

## IMO 2020 – A package of Instruments for consistent implementation

On 1 January 2020 the global 0.50% limit for the sulphur content in fuel oil agreed by the International Maritime Organization (IMO) will take effect. In anticipation of this, IMO'S Marine Environment Protection Committee (MEPC) has adopted a raft of resolutions addressing various issues surrounding the implementation of the lower Sulphur limit.

### 1 Prohibition on the carriage of non-compliant fuel

Amendments to MARPOL Annex VI prohibiting the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship, adopted by [Resolution MEPC.305\(73\)](#) will enter into force on 1 March 2020.

### 2 Implementation of the 0.50% sulphur limit

The 2019 Guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI have been adopted by [Resolution MEPC.320\(74\)](#).

These guidelines are intended for use by Administrations, port states, ship owners, ship builders, and fuel oil suppliers to ensure consistent implementation. The following is addressed:

1. Planning for 2020, encouraging the development of ship implementation plans (SIP)  
Impact on fuel and machinery, covering characteristics and challenges with different fuel oil types, technical considerations for ship owners, ISO standard for residual fuels and cylinder lubrication;
2. Impact on fuel and machinery systems;
3. Control measures by port States;
4. Verification issues and control mechanisms, including survey and certification by administrations, control measures by port states, control of fuel oil suppliers, and information sharing;
5. Fuel oil non-availability, including the FONAR (fuel Oil Non-Availability Report) standard reporting format ([Appendix 1 of Resolution MEPC.320\(74\)](#));
6. Possible safety implications related to fuel oils meeting the 0.50% m/m sulphur limit.

### 3 Guidance on the development of a ship implementation plan

The MEPC adopted [Resolution MEPC.280\(70\)](#) on the Effective date of implementation of the fuel oil standard in regulation 14.1.3 of MARPOL Annex VI and agreed that 1 January 2020 should be the effective date of implementation for ships to comply with global 0.50% m/m sulphur content of fuel oil.

Following this, the MEPC agreed that Administrations should encourage ships flying their flag to develop implementation plans, outlining how the ship may prepare in order to comply with the required sulphur content limit of 0.50% by 1 January 2020 ([Appendix 1 of MEPC.1/Circ.878](#)). The plan could be complemented with a record of actions taken by the ship in order to be compliant by the applicable date. Administrations and port State control authorities may take into account the implementation plan when verifying compliance with the 0.50% sulphur limit requirement.

For 'Guidance on the development of a ship implementation plan for the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI' – refer to [Circular MEPC.1/Circ.878](#).

For more details, please contact:

Issue date:

[Margaret.Fitzgerald@imca-int.com](mailto:Margaret.Fitzgerald@imca-int.com)

October 2019

*The information contained herein is given for guidance only and endeavours to reflect best industry practice.*

*For the avoidance of doubt no legal liability shall attach to any guidance and/or recommendation and/or statement herein contained.*

It should be noted that a ship implementation plan is not a mandatory requirement. Therefore, a lack of a ship implementation plan or an incomplete ship implementation plan should not be considered as "clear grounds" for a more detailed inspection.

#### **4 Guidance on best practice for fuel oil purchasers, users and suppliers**

Regulation 14 of MARPOL Annex VI sets limits on the sulphur content of fuel oil used on board ships, both within designated SOX Emission Control Areas (regulation 14.4) and outside those areas (regulation 14.1). Furthermore, Regulation 18.3 specifies that fuel oil delivered to and used on board ships shall not jeopardize the safety of ships or adversely affect the performance of machinery.

It is the responsibility of fuel oil purchasers to correctly specify the fuel oil which is to be supplied and the responsibility of the supplier to deliver fuel oil which is compliant with the agreed specification.

The MEPC has approved 'Guidance on best practice for fuel oil purchasers/users for assessing the quality of fuel oil used on board ships' – refer to [Circular MEPC.1/Circ.875](#). The Guidance is intended to assist fuel oil purchasers/users in assuring the quality of fuel oil delivered to, and used on board ships, with respect to both compliance with the MARPOL requirements and the safe and efficient operation of the ship.

Further guidance aimed at suppliers of fuel oil has also been approved. For 'Guidance on best practice for fuel oil suppliers for assuring the quality of fuel oil delivered to ships' – refer to [Circular MEPC.1/Circ.875/Add.1](#).

For 'Guidance for best practice for member States/coastal State' to assist Member States in carrying out their responsibilities under MARPOL Annex V and ensuring effective implementation and enforcement of the statutory requirements of that Annex – refer to [Circular MEPC.1/Circ.884](#).

The Guidance sets out a number of best practices which reflect a set of goals to assist Member States in carrying out their responsibilities under MARPOL Annex VI, to ensure that the fuel oil used on board ship meets the statutory requirement as set out below:

1. Ensure that existing requirements under MARPOL Annex VI are effectively applied;
2. Ensure that relevant parts of the 2019 Guidelines for port State control under MARPOL Annex VI Chapter 3 ([MEPC.321\(74\)](#)) related to the examination of bunker delivery notes and associated samples or records thereof are applied;
3. Address the reliability of local bunker suppliers under the jurisdiction of the Member State/Coastal State under its domestic legal authority;
4. Provide practical information on the effective implementation of a Member State/Coastal State's obligations under MARPOL Annex VI, including recommendations on appropriate action that could be taken should an issue be raised in a Member State's/Coastal State's jurisdiction; and
5. Provide practical information and encourage the use of guidance in the form of best practices developed by IMO (fuel oil purchasers) and industry (fuel oil suppliers) to fuel oil purchasers and fuel oil suppliers, as appropriate, to ensure the provision of fuel oils in accordance with the fuel oil quality requirements of MARPOL Annex VI. Making the information and guidance available on relevant websites is considered a good method for disseminating information.

#### **5 2019 Guidelines for Port State Control (PSC) under MAPROL Annex VI, Chapter 3**

Through Resolution MEPC.321(74), the MEPC has adopted Guidelines which contain expanded guidance on PSC inspections on compliance with the 0.50% sulphur limit and updated guidance on emissions, including requirements for ozone-depleting substances, nitrogen oxides, sulphur oxides and particulate matter, organic compounds and shipboard incineration. When exercising port State control under MARPOL Annex VI, Member Governments are invited to apply the Guidelines with effect from 1 January 2020. On the same date, the 2009 Guidelines, adopted by resolution MEPC.181(59) will be revoked.

For 'Guidance for Port State Control on contingency measures for addressing non-compliant fuel oil' has been approved – refer to Circular MEPC.1/Circ.881.

According to the Guidelines, in the case of non-compliant fuel oil being discovered onboard, the ship and the port State should consider the following as possible contingency measures:

1. actions predetermined in the Ship implementation plan (SIP), if available, for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI (MEPC.1/Circ.878);
2. discharging non-compliant fuel oil to another ship to be carried as cargo or to an appropriate shipboard or land-based facility, if practicable and available;
3. managing the non-compliant fuel oil in accordance with a method acceptable to the port State; and
4. operational actions, such as modifying sailing or bunkering schedules and/or retention of non-compliant fuel oil on board the ship. The port State and the ship should consider any safety issues and avoid possible undue delays.

Having considered all of the options outlined above, the non-compliant fuel oil may be discharged to the port or retained on board, as acceptable to the port State. Port State consideration may include environmental, safety, operational and logistical implications of allowing or disallowing the carriage of non-compliant fuel oil. The carriage of non-compliant fuel oil is subject to any conditions of the port State.

The Guidelines advise that the port State, the flag State and the ship work together to agree on the most appropriate solution, considering the information provided in the 'Fuel Oil Non- Availability Report (FONAR)' ([Appendix 1 of Resolution MEPC.320\(74\)](#)) to address the non-compliant fuel oil.

After the non-compliant fuel oil is completely used or discharged, such actions should include the possibility of cleaning and/or flushing through or dilution of remaining residues by using compliant fuel oil with the lowest sulphur content available.

## **6 2019 Guidelines for on board sampling for the verification of the Sulphur content of the fuel oil**

The MEPC has approved the '2019 Guidelines for on board sampling for the verification of the sulphur content of the fuel oil used on board ships' – refer to [MEPC.1/Circ.864/Rev.1](#). At the same time, the previous circular, MEPC.1/Circ.864, was revoked.

The objective of the Guidelines is to establish an agreed method for sampling to enable effective control and enforcement of liquid fuel oil being used on board ships under the provisions of MARPOL Annex VI.

## **7 Early application of the approved amendments to the verification procedures for a**

MARPOL Annex VI fuel oil sample

The MEPC has approved amendments to appendix VI of MARPOL Annex VI on verification procedures for a MARPOL Annex VI fuel oil, providing an agreed method to determine whether the fuel oil delivered to, in-use or carried for use on board a ship is in accordance with the applicable sulphur limit of regulation 14 of MARPOL Annex VI - refer to [MEPC.1/Circ.882](#).

## **8 Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if the Exhaust Gas Cleaning System (EGCS) fails to meet the provisions of the Guidelines**

The MEPC has approved the Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument (refer to [MEPC.1/Circ.883](#)), and recommended actions to take if the Exhaust Gas Cleaning System (EGCS) fails to meet the provisions of the 2015 EGCS Guidelines ([Resolution MEPC.259\(68\)](#)).

Any EGCS malfunction that lasts more than one hour, or repetitive malfunctions should be reported to the flag and port State's Administration along with an explanation of the steps the ship operator is taking to address the failure. At their discretion, the flag and port State's Administration could take such information and other relevant circumstances into account to determine the appropriate action to take in the case of an EGCS malfunction, including taking no action.

## **9 Reporting of data related to fuel oil availability and quality in GISIS to promote greater understanding of the consistent implementation of the 0.50% m/m Sulphur limit under MARPOL Annex VI**

The MEPC has urged Member States who are parties to MARPOL Annex VI to inform the IMO of the availability of compliant fuel oils in its ports and terminals via the Global Integrated Shipping Information System (GISIS) MARPOL Annex VI module well in advance of 1 January 2020 – refer to [MEPC.1/Circ.880](#) and [MEPC.1/Circ.887](#).

Availability of fuels can be reported using the MARPOL Annex VI module on GISIS

(<https://gisis.imo.org>).

## **10 Recommended interim measures to enhance the safety of ships relating to the use of oil fuel**

In [MSC.465\(101\)](#) the Maritime Safety Committee (MSC) recommended SOLAS Contracting Governments to:

1. Inform IMO of all confirmed cases where oil fuel suppliers delivered oil fuel failing to meet the requirements specified in SOLAS regulation II-2/4.2.1, taking into account regulation 18.9.6 of MARPOL Annex VI;
2. Take action against fuel oil suppliers in confirmed cases of deliveries of oil fuel that does not comply with the requirements specified in SOLAS regulation II-2/4.2.1, taking into account regulation 18.9.4 of MARPOL Annex VI;
3. Encourage the widest possible application of the latest edition of relevant industry standards\* and guidance to enhance the safety of ships related to supply and use of oil fuel;
4. Inform IMO of confirmed cases where oil fuel suppliers had delivered fuel that jeopardized the safety of ships or personnel; or adversely affected the performance of the machinery.

\* refer to ISO 8217:2017 and any subsequent revision thereof, and ISO/PAS 23263 (currently under development).