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AIR POLLUTION PREVENTION

Proposal to amend MARPOL Annex VI regarding the applicability of bunker delivery notes to ships using cargo as fuel

Submitted by United Arab Emirates and IACS

SUMMARY

Executive summary:	This document considers the applicability of requirements in regulation 18.5 of MARPOL Annex VI pertaining to the bunker delivery note (BDN) to ships using part of their own cargo as low-flashpoint fuel or gas fuel. It concludes that, while the BDN requirements are not applicable to cargo loaded on board, a minimum set of information relevant to its use as fuel should be documented. To ensure regulatory clarity and consistent application, amendments to MARPOL Annex VI are proposed.
Strategic direction, if applicable:	3
Output:	3.7
Action to be taken:	Paragraph 21
Related documents:	MEPC 80/5/3 and MEPC 80/5/4

Introduction

1 The proposal contained in this document is submitted under agenda item 5 "Air pollution prevention". However, it is also relevant to agenda item 6 "Energy efficiency of ships" as elaborated in paragraphs 13 and 14 below.

Background

2 MEPC 79 adopted amendments to MARPOL Annex VI to include flashpoint in the information required in the bunker delivery note (BDN) (resolution MEPC.362(79)). The Committee also invited interested Member States and international organizations to submit proposals to MEPC 80 related to the establishment of an exemption for low-flashpoint fuels under regulation 18.4.

3 At MEPC 80, the Committee considered documents MEPC 80/5/3 (Germany et al.) and MEPC 80/5/4 (Liberia et al.) which contained proposed draft amendments to MARPOL Annex VI addressing low-flashpoint fuels and other fuel oil related issues.

4 The Committee agreed that in-use/onboard sampling point requirements set out in regulations 14.10 and 14.11 of MARPOL Annex VI and MARPOL representative sample requirements set out in regulation 18.8.1 of MARPOL Annex VI should not apply to low-flashpoint fuels and gas fuels.

5 With regard to BDN requirements under regulation 18.5 of MARPOL Annex VI, it was noted that, although the sulphur content of low-flashpoint fuels and gas fuels is generally negligible compared to the limit values specified in regulations 14.1 or 14.4 of MARPOL Annex VI, this information should nevertheless be documented in the BDN. Accordingly, the Committee agreed to apply the BDN requirements with minimum content, thereby providing the data necessary for verification purposes under MARPOL Annex VI, as proposed by document MEPC 80/5/3.

6 As a result, the Committee adopted amendments to MARPOL Annex VI by resolution MEPC.385(81), which revised regulation 18.5 of MARPOL Annex VI by introducing separate requirements for low-flashpoint fuels and gas fuels, thereby distinguishing the elements relevant to such fuels from those applicable to conventional fuel oils.

Discussion

7 The International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) establishes the mandatory regulatory framework for the use of low-flashpoint fuels or gas fuels. The IGF Code generally applies to ships other than gas carriers using part of their own cargo as fuel, which are instead subject to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code). Chapter 16 of the IGC Code includes specific provisions for the use of LNG cargo as fuel. For other cargo gases, section 16.9 (Alternative fuels and technologies) requires that the same level of safety as natural gas be ensured.

8 Chemical tankers carrying methyl alcohol (methanol) are required to comply with the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code). MSC 102 approved the *Interim guidelines for the safety of ships using methyl/ethyl alcohol as fuel* (MSC.1/Circ.1621), which supplement the IGF Code. Paragraph 5.3.6 of the interim guidelines states that special consideration should be given to chemical tankers using methyl/ethyl alcohol cargo as fuel.

9 MSC 108 approved the *Interim guidelines for use of liquefied petroleum gas (LPG) cargo as fuel* (MSC.1/Circ.1679), which provide guidance for the safe use of LPG cargo as fuel in relation to the IGC Code. In addition, MSC 111 approved the *Interim guidelines for use of ammonia cargo as fuel* (MSC.1/Circ.1702), applicable to gas carriers which comply with the IGC Code and use ammonia cargo as fuel.

10 It is understood that the BDN requirements under regulation 18.5.2 of MARPOL Annex VI apply to ships using low-flashpoint fuels and gas fuels in accordance with the IGF Code, where the fuel is delivered (bunkered) to the ship by a fuel oil supplier who is responsible for issuing the BDN. The BDN includes a declaration signed and certified by the fuel oil supplier's representative that the fuel oil is in conformity with regulation 18.3 of MARPOL Annex VI.

11 However, where a ship uses part of its own cargo as low-flashpoint fuel or gas fuel, no fuel oil supplier is involved. Instead, cargo is loaded by a cargo supplier, and only a portion of that cargo subsequently may be used as fuel. At the time of loading, the quantity of cargo intended for use as fuel is not known and, therefore, cannot be included in the BDN information specified in appendix V of MARPOL Annex VI, in particular item 6 (quantity of fuel delivered). Consequently, the BDN requirements under regulation 18.5.2 of MARPOL VI are not directly applicable to any part of a ship's own cargo which is used as fuel on board.

Nevertheless, in the absence of explicit provisions addressing such a case, there is a risk of inconsistent implementation and potential issues during port State control (PSC) inspections.

12 To address this gap, it is proposed to introduce requirements in MARPOL Annex VI specifying documentation, in lieu of the BDN, when a ship uses part of its cargo as low-flashpoint fuel or gas fuel.

Relevance to agenda item 6 "Energy efficiency of ships"

13 With regard to regulation 27 of MARPOL Annex VI, it is noted that, while appendix IX (Information to be submitted to the IMO Ship Fuel Oil Consumption Database) does not explicitly require the part of a cargo which is used on board the carrying ship as fuel to be reported under the definition of "fuel oil", the interpretations to MARPOL Annex VI (MEPC.1/Circ.795/Rev.10) clarify that data relating to boil-off gas (BOG) consumed on board a ship for propulsion or operation is to be reported under the IMO DCS.

14 Further, it is noted that section 7 (for collecting data on annual fuel oil consumption) of the *2024 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* (resolution MEPC.395(82)) includes, inter alia, the following two methods related to ships using cargo as fuel:

.1 method using LNG cargo tank monitoring on board; and

.2 method using cargo tank monitoring on board for ships using cargo other than LNG as a fuel.

These methods are also included in the table set out in appendix 4 of the 2024 SEEMP Guidelines for the collection of total fuel oil consumption data.

Proposal

15 It is proposed to amend regulation 18.4 of MARPOL Annex VI to clarify that the requirements in regulation 18.5.2 of MARPOL Annex VI do not apply where a ship uses part of its cargo as low-flashpoint fuel or gas fuel.

16 Recognizing that certain information required under regulation 18.5.2 of MARPOL Annex VI remains relevant where cargo is loaded and used on board as low-flashpoint fuel or gas fuel, it is further proposed that a new paragraph be added to regulation 18.5 of MARPOL Annex VI requiring that, in such cases, a fuel statement be prepared and signed by the ship's representative, as defined in the *Guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI and SOLAS chapter II-2* (MSC-MEPC.2/Circ.18). The fuel statement should be prepared and signed prior to departure from the port of loading. A new appendix V*bis* would need to be added to MARPOL Annex VI to specify the minimum set of information to be included in the fuel statement.

17 Documentary evidence of the relevant properties of the cargo should be the basis for the density and sulphur content values recorded in the fuel statement and for demonstrating compliance with regulation 18.3 of MARPOL Annex VI. Such documentary evidence should be supported by laboratory analysis of the cargo quality which is typically carried out in accordance with international standards, as contractually agreed with the cargo supplier. It is understood that the primary document for this purpose is the certificate of quality (CoQ). The fuel statement, together with the relevant documentary evidence, should be retained on board in alignment with the retention requirement applicable to the BDN under regulation 18.6 of MARPOL Annex VI. A paragraph would need to be added to regulation 18.6 to reflect these requirements.

18 With the agreement of the appropriate authority at the port of loading, a statement that the sulphur content when tested by an appropriate method is less than 0.001% m/m may be provided in the fuel statement as an alternative to the actual measurement of sulphur content, consistent with the rationale set out in document MEPC 80/5/3 and with regulation 18.5.2 of MARPOL Annex VI.

19 The fuel statement should be subject to inspection by the competent authority of a Party, in alignment with the requirements for the BDN under regulations 18.7.1 and 18.7.2 of MARPOL Annex VI. This would support the consistent implementation and enforcement of the proposed requirements.

20 The draft amendments to MARPOL Annex VI are set out in the annex to this document. If agreed, the co-sponsors are of the view that consequential amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2025* (resolution A.1207(34)) may be considered to ensure clarity and consistency.

Action requested of the Committee

21 The Committee is invited to consider the information provided in this document, in particular the proposals in paragraphs 15 to 20, together with the draft amendments to MARPOL Annex VI as set out in the annex, and take action as appropriate.

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ANNEX

PROPOSED DRAFT AMENDMENTS TO MARPOL ANNEX VI

Note: new additions are grey shaded

Regulation 18
Fuel oil availability and quality

"4.1 […]

4.2 Paragraph 5.2 of this regulation does not apply to any part of a ship's own cargo that is used as low-flashpoint fuel or gas fuel on board that ship."

"5.3 When a ship subject to regulations 5 and 6 of this Annex uses part of its own cargo as low-flashpoint fuel or gas fuel, the ship's representative shall prepare and sign, prior to departure from the port of loading, a fuel statement that shall contain at least the information specified in appendix V*bis* to this Annex."

"6.1 […]

6.2 The fuel statement referred to in paragraph 5.3 of this regulation shall be kept on board in such a place as to be readily available for inspections at all reasonable times. It shall be retained for a period of three years after the cargo used as low-flashpoint or gas fuel has been loaded on board. Documentary evidence of the relevant fuel properties of the cargo, sufficient to demonstrate conformity with paragraph 3 of this regulation, together with documentary evidence supporting the density and sulphur content values recorded in the fuel statement, shall be retained on board together with the fuel statement."

"7.1 The competent authority of a Party may inspect the bunker delivery notes and/or fuel statements, as applicable, on board any ship to which this Annex applies while the ship is in its port or offshore terminal, may make a copy of each bunker delivery note and/or fuel statement, and may require the master or person in charge of the ship to certify that each copy is a true copy of such bunker delivery note and/or fuel statement. The competent authority may also verify the contents of each bunker delivery note and/or fuel statement through consultations with the port where the bunker delivery note was issued or the fuel statement was prepared and signed.

7.2 The inspection of the bunker delivery notes and/or fuel statements, as applicable, and the taking of certified copies by the competent authority under paragraph 7.1 of this regulation shall be performed as expeditiously as possible without causing the ship to be unduly delayed."

"**Appendix V*bis***

Information to be included in the fuel statement when a ship uses part of its own cargo as low-flashpoint fuel or gas fuel (Regulation 18.5.3)

1 Name and IMO number of receiving ship

2 Port of loading

3 Date of commencement of cargo loading

4 Product name(s)

5 Density (kg/m^3): _____at temperature (°C)_____ Test method: _____

6 The sulphur content (% m/m) as determined by a test method appropriate to the cargo material or, with the agreement of the appropriate authority at the port of loading, a statement that the sulphur content, when tested by such a method, is less than 0.001% m/m.

7 A declaration signed by the ship's representative, and supported by relevant documentary evidence, that the cargo is in conformity with regulation 18.3 of this Annex."