
MARPOL Annex VI -Fuel Oil Sulphur Limit

Notice to ship owners, managers, Masters, Approved Nautical Inspectors, Recognised Organisations and surveyors

This Notice supersedes BMA Information Bulletin No.183

1. Purpose

- 1.1. This Notice outlines the position of the Bahamas Maritime Authority (BMA) on the requirements of Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL Annex VI) in relation to Regulation 14, addressing sulphur oxides (SOx) emissions and fuel oil sampling and Regulation 18, addressing fuel oil availability and quality.
- 1.2. Amendments to MARPOL Annex VI are scheduled to enter into force on 01 November 2022. Any references to Articles, Regulations and Interpretations in this Notice are references to the November 2022 version of MARPOL Annex VI, as amended, unless stated otherwise. Where regulation numbers have changed, the previous regulation number is shown in the footnotes.
- 1.3. For ease of use, provisions relating to MARPOL Annex VI, other than Regulations 14 and 18, are addressed in Marine Notice 61.
- 1.4. The provisions of Regulation 27 (formerly Regulation 22A, as stated in [MEPC.1/Circ.897 - Cross reference tables for amendments to MARPOL Annex VI](#)¹) of MARPOL Annex VI, in respect of fuel consumption data collection and reporting, are addressed separately in Marine Notice 63.

2. Application

- 2.1. This Notice applies to all ships on all voyages.

¹ <https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/Air%20pollution/MEPC.1-Circ.897.pdf>

- 2.2. Additional local or regional limitations for marine fuel oil sulphur content for ships operating in Emission Control Areas or specific geographic regions may apply concurrently to MARPOL requirements.

3. Background

- 3.1. A global limit of 0.50% on sulphur content for fuel oil **used on board** merchant ships was implemented on 01 January 2020.
- 3.2. In addition, the **carriage for use** of non-compliant fuel oil on ships without an approved alternative means of compliance (such as Exhaust Gas Cleaning System (EGCS)) is prohibited as of 01 March 2020. This prohibition nonetheless does not apply to fuel oil carried on board as a cargo.
- 3.3. The global sulphur limit is a mandatory requirement and is applicable to all ships on all voyages, covering all fuel carried on board for consumption – this includes fuel oil used in emergency systems (emergency generator, lifeboats, rescue boat, etc.).
- 3.4. It is the Company's² responsibility to assess the potential effect of continuous use of low-sulphur fuel oil or sulphur abatement technology on the ship's machinery and equipment. Where concerns exist, equipment makers and Classification Societies should be consulted to find a technical solution.
- 3.5. Concerns about the safety of ship and machinery do not exempt the ship from the requirement to bunker and/or consume compliant fuel oil. However, if non-compliant fuel oil has been bunkered due to concerns that the quality of the compliant fuel oil available would cause operational or safety problems on board the ship, the concerns should be thoroughly documented in a Fuel Oil Non Availability Report (FONAR). See Section 4 below.
- 3.6. Paragraph 3.5 does not affect exceptions due to genuine emergency situations, as per the provisions of Regulation 3.1.
- 3.7. Enforcement of Regulation 14 runs in parallel with enforcement of compliance with local and regional requirements related to sulphur oxide emission.
- 3.8. In ports where the discharge of wash water from open loop EGCS (scrubbers) is not permitted, ships fitted with open loop/hybrid EGCS may be expected to consume

² "The Company" is the owner or any other organisation or person, such as the manager, or the bareboat charterer, who has assumed responsibility for the operation of the ship

compliant fuel oil or to switch to closed loop mode. Documents related to changeover procedure and records should be kept on board.

4. Compliant Fuel Oil Availability and Fuel Oil Non-Availability Report (FONAR)

- 4.1. It is largely expected that marine fuel oil bunker producers and traders are able to satisfy the global shipping demand for compliant fuel oil with sulphur content below 0.50%.
- 4.2. Compliant fuel oil should be available in all bunkering locations. It is nonetheless advisable for the Company to place timely enquiries with regular bunker suppliers and/or charterers who are responsible for bunker stemming.
- 4.3. Where fuel oil for ship's consumption is being provided by the charterers, it is recommended that consideration be given to the introduction of a fuel oil quality clause within the charter party. The clause should stipulate the Company and charterers' duties in respect of fuel oil procurement from outside sources, as well as outline the responsibilities of each party in respect of fuel oil supply, storage, preparation and handling to ensure that the fuel oil on board remains compliant, in case of any future disputes or potential sanctions by Port State Control.
- 4.4. Where, despite all reasonable efforts, compliant fuel oil is not received at the scheduled port of call, and no feasible alternative exists, the ship will be required to prepare and submit a Fuel Oil Non-Availability Report (FONAR) as indicated in Section 5 of IMO Resolution MEPC.320(74).
- 4.5. The submission of a FONAR does not exempt the ship from the requirement to consume compliant fuel oil. The FONAR provides documented background information to the Coastal State authorities of the port(s) of destination, as well as the BMA, to determine whether any enforcement actions or penalties may be applicable in each individual case. Notwithstanding the submission of a FONAR, the Company must try to obtain compliant fuel oil at the earliest opportunity.
- 4.6. The FONAR should be prepared and sent as soon as it is determined that the ship/operator will be unable to procure compliant fuel oil and preferably before the ship leaves the port/terminal where compliant fuel oil cannot be obtained.
- 4.7. FONARs should be submitted to both the BMA and the Coastal State authorities of the port(s) of destination.

- 4.8. In addition to submission of a FONAR, the BMA strongly recommends that the Master prepares a Letter of Protest addressed to the local authorities in the port(s) where compliant fuel oil was not available.
- 4.9. Follow-up actions may be considered when arranging the supply of compliant fuel oil following bunkering of non-compliant fuel oil under a FONAR:
- i. De-bunker any remaining non-compliant fuel oil at the first port where compliant fuel is available , and;
 - ii. Specific preparations to ensure bunker tanks and fuel transfer, treatment and preparation systems are sufficiently cleaned and are suitable for compliant fuel oil without the risk of contamination by residues of non-compliant fuel oil. Such actions may include tank cleaning, system pipelines and equipment flushing or mechanical cleaning.
- 4.10. FONARs and all related documents, including any applicable emails, are to be retained on board for inspection for at least three (3) years following the date of submission of the FONAR.
- 4.11. The BMA will report details of submitted FONARs to the IMO Global Integrated Shipping Information System (GISIS)³.
- 4.12. FONARs should not be prepared and submitted where a ship receives commercial sample analysis results alleging that any controlled parameters are out of allowed limits, including sulphur content or flash-point temperature.

5. Handling of non-compliant fuel oil and potential disputes

- 5.1. Guidance for Port State Control on how to address non-compliant fuel oil has been provided by IMO in Circular MEPC.1/Circ.881.
- 5.2. As per the provisions of Regulation 18.2.2, a ship should not be required to deviate from its intended voyage or unduly delay the voyage in order to achieve compliance.
- 5.3. Starting from 01 April 2022 the competent authority of a Party to MARPOL Annex VI may draw samples of in-use and/or on-board fuel oil and conduct their own analysis as outlined in Regulation 14.13 and IMO Circulars MEPC.1/Circ.864/Rev.1 and MEPC.1/Circ.889. See Section 7 below.

³ [MARPOL Annex VI » Notification \(imo.org\)](https://www.imo.org/en/About/Pages/press.aspx)

- 5.4. Interpretation of such sample testing results should be based on the provisions outlined in Part 2 of Appendix VI to the Annex.
- 5.5. The BMA recognises the guidance offered in the Part 2 of Appendix VI to the Annex may leave certain room for erroneous interpretation due to being taken outside of the MARPOL process. Being based upon provisions of ISO 4259:2017-2/AMD 1:2019, which does not allow to account for factors related to merchant marine environment, interpretation of sample testing results may potentially give grounds to arising a dispute between the ship, or the Company, and the authorities of a Party who has initiated the testing.
- 5.6. In case of any such disputes concerning the interpretation of the testing results the BMA may offer the Company to review the testing results and **provide a comment**, as appropriate.
- 5.7. It should be nonetheless recognised where in-use and/or on-board fuel oil sample drawn by a competent authority of another Party may have returned a testing result rendering such fuel oil in question as non-compliant the competent authority of the Party, acting as a Regulator to the Convention, may reject the BMA comments.

6. Bunker Delivery Notes (BDNs)

- 6.1. In accordance with Regulation 18.5, the sulphur content of fuel oil supplied onboard is to be confirmed from the supplier's Bunker Delivery Note (BDN), which shall contain the information specified in Appendix V of Annex VI.
- 6.2. BDNs shall be kept readily available for inspection on board for a period of not less than three (3) years after the fuel oil in question has been delivered on board.
- 6.3. In cases where a BDN is not provided by the supplier, the Master or responsible officer should document that fact. A letter of protest is to be sent to the supplier, copied to the BMA.
- 6.4. The BDN shall be accompanied by a representative sample ("MARPOL delivered sample") which is to be sealed and signed by the Master or officer in charge of the bunker operations on completion of bunkering and retained under the ship's control until the fuel oil is substantially consumed, but in any case not less than 12 months from the time of delivery.
- 6.5. It is recognised that some ships engaged on short voyages may consume small parcels of bunker fuel more rapidly than others. In such cases, representative samples of fuel

already consumed may be retained in an appropriate shore side facility under control of the Company.

7. Sampling of fuel oil

- 7.1. New sample categories of “in-use sample” and “on-board sample” have been introduced to facilitate competent authorities of Parties to MARPOL to determine whether the fuel oil used on board, or carried for use on board, meets the sulphur content requirements of Regulation 14.1 or 14.4. Such sampling and testing will be initiated, conducted and testing results interpreted by the competent authority of the Party acting under the provisions of Regulation 14.
- 7.2. For this purpose, ships constructed on or after 01 April 2022 shall be fitted with in-use sampling points on fuel systems, as required by Regulation 14.10 and 14.11.
- 7.3. Ships constructed before 01 April 2022 shall be fitted with in-use sampling points on fuel systems by not later than the first IAPP renewal survey on or after 01 April 2023.
- 7.4. Ships using only low flash-point marine diesel oil/marine gas oil/gas fuel may be exempted from the new in-use sampling point requirements.
- 7.5. The Company should identify locations and determine suitable arrangements of sampling points as outlined in MEPC.1/Circ.864/Rev.1 and MEPC.1/Circ.889.
- 7.6. In-use and on-board samples will be analysed by an accredited laboratory on behalf of the competent authorities of the Party conducting the inspection and sampling. Results of sample tests will be used by the Party to establish whether a ship is consuming and/or carrying a compliant fuel.
- 7.7. Though in-use and on-board samples are not formally considered as MARPOL samples (“MARPOL delivered sample”) under Regulation 18.8.1, the results from testing of in-use and on-board samples may be used to form a definitive judgement by the competent authority of the Party taking the samples to establish any penalties or mandatory actions in relation to a ship’s compliance with Regulations 14.1 and 14.4.
- 7.8. The Company may arrange, under its own initiative, **routine commercial sample testing** for the purpose of determining the physical properties of the received fuel for machinery and equipment settings and adjustment.
- 7.9. The Company may find during **routine commercial sample testing** of bunkered fuel oil that the properties of the fuel may differ from those described in the BDN.

- 7.10. Where **routine commercial sample testing** of a fuel oil sample indicates that the properties of the fuel delivered differs substantially from that described on the Bunker Delivery Note, the Company and/or bunker supplier may request permission from the Administration to have the representative MARPOL sample tested in accordance with Appendix VI of MARPOL Annex VI. The Company and/or bunker supplier is responsible for all costs associated with testing of the MARPOL sample.
- 7.11. Correspondence related to commercial sampling may be kept separately from the required MARPOL records. However, for the sake of transparency it may be made available to third parties, as appropriate. However, the ship, or the Company, is not under any mandatory obligation to disclose the results of commercial sampling testing to any third party.

8. Operations in Sulphur Emission Control Areas (SECAs)

- 8.1. While operating in a Sulphur Emission Control Area (SECA), as defined in Regulation 14.3, the sulphur content of fuel oil used on board ships shall not exceed 0.10% m/m.
- 8.2. Ships operating in SECAs may carry different grades of fuel oils. In such cases, sufficient allowance should be made for the fuel oil service system to be fully charged with low sulphur fuel prior entering the SECA. Such changeovers should be documented in the Bahamas MARPOL Annex VI Record Book or an acceptable alternative as set out in BMA Information Notice 011.
- 8.3. All Bahamian ships shall comply with the requirements of Directive (EU) 2016/802 whilst alongside in European ports. Similar local and/or regional sulphur oxide emission reduction legislative provisions may apply where a ship is operating in other specific geographical area. The BMA cannot issue exemptions from the provisions of EC Directive or other similar non-Bahamian legislative provisions.

9. Miscellaneous Provisions

- 9.1. The provisions of Regulation 14 apply to all ships on all voyages. However, emissions from marine diesel engines that are solely dedicated to the exploration, exploitation and associated offshore processing of sea-bed mineral resources, including oil and gas, are exempt from the provisions of MARPOL Annex VI, in accordance with Regulation 3.3.1.
- 9.2. The provisions of Regulation 18 do not apply to the use of hydrocarbons that are produced and subsequently used on site as fuel, as per Regulation 3.3.2. This may be

applied in respect of Floating Production Storage and Offloading units (FPSOs), Floating Storage and Offloading Units (FSO/FSU), etc.

- 9.3. Where a unit that has been using hydrocarbons produced on site as fuel leaves the production site without compliant fuel being available on board, a FONAR should be submitted to the applicable authorities and compliant fuel delivered at the earliest opportunity.
- 9.4. Where a gas is used as fuel, the requirements of the International Code of Safety for Ships Using Gases or Other Low Flashpoint Fuels (IGF Code) and the relevant Classification Society rules should be followed.

10. Queries

- 10.1. Any queries relating to MARPOL Annex VI should be addressed to the ship's Classification Society in the first instance. Alternatively, please contact tech@bahamamaritime.com or any BMA office.
- 10.2. Queries relating to local and/or regional emission reduction legislative provisions that may apply to a ship in specific geographical area should be address to the coastal state authorities in waters under whose jurisdiction the ship intends to operate.
- 10.3. Queries relating to specific requirements applicable in ports and estuaries should be addressed to the Port Authorities prior to ship arrival. Customarily such inquiries are best to be routed via a dedicated husbandry agent nominated at the location.

