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**UNIFIED INTERPRETATION TO PROVISIONS OF IMO ENVIRONMENT-RELATED
CONVENTIONS**

Proposed interpretation of regulations 14.8 and 14.10 of MARPOL Annex VI

Submitted by IACS

SUMMARY

<i>Executive summary:</i>	This document proposes a draft unified interpretation of the application of regulations 14.8 (In-use and onboard fuel oil sampling and testing) and 14.10 (In-use fuel oil sampling point) of MARPOL Annex VI
<i>Strategic direction, if applicable:</i>	7
<i>Output:</i>	7.1
<i>Action to be taken:</i>	Paragraph 8
<i>Related documents:</i>	MEPC 75/18 and MEPC.1/Circ.795/Rev.5

Background

1 The seventy-fifth session of the Marine Environment Protection Committee adopted amendments to MARPOL Annex VI (resolution MEPC.324(75)), as set out in annex 1 to document MEPC 75/18, in which testing and sampling of the in-use fuel oil and its sampling point(s) were newly required.

2 The sampling and testing of the in-use fuel oil is to be conducted in accordance with the amended regulation 14 of MARPOL Annex VI, if requested by the competent authority of a Party. That regulation 14.8 of MARPOL Annex VI reads:

"8 If the competent authority of a Party requires the in-use or onboard sample to be analysed, it shall be done in accordance with the verification procedure set forth in appendix VI to this Annex to determine whether the fuel oil being used or carried for use on board meets the requirements in paragraph 1 or paragraph 4 of this regulation. The in-use sample shall be drawn taking into account the guidelines developed by the Organization. The onboard sample shall be drawn taking into account the guidelines developed by the Organization."

3 On the other hand, the application of the in-use fuel oil sampling point(s) is specified in new regulation 14.10 of MARPOL Annex VI and depends on the scope of regulations 5 and 6 of MARPOL Annex VI. Regulation 14.10 of MARPOL Annex VI reads:

"10 For each ship subject to regulations 5 and 6 of this Annex, sampling point(s) shall be fitted or designated for the purpose of taking representative samples of the fuel oil being used on board the ship taking into account the guidelines developed by the Organization."

Discussion

4 An application or a limitation by tonnage for sampling and testing of the in-use fuel oil is not described in regulation 14.8 of MARPOL Annex VI. However, for the safe sampling of the in-use fuel oil, the sample should be obtained from appropriate sampling point(s), which are designated taking into account the *2019 Guidelines for on board sampling for the verification of the sulphur content of the fuel oil used on board ships* (MEPC.1/Circ.864/Rev.1).

5 Regulation 14.10 of MARPOL Annex VI specifies the application of the in-use fuel oil sampling point(s) by referring to regulations 5 and 6 of MARPOL Annex VI. However, regulations 5 and 6 of MARPOL Annex VI address survey and certificate aspects.

6 It should be noted that the same expression as in regulation 14.10 of MARPOL Annex VI is used in regulation 18.5 of MARPOL Annex VI relating to bunker delivery notes, which contains similar application condition as in the regulation on the above sampling requirements. To assist with a clear application of regulation 18.5 of MARPOL Annex VI, circular MEPC.1/Circ.795/Rev.5 provides an interpretation as follows:

"12 Applicability of the requirements for a bunker delivery note

Regulation 18

Fuel oil availability and quality

Regulation 18.5 reads as follows:

"For each ship subject to regulations 5 and 6 of this Annex, details of fuel oil for combustion purposes delivered to and used on board shall be recorded by means of a bunker delivery note that shall contain at least the information specified in appendix V to this Annex."

Regulation 18.6 reads as follows:

"The bunker delivery note shall be kept on board the ship in such a place as to be readily available for inspection at all reasonable times. It shall be retained for a period of three years after the fuel oil has been delivered on board."

Interpretation:

12.1 For the application of these regulations, they should be interpreted as being applicable to all ships of 400 gross tonnage or above and, at the Administration's discretion, to ships of less than 400 gross tonnage.

7 Taking into account the issues discussed in paragraphs 4 to 6 above, and in order to offer clarity on the application of regulations 14.8 and 14.10 of MARPOL Annex VI, IACS proposes an interpretation to be added to circular MEPC.1/Circ.795/Rev.5, as follows:

"For the application of these regulations, they should be interpreted as being applicable to all ships of 400 gross tonnage or above and, at the Administration's discretion, to ships of less than 400 gross tonnage."

Action requested of the Sub-Committee

8 The Sub-Committee is invited to consider the information contained in this document, in particular the proposed draft interpretation to regulations 14.8 and 14.10 of MARPOL Annex VI as provided in paragraph 7 above and take action, as appropriate.
