

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
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Agenda item 16

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UNIFIED INTERPRETATION TO PROVISIONS OF IMO ENVIRONMENT-RELATED CONVENTIONS

Unified Interpretation of regulation 13.2.2 of MARPOL Annex VI

Submitted by the International Association of Classification Societies (IACS)

SUMMARY

Executive summary: The annex to this document provides the latest version of IACS unified interpretation UI MPC98, relating to the "time of the replacement or addition of the engine" for the applicable Tier standard in accordance with regulation 13.2.2 of MARPOL Annex VI

Strategic direction, if applicable: 6

Output: 6.1

Action to be taken: Paragraph 12

Related documents: BLG 17/14, BLG 17/18; MEPC 65/22; MEPC 66/21; MEPC 67/20; MEPC 70/5/Rev.1, MEPC 70/5/1 and MEPC 71/17

Background

1 Regulation 13.2.2 of MARPOL Annex VI states:

"For a major conversion involving the replacement of a marine diesel engine with a non-identical marine diesel engine or the installation of an additional marine diesel engine, the standards in this regulation in force at the time of the replacement or addition of the engine shall apply."

2 In document BLG 17/14, IACS provided a copy of its unified interpretation UI MPC98. The BLG Sub-Committee subsequently agreed to the text of a draft unified interpretation to regulation 13.2.2 of MARPOL Annex VI on "time of the replacement or addition" of an engine for the applicable NO_x Tier standard for the supplement to the IAPP Certificate, for consideration and approval by MEPC 65 (BLG 17/18, paragraphs 14.1 to 14.3).

3 The Marine Environment Protection Committee, at its sixty-fifth session, approved the draft unified interpretation that had been agreed at BLG 17 and it was subsequently disseminated as MEPC.1/Circ.812 (MEPC 65/22, paragraph 4.46).

4 MEPC 66 instructed the Secretariat to issue a consolidated text of the Unified Interpretations to MARPOL Annex VI. Subsequently, the Secretariat prepared a consolidated text of all existing UIs to MARPOL Annex VI, including MEPC.1/Circ.812, and issued MEPC.1/Circ.795/Rev.1, which revoked MEPC.1/Circ.812 (MEPC 66/21, paragraph 4.52).

5 MEPC.1/Circ.795/Rev.1 was superseded by MEPC.1/Circ.795/Rev.2, which was approved at MEPC 67 (MEPC 67/20, paragraph 4.71). The Rev.2 version includes a new unified interpretation concerning the applicability of the requirements for a bunker delivery note. MEPC.1/Circ.795/Rev.2 has been superseded by MEPC.1/Circ.795/Rev.3, which was approved at MEPC 73 (MEPC 73/19, paragraph 6.16). The Rev.3 version includes new unified interpretations concerning the data collection system for fuel oil consumption of ships.

6 At MEPC 70, the Committee considered document MEPC 70/5/Rev.1 (Belgium et al.) and document MEPC 70/5/1 (Denmark et al.) that proposed to designate the North Sea and Baltic Sea as Emission Control Areas (ECAs) for nitrogen oxides in accordance with regulation 13 and appendix III of MARPOL Annex VI.

7 The Committee subsequently approved draft amendments to regulation 13 of MARPOL Annex VI to designate the North Sea and the Baltic Sea as ECAs for NO_x Tier III control with an effective date of 1 January 2021; including temporary exemption provisions to allow ships fitted with dual-fuel engines or with only Tier II engines to be built, converted, repaired and/or maintained at shipyards located in NO_x Tier III ECAs (MEPC 70/18/Add.1, annex 7).

8 MEPC 71 adopted by resolution MEPC.286(71) the amendments to MARPOL Annex VI related to the designation of the Baltic Sea and the North Sea ECAs for NO_x Tier III control and for the information to be included in the bunker delivery note (MEPC 71/17, paragraph 3.16).

Discussion

9 Recognizing in particular the recent developments as noted in paragraphs 5 to 7 above, IACS has developed and finalized an update to its UI MPC98 to reflect resolution MEPC.286(71). IACS also modified the text of the UI so that any further consequential changes to the unified interpretation should be avoided if more NO_x Tier III control areas are designated in the future. In light of the foregoing, the annex to this document provides a copy of Revision 1 of IACS UI MPC98.

Proposal

10 The Sub-Committee is invited to note that this latest version of UI MPC98 (Rev.1) will be uniformly implemented by IACS Societies from 1 January 2020, unless they are provided with written instructions to apply a different interpretation by the Administration on whose behalf they are authorized to act as a recognized organization.

11 Noting that section 7 of MEPC.1/Circ.795/Rev.3 provides the unified interpretation of regulation 13.2.2 of MARPOL Annex VI, which is the same as IACS UI MPC98 (original version), the Sub-Committee is invited to consider amending this section of MEPC.1/Circ.795/Rev.3 with a view to aligning it with the latest version of IACS UI MPC98 (Rev.1).

Action requested of the Sub-Committee

12 The Sub-Committee is invited to consider the foregoing and, in particular, the latest version of IACS UI MPC98 set out in the annex to this document, and take action as appropriate.

**MPC
98**

(Jan 2012)
(Rev.1
Aug 2018)

"Time of the Replacement or Addition" for the Applicable Tier Standard For the Supplement to the IAPP Certificate

MARPOL Annex VI Regulation

Reg 13.2.2 For a major conversion involving the replacement of a marine diesel engine with a non-identical marine diesel engine or the installation of an additional marine diesel engine, the standards in this regulation in force at the time of the replacement or addition of the engine shall apply.

Interpretation

The "time of the replacement or addition" of the engine is to be taken as the date of:

- a. the contractual delivery date of the engine to the ship;* or
- b. in the absence of a contractual delivery date, the actual delivery date of the engine to the ship,* provided that the date is confirmed by a delivery receipt; or
- c. in the event the engine is fitted onboard and tested for its intended purpose on or after six (6) months from the date specified in sub-paragraphs of regulation 13.5.1.2, as appropriate, the actual date that the engine is tested onboard for its intended purpose applies in determining the standards in this regulation in force at the time of the replacement or addition of the engine.

Entry of the date in a), b) or c), provided the conditions associated with those dates apply, is to be made in the item 8.a "Major conversion – According to Reg. 13.2.1.1 &13.2.2" of the IAPPC Supplement.

If the engine is not tested within six (6) months after the date specified in sub-paragraphs of regulation 13.5.1.2, as appropriate due to unforeseen circumstances beyond the control of the shipowner, then the provisions of "unforeseen delay in delivery" may be considered by the Administration in a manner similar to MARPOL Annex I UI4.

Footnote:

* The engine is to be fitted onboard and tested for its intended purpose within six (6) months after the date specified in sub-paragraphs of regulation 13.5.1.2, as appropriate.

Note

1. This UI is to be uniformly applied by IACS Societies to IAPP Certificates which are newly issued on or after 1 January 2013. Existing IAPP Certificates onboard are valid until their expiry.
2. Rev.1 of this UI is to be uniformly applied by IACS Societies from 1 January 2020.

End of
Document