

1. Introduction

This is a summary of the outcome of the IMO PPR 6 meeting (IMO Sub-Committee in Pollution Prevention and Response, 18-22 Feb 2019), as well as a brief update of INTERTANKO's follow-up actions to be taken before MEPC 74 (Maritime Environment Protection Committee, PPR's parent body, 13-17 May 2019).

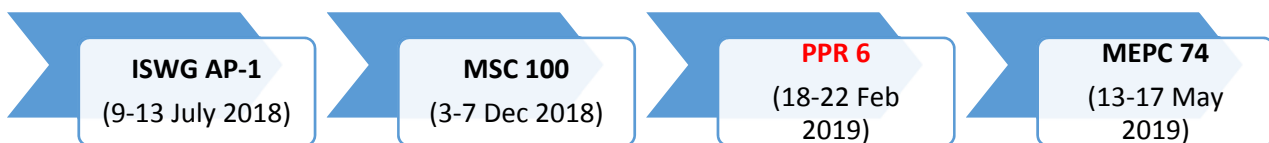
Most of the work was carried out by the PPR 6 Working Group on Air Pollution (WG).

2. PPR 6 Highlights

The key highlight of PPR 6 was that **INTERTANKO's four submissions** seeking control measures on the fuel supplier side and regulatory clarity on the 2020 implementation have been all addressed by IMO Member States, resulting in amendments to mandatory MARPOL Annex VI and associated Guidelines.

3. Time line

In preparation for implementation of the 0.50% m/m limit, extensive work has been carried out by IMO as follows.



INTERTANKO has actively participated in these developments by submitting various papers proposing a way forward, seeking regulatory clarifications and encouraging IMO to provide guidance on fuel oil limit enforcement issues.

- Intersessional Working Group (ISWG WP-1, July 2018): Preparation of draft amendments to MARPOL and development of new 2020 Guidelines for submission to MEPC 73 (Oct 2018) and PPR 6.
- Maritime Environment Protection Committee (MEPC 73 - Oct 2018, MEPC 74 – May 2019)
- Maritime Safety Committee (MSC 100, Dec 2018): Discussed fuel oil safety concerns.
- Pollution Prevention and Response Sub-Committee (PPR 6, Feb 2019): Finalised the outcome of the ISWG WP-1 for submission to MEPC 74

4. Background – MEPC 73 decisions (Oct 2018)

4.1 HFO carriage ban

MEPC 73 (Oct 2018) adopted an amendment to MARPOL Annex VI banning the carriage of high sulphur HFO for on-board combustion, except aboard vessels equipped with an Exhaust Gas Cleaning System (EGCS, otherwise known as scrubber). It is intended as an additional measure to support consistent implementation and provide a means for effective enforcement by Port States Control (PSC). The amendment was based on a proposal made by IMO's Member States and industry associations including INTERTANKO. It will enter into force on 1 March 2020.




4.2 Ship Implementation Plan (SIP)

MEPC 73, as a matter of urgency, approved MEPC.1/Circ.878 on the Guidance relating to the development of a Ship Implementation Plan (SIP) for the consistent implementation of the 0.50% sulphur limit. The Guidance contains an SIP template and fuel oil tank cleaning guidance. Ships are encouraged to develop 2020 implementation plan. The SIP is not mandatory.

5. Outcome of PPR 6

5.1 Terminologies for three different fuel oil samples

PPR 6 defined 3 samples as follows:

No	New Name	Meaning
1	<p>delivered sample</p>  <p>(Source: The Standard+ABS, A Master's Guide on using fuel oil onboard ships)</p>	<p>A sample taken at the time of bunker delivery.</p> <p>Currently widely known as "MARPOL sample"</p>
2	<p>In-use fuel oil sample</p>  <p>(Source: Wikipedia)</p>	<p>A sample taken from the fuel oil sampling points designated according to MARPOL Annex VI/Reg.14.9~12. (see 5.6 below) and the revised sampling Guidelines (see 5.6, 2nd bullet).</p>
3	<p>Onboard fuel oil sample</p>  <p>© Marine Insight</p>	<p>A sample taken from fuel oil storage tanks.</p> <p>Non in-use by the ship but being carried onboard the ship.</p> <p>For better understanding, a sample taken from the service tanks is an in-use sample.</p>

5.2 Onboard fuel oil sampling points

PPR 6, when developing amendments to Regulation 2 (definitions) of MARPOL Annex VI, prepared an additional amendment to MARPOL Annex VI/Reg.14.8 mandating onboard sampling of fuel oil not in-use by the ship. It means that a separate new guidelines for such onboard sampling should be developed before the entry into force date (mid-2021). The purpose of this new additional draft text was to support effective enforcement of the HFO carriage ban.

The rationale behind the proposed onboard sampling and the merits of mandating a sampling from fuel storage tanks were much debated. The draft text reads:

Reg.14.8:

“... The onboard sample shall be drawn taking into account the guidelines to be developed by the Organization*.

*Refer to the Guidelines to be developed prior to the entry force of the provision.”

Despite opposing views against such a move, PPR 6 kept the relevant texts for further consideration at MEPC 74. Though PPR 6 was asked to note (not approve) the above text implying further consideration, it appears unlikely that this course of action will be changed at MEPC 74.

5.3 Finalisation of the 2019 Guidelines on Consistent Implementation of the 0.50% sulphur limit under MARPOL Annex VI (for the sake of brevity, hereinafter referred to as “2019 Guidelines on 2020”).

PPR 6 finalised the 2019 Guidelines on 2020 covering impact on fuel/machinery systems, sulphur content testing and verification, control measures by Port States (Guidelines para.4.2), control on fuel oil suppliers (Guidelines para.4.3) and FONAR (Fuel Oil Non-Availability Report).

The following points are of particular note:

- There are two paragraphs in square brackets (para. 3.3.1.4 and 3.3.1.4 bis) in the 2019 Guidelines on 2020.

These two paragraphs provide guidance on compatibility of different types of 0.50% fuel oils. This is one of the most critical areas that INTERTANKO has noted during the OCIMF/IIPECA-led Joint Industry Project (JIP) on 2020 new fuel oils. INTERTANKO, in consultation with other industry associations and Member States, suggested that these two paragraphs should be kept with square brackets with a view to finalisation at MEPC 74 when the outcome of the JIP on this matter will have become known. PPR 6 agreed to the INTERTANKO’s proposal.

- Single voyage, para.4.2.4.6

PPR 6 agreed to include the following text in the 2019 Guidelines on 2020, deleting the square brackets:

4.2.4.5 If a non-compliance is established, consistent with regulation 18.2.3 the port State may prevent the ship from sailing until the ship takes any suitable measures to achieve compliance which may include de-bunkering all non-compliant fuel oil. In addition, the port State should report the information of the ship using or carrying for use non-compliant fuel oil to the Administration of the ship and inform the Party or non-Party under whose jurisdiction a bunker delivery note was issued of cases of delivery of non-compliant fuel oil, giving all relevant information. Upon receiving the information, the Party detecting the deficiency should report the information to the MARPOL Annex VI GISIS module in accordance with paragraph 3.4 of these Guidelines.

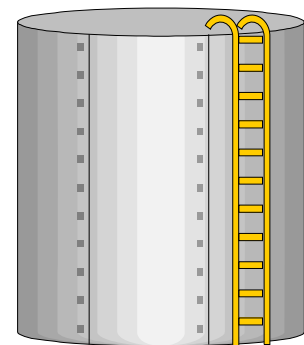
[4.2.4.6 The Parties, however, may permit, with the agreement of the destination port authority, a single voyage for bunkering of compliant fuel oil for the ship, in accordance with regulation 18.2.4 of MARPOL Annex VI. The single voyage should be one way and minimum for bunkering, and the ship proceeds directly to the nearest bunkering facility appropriate to the ship. In the case that the port State permits a single voyage of a ship, the port State should inform the Administration and the authority at the destination port of that single voyage of the information of the ship granted with permission for the single voyage with the certified record of analysis of the sample as the evidence.]

- FONAR Template (para.5 and Appendix 1)

PPR 6 approved a new FONAR template, paying particular attention to para.5 (Operational Constraints) and para.7 (previous 12 months FONARs) amongst others.

- Control on fuel oil suppliers (para.4.3)

PPR 6 approved a new provision recommending that authorities should, *if deemed necessary*, take a sample and test fuel oils from bunker barges or shore bunker barges in the same manner that the MARPOL delivered fuel oils are tested.



This new development is a remarkable achievement for the shipping industry in its endeavour to seek quality control on the fuel oil supplier side.

Note that this new provision was solely based on INTERTANKO's proposals contained in **PPR 6/8/8** (possible means of control of fuel oils on the supplier side).

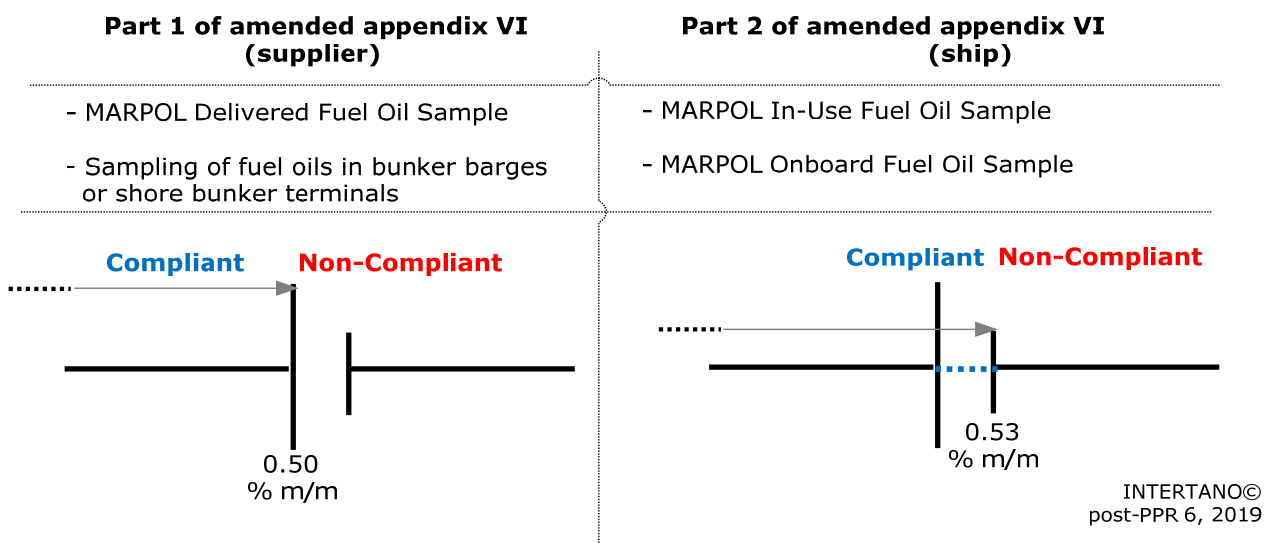
The 2019 Guidelines on 2020 will be forwarded to MEPC 74 for adoption and public release.

5.4 Fuel oil sampling testing and verification procedures

PPR 6 approved the amendments to appendix VI of MARPOL Annex VI "fuel verification procedures for MARPOL Annex VI fuel oil samples, Reg.18.8.2).

This is a major accomplishment for INTERTANKO towards its goal of achieving globally implementable and effective testing and compliance verification procedures for statutory fuel oil samples. The amendments were based on INTERTANKO's numerous papers and the EU paper.

INTERTANKO, in its paper **PPR 6/8/11**, urged PPR 6 to endorse the outcome of ISWG AP-1 (July 2018). Making use of Members' case reports on different approaches of enforcement authorities, INTERTANKO has led the development within the shipping industry by presenting case analysis, comparative studies of different approaches and finding a possible way ahead.



Subject to approval at MEPC 74, these amendments will enter into force in mid-2021. In order to cover the time gap between MEPC 74 (adoption) and the mid-2021 entry into force date, an appropriate non-mandatory implementation provision (the final analysis should be carried out i.a.w ISO 8754....) has been added to the 2019 Guidelines 2020.

Give the significant shift in the understanding of MARPOL sample testing and verification by PSC and *future implications associated with it in shipping/fuel oil industry*, INTERTANKO welcomes this development. We expect that this will protect the ship owners who act in good faith as well as encourage the fuel oil industry to deliver compliant fuel oils to the ship. We appreciate INTERTANKO Members for sharing of their real cases with us in early 2017.

Note that:

- The 2 decimal reporting protocol (e.g. not ~~0.500123~~ % m/m but 0.50 % m/m) is also included in the 2019 Guidelines on 2020.
- IPIECA (In't Petroleum Industry Environment Consultation Association) issued a statement raising concerns about these amendments.

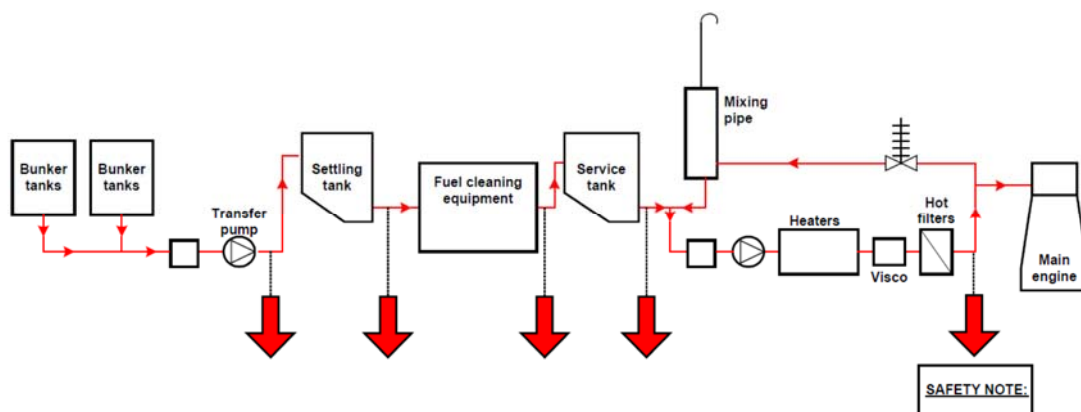
5.5 Delivery of compliant fuel oil by suppliers

PPR 6 developed a draft joint MSC-MEPC Circular urging Parties to MARPOL Annex VI to ensure that their authorities take action as appropriate against fuel oil suppliers that have been *found* to deliver fuel oil that does not comply with that stated on the bunker delivery note (BDN). There was a suggestion to replace the word "found" to "proven". Not agreed.

The draft Circular will be submitted to MEPC 74 and MSC 101 (June 2019) for approval.

Note that this outcome was based on the proposals contained in paper **MSC 100/8/1 (Liberia, INTERTANKO et al)**, entitled *fuel quality and safety*, 28 Sept 2018). INTERTANKO, following receipt of multiple reports on fuel oil contamination cases arising from Houston and Singapore in the summer of 2018, initiated counter measures with the publication of a Critical Review on contaminated fuels. Paper MSC 100/8/1 was also written in the aftermath of the Houston incidents.

5.6 In-use fuel oil sampling points



(Source: CIMAC Recommendation No.25, Fig.8.4, fuel treatment system and sampling positions)

PPR 6 approved the new paragraphs 9~12 of MARPOL Annex VI/Reg.14 mandating that sampling point(s) shall be fitted or designated for the purpose of taking representative samples.

- PPR 6 changed the implementation statement as follows:
For a ship constructed before entry into force of these requirements, the sampling point(s) referred to in para.9 shall be fitted or designated no later than the first renewal survey that occurs 12 months or more after the entry into force of this Regulation. This is consistent with the provision of MARPOL Annex VI/Reg.13.7.2 (NOx).
- PPR 6 also approved the amendments to the Guidelines for onboard sampling for the verification of the sulphur content of the fuel oil used on board ships (MEPC.1/Circ.864/Rev.1)
 - Para.2 of the revised 2019 Guidelines reads that the number and locations of designated fuel oil sampling points should be *confirmed* by the Administration. PPR 6 endorsed the view of ISWG AP-1 that a plan approval would not be required for this confirmation.

5.7 Draft interim guidance for PSC on contingency measures for addressing Non-Compliant fuel oil

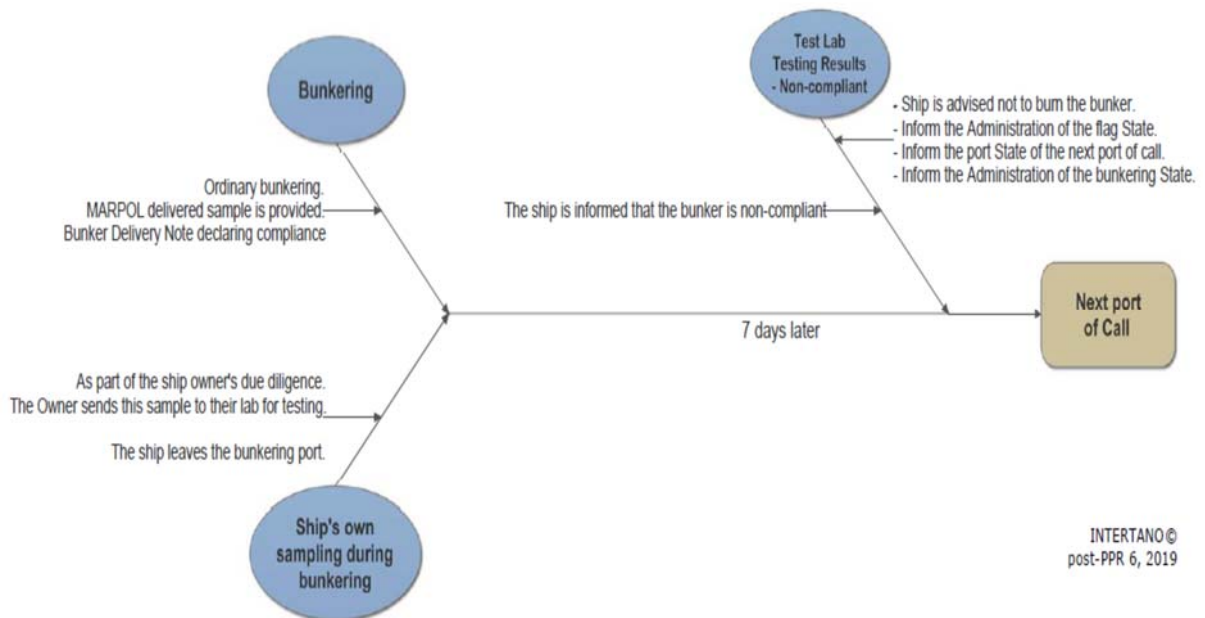
PPR 6 extensively discussed the need to develop guidance for the disposal of remaining non-compliant fuel oil onboard. INTERTANKO's paper [PPR 6/8/10](#) and paper PPR 6/8/4 (Brazil, India and Panama) formed a basis for the Working Group discussion. PPR 6 noted that this was a complex issue requiring comprehensive guidance work, as shipowners want certainty and port States want to maintain a degree of discretion over the action that they take. Due to the difficult nature of the subject, PPR 6 agreed to invite interested parties to submit concrete proposals to MEPC 74, so that a draft paper entitled "*Draft Guidance for PSC contingency measures for addressing non-compliant fuel oil*" can be further discussed as a matter of urgency at MEPC 74.

Note that:

- INTERTANKO's proposed text in paper PPR 6/8/10 was added to this draft Guidance (see para.4 of the draft Guidance), and
- PPR 6 added an expiry date to the draft – 30 June 2020 – for MEPC 74 to confirm.

5.8 BDN compliant fuel but later found to be non-compliant, [INTERTANKO paper PPR 6/8/9](#)

INTERTANKO invited PPR 6 to note and discuss a case where a ship bunkers compliant fuel with the BDN, and as part of the owner's due diligence, the ship takes their own sample during bunkering, and a few days later the ship finds the fuel non-compliant.



INTERTANKO proposed an additional text to be included in para.2.6.2.4 of the 2019 Guidelines for PSC under MARPOL Annex VI. PPR 6 did not agree. Note that this case would not qualify as Fuel Oil Non-Availability Reporting (FONAR).

INTERTANKO, recognizing that there was indeed recognition for this case to be addressed one way or another, advised PPR 6 that the industry remained concerned about possible emergence of similar incidents before and after 2020 and that INTERTANKO will submit a paper to MEPC 74 further commenting on this matter, possibly with reference to the draft interim guidance on PSC contingency measures.

INTERTANKO will progress the matter towards MEPC 74 in consultation with IMO Member States.

5.9 2019 Guidelines for PSC under MARPOL Annex VI

PPR 6 finalised the draft 2019 Guidelines for submission to MEPC 74 for approval and public release.

- Para.2.1.5 reads that in case where the BDN or the representative sample are not in compliance, the master or officer in charge of the bunker operation may have documented that through a Notification to the ship's flag Administration with copies to the port Authority of the bunkering State. Note that there is no such reporting requirement in MARPOL Annex VI, however, Members are reminded that if such an incidence occurs, the same Notification and reporting should be undertaken.
- Guidance notes for cases of EGCS' breakdown or temporary repair were not addressed.

5.10 The draft amendments to the 2015 EGCS Guidelines

Recognizing the need to update the 2015 EGCS Guidelines, Finland-led IMO Correspondence Group (CG) had been established to finalise the revision by PPR 6. The CG reported the outcome of the work to PPR 6 with 12 issues remaining unresolved.

PPR 6 addressed two of these 12 issues. Nine of the remaining issues will be addressed at PPR 7 (Feb 2020).

One important and urgent matter was sent to MEPC 74 for a decision –

«Guidance on temporary indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the EGCS fails to meet the requirements of the Guidelines»

PPR 6 received advice from GESAMP on whether the draft amendments to the 2015 EGCS Guidelines poses any impact on the marine environment

Based on the GESAMP advice and some Member States' suggestions, PPR 6 will recommend to MEPC 74 to agree on an IMO funded Study focusing on such an impact. The current 2015 EGCS Guidelines will continue to apply until the revised version is finalised at PPR 7 and MEPC 75 (May 2020).

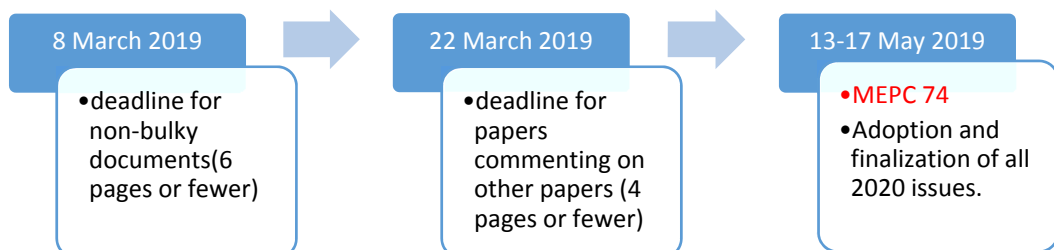
5.11 Unified Interpretation (UI) - what kind of fuel oils shall be used for emergency equipment?

A question was raised as to whether the 0.50% m/m compliant fuel oils shall be used for emergency equipment (e.g. e'cy (emergency) generator, e'cy fire pump, life boat / rescue boat engines, e'cy air compressor etc) or not.

PPR 6 clarified:

- The HFO carriage ban does apply to the fuel oil of emergency equipment. PPR 6 developed a Unified Interpretation (UI) to this effect.
- When the ship enters an Sulphur ECA,
 - If the ship operates the emergency equipment, the ship shall use an ECA-compliant fuel, e.g. for maintenance and inspection.
- For a real emergency situation, regardless of ECA or non-ECA, MARPOL Annex VI/Reg.3.1.1 applies:
 - Regulations of this Annex shall not apply to any emission necessary for the purpose of securing the safety of a ship or saving life at sea.

6. Short-term action time table for MEPC 74



END