

Members will be reminded of the new MEPC work output regarding the use of multiple engine operational profiles for marine diesel engines. It will be recalled that ICS will participate in this work and, recommended that ICS promotes agreement to make the necessary regulatory amendments to allow the use of multiple engine mapping in recognition of its potential to improve ship safety and to optimise engine performance, thus lowering emissions.

#### **c) Green House Gases**

It will be recalled that ICS co-sponsored six IMO submissions on GHG matters and the linked matter of the Energy Efficiency Design Index (EEDI) and, that two of the submissions will be considered at the fourth meeting of the intersessional working group on the reduction of GHG emissions from ships (GHG ISWG) (15 – 19 October). The four remaining submissions will be considered at MEPC 73 (22 – 26 October).

EEDI matters will be considered under this agenda item since continuing to strengthen the EEDI was one of the principal proposals in a joint industry submission to the GHG ISWG regarding short term measures to reduce GHG emissions.

**Members will be invited to note the information provided and to comment as appropriate.**

#### **i) GHG**

Members will be advised that one ICS co-sponsored submission to the GHG ISWG reviewed each of the candidate GHG emissions reduction measures contained within the Initial IMO strategy on reduction of GHG emissions from ships. The second submission proposed strengthening the Ship Energy Efficiency Management Plan (SEEMP) in conjunction with early implementation of the Energy Efficiency Design Index (EEDI) phase 3 for some ship types as short term measures to reduce GHG emissions. The proposal was based on these measures requiring minimal amendments to existing instruments, which could facilitate quick agreement and implementation so as to deliver GHG reductions without undue delay. The proposals were intended to be credible enough to gain support of sufficient member states in order to counter alternative proposals which were expected to advocate mandatory speed reduction and operational efficiency indicators which could lead to a system of operational efficiency indexing.

The Secretariat attended two workshops organised by the European Commission and CE Delft in which it was clear that there is wide support amongst European member states for mandatory speed reduction and measures which could lead to a system of operational indexing.

During the second of these European workshops CE Delft provided further proposals based on modelling carried out by UMAS. The Secretariat, aided by other associations represented at the workshop, had expressed serious misgivings with respect to the efficacy of this modelling. In particular the input assumptions which had been used by UMAS to build their model were considered to be questionable to the point of lacking credibility. For example, ships were assumed to be technically and operationally homogeneous, there was no consideration of the 2020 MARPOL VI changes in their fuel price forecast and a very optimistic projected rate of global economic growth. Additionally, the model had been tuned to offer the most profitable outcomes for industry, but UMAS were unable to explain the basis of what had been considered to be the most profitable output.

The European workshops were unable to distinguish enhancing the SEEMP from additional reduction measures such as mandatory retro-fitting of technology and operational indexing, there was also a proposal that would have been a de-facto amendment of the MARPOL Convention via amendments to the SEEMP guidelines. The measures proposed by CE Delft at these workshops clearly had significant support from some European member states.

At this time it is proposed to defer consideration of MBM, however the subject of carbon pricing is high on some agendas as a means to reduce GHG emissions and it

should be expected that the question of an MBM for shipping will assume increasing importance at future IMO discussions.

**Members will be invited to note the information provided and to comment as appropriate.**

## **ii) EEDI**

Four submissions to MEPC 73 were concerned with EEDI. These called for mandatory reporting of EEDI values to the IMO EEDI database, a submission stressing the importance of the EEDI reference lines, a call for early implementation of EEDI phase 3 in 2022 for some ship types but retention of the original implementation date of 2025 for other ship types and a comment paper stressing the importance of retaining mandatory minimum power guidelines.

A review of the IMO EEDI database had revealed dramatic under-reporting to IMO of attained EEDI values, such under-reporting was considered to risk undermining efforts to analyse EEDI trends and ensuring that decisions made by IMO on this matter were evidence based.

The submission regarding the importance of the EEDI reference lines had highlighted the problems that would arise from altering historical reference lines and recommended that in cases where an EEDI reduction rate is considered to be inappropriate then it should be the reduction rate, not the applicable reference line, which should be amended.

The submission which had called for early implementation of EEDI phase 3 for specific ship types was intended to counter calls for a universal implementation of EEDI phase 3 for all ship types which was strongly supported by some member states. Based on a review of the EEDI database, notwithstanding concerns about under reporting, it was considered that the readiness of container ships and general cargo ships in 2022 was evident. By making concessions for these ship types but stressing the problems facing other ship types it was hoped to secure a pragmatic outcome on this matter by offering a reasonable compromise which could be supported by a majority of member states and so avoid a universal early implementation for all ship types.

**Members will be invited to note the information provided and to comment as appropriate.**

## **iii) Minimum Power**

ICS had co-sponsored a submission to MEPC 73 commenting on document MEPC 73/5/1 which called for allowing use of a shaft power limitation in order to ease EEDI compliance. This would facilitate the provision of reserve available power, as already discussed by the Marine Committee and C&E Sub-Committee. This document also, however, proposed to remove mandatory minimum power guidelines. The submission co-sponsored by ICS had presented a robust rebuttal to the proposal to remove mandatory minimum power guidelines and emphasised the importance of these guidelines to ship safety.

A particularly noteworthy aspect of document MEPC 73/5/1 was that it had not explicitly called for deletion of mandatory minimum power requirements in the main body text. Rather this was done via an oblique reference to an annex of the submission, it is possible that some of those who read the document would not have appreciated the full import of the reference to annex 4 of that document. To call for such a profound change via an oblique reference to an annex of a document in a submission concerned with another issue is itself a matter for concern.

During the process of consultation for the comment paper which ICS co-sponsored in response to document MEPC 73/5/1 it became apparent that there was some differences of opinion amongst members on the matter of allowing use of reserve power as a possible technical solution to ease EEDI compliance. The concept of reserve power has been discussed by the EEDI review correspondence group and had previously been supported by Members. The Sub-Committee will be advised that the Secretariat is still awaiting further submittals to IMO on the subject of final minimum power guidelines.

**Members will be invited to note the information provided and to comment as appropriate.**

## **8) Ship Recycling**

The Sub-Committee will be advised that the Industry Working Group on Ship Recycling will be reconvened on 25 October 2018, chaired by ICS. The discussions of the Sub-Committee on the issue are intended to determine ICS policy and proposals to feed into that wider industry cooperation.

### **a) European Ship Recycling Regulation**

ECSA will be invited to update the Sub-Committee on the status of the European Regulation on Ship Recycling which will apply from 31 December 2018, requiring all new ships to possess an Inventory of Hazardous Materials (IHM) and, ships flying the flag of a European Member State will be required to be recycled in a facility on the European List of approved facilities. ECSA will provide information about the status of the European List and the capacity it represents, which is likely to be tiny in the context of the global ship recycling market.

ECSA will further advise the Sub-Committee of difficulties arising from the application by certain States of the EMSA Guidelines on the Development of IHMs which are more stringent than Hong Kong Convention Guidelines and which contravene the terms of the regulation. It will be noted that industry partners have already raised awareness of the difficulties the application of this guidance presents for States and industry alike and, it will be necessary to consider what further action industry could take to mitigate the impact of the guidance, particularly in the context of port state control inspections.

**Members will be invited to note the information and to consider the likely impact on European owners in the short term and, non-European shipping after 2020.**

### **b) Hong Kong Convention**

The Sub-Committee will be advised of the current ratification status of the Hong Kong Convention, noting that concerns exist with respect to the potential for Chinese

ratification in light of the stringent controls on the import of wastes to the country. **Noting that industry action to encourage ratification will be a cooperative effort with the partners in the Industry Working Group, members will be invited to advise of the status of the Convention within their own States and, possible actions to be undertaken as part of a coordinated campaign to promote the Convention.**

#### **c) Transitional Measures**

**In light of discussions on the previous items, particularly with respect to the application and impact of the European Regulation, members will be invited to consider the adequacy of the Transitional Measures for Shipowners Selling Ships for Recycling and whether they need updating to provide more comprehensive guidance to owners.**

#### **9) Bunker Fuel Quality**

##### **a) Guidance for fuel oil suppliers**

The Secretariat reported its concerns about an IBIA submission to MEPC 72 which could form a basis for the development of IMO guidance, to the last Sub-Committee. In order to address these concerns, ICS along with INTERTANKO developed a revised draft that has now been submitted to MEPC 73 as document MEPC 73/5/4. Following discussions on this matter, IBIA and IPTA have also agreed to co-sponsor this submission.

**Members will be invited to note the information provided and to comment as appropriate.**

##### **b) ICS submission to MSC 100 regarding effective implementation of existing provisions for fuel quality and safety in IMO conventions**

The Sub-Committee will be invited to note that ICS developed a draft submission to MSC 100 that has been circulated as MC(18)80. The draft submission, attached at **Annex C**, provides the following proposals to assist the IMO Marine Safety Committee to address concerns related to fuel oil safety:

- Separate the consideration of fuel oil safety issues from those related to emissions to air and ensure that fuel safety matters are considered by MSC. This could then lead to incorporating fuel safety provisions within the SOLAS Convention instead of Regulation 18 in MARPOL Annex VI;
- encourage parties to MARPOL Annex VI to establish bunker supplier licensing schemes; and
- IMO GSIS module should be improved to provide greater granularity of fuel quality and safety reports which are uploaded onto the system.

**Members will be invited to note the information provided and to comment as appropriate.**

##### **c) Amsterdam Rotterdam Antwerp (ARA) area fuel quality working group.**

Members will recall that ICS hosted the 7<sup>th</sup> meeting of the ARA fuel quality forum on 9 May 2018. The forum made progress on the work packages looking at fuel supply



chain and fuel quality. The next meeting of the ARA forum is scheduled to be hosted by KVNR on 14 November 2018.

**Members will be invited to note the information provided and to comment as appropriate.**

#### **10) Use of HFO in the Arctic/ Black Carbon**

At MEPC 72, the Committee agreed to task the PPR Sub-Committee with preparation of a set of Guidelines on mitigation measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters and, on the basis of an assessment of the impacts, develop a ban on HFO for use and carriage as fuel by ships in Arctic waters. The PPR Sub-Committee was instructed to develop a definition of HFO fuel oil. Several member states emphasised the importance of agreeing to an appropriate impact assessment methodology to enable the PPR Sub-Committee to undertake its work. In response to these concerns Canada and Russia had made a submission to MEPC 73 which provided comments received by an informal correspondence group on the determination of an appropriate impact assessment methodology (MEPC 73/Inf.19).

The issue of prohibiting the use of HFO fuel oil in the Arctic had become conflated with the separate matter of emissions of Black Carbon, since some parties were also strongly advocating the measure as a means of reducing emissions of Black Carbon from ships.

ICS continued to participate actively in the correspondence group which had been considering potential measures to control emissions of Black Carbon from ships. Some members of the correspondence group had continued to refer to "PM" and measures which could reduce emissions of PM in general. ICS had re-iterated to the correspondence group that IMO had adopted the Bond definition of Black Carbon and that this was a sub-species of PM. As such the correspondence group was not to consider emissions of PM in general but could only consider emissions of Black Carbon as defined by Bond et al. Some correspondents continued to advocate prohibiting use of HFO as a means to reduce emissions of Black Carbon despite conflicting research and evidence that for some engines at least such a change would actually increase emissions of Black Carbon. The Secretariat also attended an ICCT workshop on the matter in September. Previous ICCT reports on this matter informed the work of IMO and had been influential with member States therefore it was considered to be important to participate and influence the direction of future ICCT reports on the matter.

**Members will be invited to note the information provided and to comment as appropriate.**

#### **11) MARPOL Annex IV**

**Members will be invited to advise of any developments relating to the application of MARPOL Annex IV.**

## **12) Grey Water**

MEPC 72 invited Member States to share their experiences with, or knowledge acquired on, the impact of ship grey water with MEPC 73. The Sub-Committee will be informed that, until now, one related information document has been submitted to MEPC 73. The submission MEPC 73/INF.28 (WWF) provides information on Shipborne grey water production estimates using 2016 ship traffic data for the Canadian Arctic, as well as projected future estimates for 2025/2035 and treatment system options.

**Members will be invited to note the information provided and to comment as appropriate.**

## **13) Waste Reception in Chinese Ports**

The Secretariat will advise members of efforts by ICS, WSC and the Hong Kong Shipowners Association to address problems encountered by ships attempting to discharge waste in Chinese Ports. **Members will be invited to advise the Sub-Committee of any difficulties they may be aware of in waste discharge in China and consideration will be given to possible further steps to address the issue, recognising its political sensitivity.**

## **14) Electric and Battery Propulsion Systems**

The Sub-Committee will be advised that there is nothing to report for this agenda item at the present time.

## **15) National/Regional Developments (Reporting Item)**

**Members will be invited to advise the Sub-Committee of any national or regional environmental developments that have not been covered in the agenda.**

## **16) Any Other Business**

## **17) Date of Next Meeting**

**It will be proposed to hold the next meeting of the Meeting on 18 March, prior to the Marine Committee.**

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
73rd session  
Agenda item 4

MEPC 73/4/5  
15 August 2018  
Original: ENGLISH

## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

### Comments on validating the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning during the initial survey

Submitted by Japan

#### SUMMARY

<i>Executive summary:</i>	This document provides comments and proposals on verifying the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning during the initial survey
<i>Strategic direction, if applicable:</i>	1
<i>Output:</i>	1.14
<i>Action to be taken:</i>	Paragraph 10
<i>Related documents:</i>	MEPC 72/4/11, MEPC 72/WP.9 and MEPC 72/17

#### Introduction

1 The Committee, at its seventieth session, agreed that compliance with regulation D-2 of the BWM Convention should be validated in conjunction with commissioning of individual ballast water management systems (BWMS).

2 The Committee, at its seventy-second session, invited interested Member Governments and international organizations to submit comments on the text in annex 5 of document MEPC 72/WP.9, with a view to the finalization, at MEPC 73, of the guidance on the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning. The Committee also invited interested parties to submit proposals for an amendment to regulation E-1.1.1 of the BWM Convention.

3 This document provides comments on the draft guidance on the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning.

4 As defined in regulation D-3 of the BWM Convention, ballast water management systems shall be approved by the Administrations in accordance with the BWMS Code. Land-based and shipboard testing for each type of ballast water management system shall be conducted for the approval. When a type approved system is installed, survey and commissioning are carried out to check whether the BWMS has been installed appropriately. If sampling analysis at the commissioning of the BWMS were required, further consideration should be given to the following issues.

#### **Sampling and analysis method**

5 There is the guidance on ballast water sampling and analysis containing various sampling and analysis methods (BWM.2/Circ.42/Rev.1), which was developed for trial use only. As indicated in BWM.2/Circ.67, it is recognized that many of the sampling and test methods in the guidance have not been adequately validated. The trial period, which is currently part of the experience-building phase (EBP) of the BWM Convention, has been introduced to collect and analyse data on the methodologies and approaches to sampling and analysis for compliance set out in the guidance. A suite of accepted procedures that can be used for sampling and analysing ballast water in a globally consistent way will be finalized based on the data gathered and analysed through the EBP. It would be necessary to have the suite of procedures for sampling and analysis before sampling and analysis is made mandatory for verifying BWMS at their commissioning.

#### **Required time for sampling and analysis**

6 In case a BWMS is retrofitted to an existing ship, commissioning would be carried out after all the work at the shipyard has been completed. Detailed analysis of the sample could require several days until the result of analysis is reported. On the other hand, indicative analysis is designed to identify substantial exceedance of the D-2 standard. Such indicative analysis does not verify compliance to the D-2 standard at the required level of accuracy.

7 In addition, some types of BWMS require a minimum holding time of ballast water in ballast tanks. If these BWMS are fitted to existing ships, ships might have to stay at the shipyard for several days to hold ballast water in the tank for treating ballast water before conducting sampling and analysis.

#### **Ballast water used for verification**

8 Ballast water used for type approval of BWMS has to meet the quality criteria defined in the BWMS Code. However, the required quality of ballast water might not be available around the shipyard. In case viable organisms contained in the water are less than the criteria, sampling and analysis cannot identify the lack of the BWMS's performance.

#### **Proposal**

9 Japan is of the view that there are still a number of implementation issues that need to be addressed before making the verification of the compliance of BWMS with the D-2 standard at the commissioning mandatory. Data collection and data analysis could help better implementation of the verification of BWMS. Therefore, Japan proposes the following way forward:

- .1 invite Member Governments and recognized organizations to collect and submit data to IMO concerning the verification of the compliance of BWMS with the D-2 standard at their commissioning; and

- .2 hold mandatory verification of BWMS in abeyance until data and experience have been gained and reliable sampling methods and procedures have been established through the EBP. In case BWMS are approved in accordance with the regulation and have been installed appropriately, the BWMS shall not be required to be re-installed or to take other measures similar to the reinstallation of the system solely due to an exceedance of the D-2 standard.

**Action requested of the Committee**

- 10 The Committee is invited to consider the proposal contained in this document and take action as appropriate.
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MARITIME SAFETY COMMITTEE  
100th session  
Agenda item 2

MSC 100/X/X  
xx September 2018  
Original: ENGLISH

**ANY OTHER BUSINESS**

**Effective Implementation of Existing Provisions for Fuel Quality and Safety in IMO Conventions**

**Submitted by ICS.....**

**SUMMARY**

*Executive summary:* At the Intersessional Meeting on Consistent Implementation of Regulation 14.1.3 of MARPOL Annex VI (ISWG-AP 1) it was agreed to recommend that MEPC 73 refer fuel oil safety related concerns to MSC 100 for further consideration. This document provides proposals to assist the Maritime Safety Committee to address these concerns and to improve safety. Importantly the co-sponsors emphasise that this is an existing safety matter, however it is expected to become more acute as a result of amendments to MARPOL Annex VI regulation 14 which enter into force on 1 January 2020.

*Strategic Direction, if applicable:*

*Output:*

*Action to be taken:* Paragraph 31

*Related documents:* MSC 98/23, MSC 99/22, MEPC 73/5, ISWG-AP 1/2/12, MEPC.1/Circ.875.

**Introduction**

1 At MSC.99 the Committee noted that MEPC 71 had instructed the PPR Sub-Committee to report safety issues related to low sulphur fuel oil to MSC and that an Intersessional Meeting on Consistent implementation of regulation 14.1.3 of MARPOL Annex VI had been scheduled for July 2018. The Committee further noted that the outcome of consideration of this matter at MEPC 73 would be reported to MSC 100 (MSC 99/22 2.2 – 2.3). The Committee had already taken an interest in fuel safety at MSC 97, and had invited the MEPC to provide it with relevant information on the matter with a view to ensuring that safety aspects were adequately covered (MSC 98/23 22.28).

2 The Intersessional Meeting on Consistent implementation of regulation 14.1.3 of MARPOL Annex VI considered a range of safety related matters related to the use of low sulphur fuel oil and recommended that MEPC 73 invite MSC 100 to consider the outcome of the meeting (MEPC 73/5 16 – 24).

3 The co-sponsors welcome the interest being taken by the Committee in fuel safety related matters, and the recognition of MEPC that safety issues related to fuel oils are within the purview of MSC.

4 The interest of the Committee is a response to safety concerns related to low sulphur fuels which are expected to enter use as the revised MARPOL Annex VI regulation 14.1.3 takes effect in 2020. The co-sponsors consider that fuel safety is an existing concern and that it should not be considered only as a transitional matter for the 2020 changes to the MARPOL Convention. However, it is also recognized that these concerns will become much more acute as a result of changes to MARPOL Annex VI regulation 14, as a result of which it has become a matter of urgency requiring the attention of the Committee.

### **Background**

5 The quality of fuel oil is a safety critical matter, document ISWG-AP 1/2/12 provided a summary of the effects of fuel quality on safety. The safety critical nature of fuel oil quality is already recognised in both the MARPOL and SOLAS Conventions. Whether or not a fuel oil is safe will be determined by the physical composition and qualities of a particular fuel oil, by the requirements of machinery and by arrangements for fuel handling and treatment onboard.

6 MARPOL Annex VI regulation 18.3 prohibits the addition of any substance or chemical waste to fuel oil which:

- jeopardizes the safety of ships or adversely affects the performance of the machinery;
- is harmful to personnel; or
- contributes to additional air pollution.

This clearly establishes responsibilities for parties to MARPOL Annex VI to ensure that fuels supplied within their jurisdiction are suitable for use onboard and will not present a risk to seafarers or ships machinery.

7 SOLAS II-2 regulation 4.2 requires that marine fuel oils must have a flash point of 60°C or higher in order to reduce the risk of fires onboard. This is a longstanding, clear and unambiguous requirement, ships cannot use fuel with a flash point lower than 60°C unless they have been certificated in accordance with the IGF Code.

8 In addition those provisions of the MARPOL and SOLAS Conventions, the industry relies on international standard ISO8217 *Petroleum products -- Fuels (class F) -- Specifications of marine fuels*. This standard defines standard marine fuel oil grades as well as specifying quality parameters for these fuels. The current version of this standard is ISO8217:2017.

9 Paragraphs 5 – 8 of this document make it clear that fuel safety is addressed in both the MARPOL and SOLAS Conventions. If a fuel oil purchaser correctly specifies fuel of the appropriate grade within ISO8217 then the fuel as delivered should be of an appropriate quality and safe to use. Unfortunately, experience indicates that this is not always the case.

10 The co-sponsors recognize that the great majority of fuel oil supplied to ships is of a satisfactory quality and safe to use, however the size of the market for marine fuel oil

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(approximately 300 million tonnes per annum) means that even a very small percentage of this total is still a significant issue and cannot be treated as merely a statistical outlier not warranting further attention.

11 For example, the co-sponsors draw attention to a series of linked problems reported this year. A batch of off spec fuel in the US Gulf ports initially affected over 100 ships crewed by approximately 2000 seafarers. The effects of this fuel included engine failure and damage to machinery and fuel handling equipment, the problem is believed to have been use of inappropriate cutter stock, the standard fuel analysis tests did not identify the problem. Similar onboard problems were reported with fuel loaded in Panama and Singapore several weeks later. In August it was estimated that by that point over 200 ships had been affected.

12 Although most of the major bunker stations used by the shipping industry are located within countries which are parties to MARPOL Annex VI, this is not the case for all of them. Hence, regulating fuel oil safety via the SOLAS Convention would provide wider coverage of bunker stations.

13 Although shipowners have fuel oil delivered to their ships tested, the standard tests cannot identify all possible contaminants. In the minority of cases where fuel oil quality is compromised to the point where it becomes a risk to safety, it is common that the standard tests have not identified any cause for concern. This means that by the time the crew is aware of a problem the engine and fuel systems may already have been damaged and/or suffer degraded performance, presenting a risk to safety.

14 If a ship loses power as a result of blocked fuel filters, fuel pump failure, failure of fuel separators or damage to the engine then the consequences are determined by luck. For example the position of the ship and proximity to other ships or structures when power is lost. Even in cases where the engine continues to operate but with degraded performance, whether the ship suffers serious consequences is determined to a great extent by luck. For example if the ship is in proximity to land in an area of strong currents or adverse weather then a reduction in available power might have the same ultimate effect as a complete breakdown. The fact that in most cases ships are able to safely anchor, or continue at reduced power while repairs are made or fuel systems reconfigured should not obscure the fact that in slightly different circumstances these incidents could easily result in allusion, collision or grounding.

15 Whether or not a particular fuel is appropriate for a ship is determined to some extent by the onboard arrangements, for example not all ships are able to operate using residual fuel oils. However, even where ships are provided with the necessary systems to operate with residual fuel oils, the fuel must still meet certain quality requirements and meet the fuel specifications provided by machinery suppliers. Classification approvals for machinery and equipment are predicated on operators using fuel of appropriate quality. For example the LR rules for machinery (to take just one example) stipulate that *Machinery is to be capable of operating at defined power ratings with a range of fuel grades specified by the engine, boiler or machinery manufacturer and agreed by the Owner/Operator.*

16 Although safety is regulated by the SOLAS Convention, supported by other associated codes and classification society rules, aspects of fuel safety are regulated by the MARPOL Convention. This has created a division of responsibility between two Committees for this safety critical matter, it has also led to some conflation between matters of safety and environmental protection which is considered to be unhelpful.

## Discussion



17 The co-sponsors assert that matters of fuel safety must be considered solely as a safety matter. Whilst recognizing that the matter is particularly topical because of the amendments to MARPOL Annex VI regulation 14 which enter into force on 1<sup>st</sup> January 2020, concerns about fuel quality and safety have existed for many years and should not be conflated with environmental compliance.

18 The co-sponsors recognize the responsibility of fuel oil purchasers to correctly specify appropriate fuel for their needs, recognizing the capabilities and fuel handling and treatment arrangements of ships for which the fuel oil is ordered. Where a fuel oil purchaser correctly specifies the appropriate fuel they should have confidence that the fuel which is delivered will meet the agreed specification and also be compliant with applicable requirements of MARPOL and SOLAS. Just as it is for the purchaser to correctly specify fuel to be delivered to a ship, it is the responsibility of the fuel supplier to ensure that the fuel which is delivered complies with the agreed specification and applicable statutory requirements. This principle underpins the *IMO Guidance on Best Practice for Fuel Oil Purchasers/Users for Assuring the Quality of Fuel Oil Used on Board Ships* (MEPC.1/Circ.875, paragraph 1.2).

19 Fuel quality and safety is addressed in IMO instruments, primarily by SOLAS II-2 and MARPOL Annex VI regulation 18. Although the requirements provided in MARPOL Annex VI regulation are generic and high level in nature, if satisfactorily applied they would ensure that fuel supplied to ships is safe to use.

20 Experience indicates that whilst parties to the SOLAS Convention actively enforce the provisions of SOLAS II-2, there is a more uneven approach by parties to MARPOL Annex VI in enforcing regulation 18 of that convention. There appears to be a widely held view amongst parties to MARPOL Annex VI that fuel quality is a commercial matter, not a regulatory matter related to the safety of seafarers and ships.

21 Whilst the co-sponsors recognize that IMO regulates ships, not fuel refiners and blenders, they would also highlight the fact that parties to MARPOL Annex VI have accepted obligations under regulation 18 of the annex which do extend their responsibilities to regulating the fuel supply chain. Further, it is essential for safety of seafarers and ships that these obligations are properly fulfilled.

22 The fact that some matters of fuel safety are addressed in the SOLAS Convention, and others in the MARPOL Convention has resulted in a fractured regulatory structure for this safety critical matter, with a split of responsibility between the MEPC and MSC.

23 A lack of granularity in the IMO Global Integrated Shipping Information System (GISIS) module for MARPOL Annex VI regulation 18.9.6 means that in order to identify reports of unsafe fuel it is necessary to go through each report, the great majority of which concern non-conformities which whilst serious and reportable do not threaten safety.

24 MARPOL Annex VI regulation 18.9.1 requires parties to maintain a register of bunker suppliers, these registers are generally just supplier directories with no quality checks applied to gain admission to the register. Therefore, for the most part they provide no useful information about whether those in the register are quality orientated suppliers. As a related observation, in some cases these registers are not easy to find.

25 A measure which could improve fuel quality and mitigate the safety risks associated with poor quality fuel oil would be for member states to implement fuel oil supplier licensing schemes. This would impose quality requirements on, and promote more effective regulation of, fuel oil suppliers. Such a scheme has been implemented in Singapore, the co-sponsors

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welcome the action of Singapore in this matter and consider that it has resulted in improvements to the fuel oil supply chain in that country.

26 Information regarding cases where unsafe fuel has been supplied should be more readily available, this could be addressed by making changes to GSIS to provide greater granularity and a search function.

27 Separating safety and environmental matters by inserting all fuel safety related requirements in the SOLAS Convention would end the fractured nature of how fuel oil safety is regulated in IMO instruments. This would facilitate a single Committee, MSC, taking ownership of fuel safety matters and would promote more effective regulation for this safety critical matter.

### **Proposal**

28 The co-sponsors propose that IMO should review MARPOL Annex VI regulation 18 with a view to identifying those requirements which are concerned with safety, rather than with reducing emissions to air. The Organization could then consider appropriate regulatory amendments to incorporate these provisions within the SOLAS Convention. This would separate fuel oil safety from emissions to air and ensure that fuel safety matters were considered by MSC. MEPC would continue to regulate fuel oil matters which are related to environmental protection and emissions to air. This would end the current unsatisfactory situation of a safety critical issue (fuel oil safety) being addressed in two separate Conventions which are managed by two separate Committees of the Organization and facilitate transparency and clarity by ensuring that safety matters are considered only in the context of safety. This would avoid potential conflicts of interest between safety and environmental protection which exist under current arrangements whereby MEPC is responsible for regulating some aspects of fuel oil safety.

29 The Organisation should consider means by which the current requirement to maintain a register of bunker suppliers could be amended to encourage parties to MARPOL Annex VI to establish bunker supplier licensing schemes. Details for these schemes, including fuel oil suppliers with the necessary accreditation could then be provided in GSIS to facilitate effective information sharing.

30 GSIS should be improved to provide greater granularity of fuel quality and safety reports which are uploaded onto the system. This could be achieved by creating a new GSIS module for fuel oil safety matters, separating reporting of fuel oil safety from reporting of fuel oil issues under MARPOL Annex VI regulation 14 and other reportable matters which do not affect safety.

31 The co-sponsors accept that these proposals would not in themselves address all fuel quality and safety issues. However, they would provide effective measures to improve safety for seafarers and ships by promoting more effective regulation of fuel oil and be a significant improvement over the current situation. Importantly, they would separate matters related to safety from those related to emissions to air and environmental protection.

### **Action requested of the Committee**

32 The Committee is invited to consider the proposals in paragraphs 25 – 28 and take action as appropriate.