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AIR POLLUTION AND ENERGY EFFICIENCY

Application of regulations 14 and 18 of MARPOL Annex VI on bunker fuel quality

Submitted by Liberia, the Marshall Islands, the International Association of Independent Tanker Owners (INTERTANKO) and the International Association of Dry Cargo Shipowners (INTERCARGO)

SUMMARY

Executive summary: This document highlights several issues related to the need for more effective quality control of marine fuels, and proposes the development of appropriate measures to mandate the control of fuel quality supply prior to delivery to the ship

Strategic direction: 7.3

High-level action: 7.3.1

Planned output: 7.3.1.1

Action to be taken: Paragraph 11

Related documents: MEPC 61/24, MEPC 61/4/7; MEPC 62/4/4, MEPC 62/24; BLG 15/11/4, BLG 15/11/5 and BLG 16/16

Introduction

1 The Committee may recall that MEPC 61 had considered the revised specification of marine fuels ISO 8217:2010, taking into account issues regarding fuel oil characteristics and parameters addressing air quality, ship safety, engine performance and crew health. MEPC 61 agreed that relevant documents, as well as comments raised, should be further considered in detail by BLG 15 (MEPC 61/24, paragraphs 4.20 to 4.26).

2 MEPC 62 had noted that BLG 15 had considered these issues in detail and concluded that more information and data were required to enable appropriate consideration on matters related to the revised specification of marine fuels (ISO 8217:2010), as well as the need and design of a possible new mechanism for quality control of marine fuels. MEPC 62 concluded this discussion by proceeding solely with a proposal to develop a procedure for sampling of fuel oil for port State control and flag State inspection (MEPC 62/24, paragraphs 4.4 to 4.13).

3 It is the view of the co-sponsors that as a result of this particular outcome, certain other proposals with regard to possible new mechanisms for quality control of marine fuels, as discussed in detail during BLG 15, may have been overlooked during MEPC 62 and would merit reconsideration, noting in particular the subsequent discussions at BLG 16 in which views were expressed that quality control of bunker fuel prior to delivery to ships could resolve the compliance problems related to fuel oils (BLG 16/16, paragraph 8.19).

Description of issue

4 To briefly summarize the issue as presented in previous submissions (MEPC 61/4/7 and BLG 15/11/4), the co-sponsors remain strongly of the view that the quality of marine fuel oils delivered to ships is of vital importance to crew health, ship safety and environmental protection. However, it should be noted that there is no requirement for suppliers to perform a mandatory control of fuel oil prior to delivery to ships. As a consequence to such a lack of control, shipowners and operators are having to take additional steps after the bunkering of fuel oil to ensure the ship's safety and the crew's well-being are adequately protected. Each ship takes fuel oil samples during bunkering and arranges for laboratory tests. Test results are available three or four days after the bunkering takes place and when the ship has left the bunkering port. Thus, it is too late to be able to refuse any poor quality bunkers received. Ideally, ships should not use the new fuel oil until the test results are provided, but in some cases this may not be practical or possible.

5 Furthermore, tests performed on fuel oil samples do not always identify every potential cause of problems. For example, substances may be illegally dumped into fuels, which is in breach of the standards imposed by regulation 18 of MARPOL Annex VI. Although test results may indicate the fuel is within the ISO specification, ships can still experience total black out and engine damage as a result of the presence of such substances (see examples given in document MEPC 62/4/4).

6 Considering that maritime Administrations are concerned about crew health, safety at sea and environmental protection of ships and the flag and port Authorities are concerned with environment protection and safety of ships manoeuvring in their waters, it is expected that they would cooperate on how the risks related to poor quality bunker deliveries can be minimized.

Proposals for consideration

7 Given the outcome of discussions at MEPC 62 and the vital importance of this issue, the co-sponsors hereby request the Committee to give consideration specifically to the development of appropriate measures to mandate such a control prior to fuel oil being delivered to the ship. A good step forward is to build upon the current enforcement system required by MARPOL Annex VI and take action which could promote a new approach to the control of bunkers with two-fold objectives to:

- .1 prevent supply of off-spec bunkers; and
- .2 introduce a mechanism which will ensure preventive/defence measures in case the bunker supplied is off spec.

8 There should be no doubt that marine fuel quality should be the responsibility of the suppliers and that compliance with such a responsibility should be under the control of local authorities. To that extent, the possible actions to ensure proper enforcement of regulation 18 of MARPOL Annex VI could be as follows:

- .1 port Authorities should introduce specific criteria and requirements for the operation of local bunker suppliers with the objective to ensure that suppliers have in place procedures to confirm that fuel supplied to vessels is in compliance with the IMO requirements. Excellent examples to follow are the Singapore MPA Code of Practice for Bunkering (SS600:2008) and their Accreditation Scheme for Bunker Suppliers which require suppliers to have a system compliant with the MPA's Quality Management for Bunker Supply Chain (SS524:2006);
- .2 port Authorities should make registries of locally recognised bunker suppliers available to IMO and IMO should publish these on its website; and
- .3 port Authorities should audit/inspect the local suppliers and report the results of investigations and follow-up actions in response to any Note of Protest from ships of non-compliant fuel delivered in their jurisdiction. This should ensure that off-spec bunkers are not delivered to ships and if that still happens, ships are not held responsible, but that bunker suppliers apply corrective measures to avoid such a repetition.

9 To this end, it may be recalled that in document BLG 15/11/5 (IBIA and BIMCO), it was proposed that a correspondence group be established to further consider various elements of such an enforcement mechanism. Although the establishment of such a correspondence group was not supported at that time, due to the need for further information and data to give appropriate consideration to all of the matters at hand, the co-sponsors are of the view that re-consideration of establishing such a correspondence group is warranted at this time.

Conclusion

10 In conclusion, the co-sponsors invite Administrations and port Authorities to consider taking actions to examine ways to strengthen implementation of the current provisions in regulation 18 of MARPOL Annex VI and improve the control on marine fuels prior to delivery to ships as suggested in paragraphs 7, 8 and 9 of this document.

Action requested of the Committee

11 The Committee is invited to consider the comments and the suggestions made by the co-sponsors in this document and take action as appropriate.