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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	6464/19 MAR 34 OMI 16 ENV 151 CLIMA 53
Subject:	IMO – Union submission to be submitted to the 74th session of the Marine Environment Protection Committee (MEPC 74) of the IMO in London from 13 – 17 May 2019 concerning consideration on the enhancement of the implementation of regulation 18 of MARPOL Annex VI

In view of the Shipping Working Party meeting on 27 February 2019, delegations will find attached a revised version of the draft EU submission.

It should be noted that the deadline for introducing the submission to the IMO secretariat is **8 March 2019**.

Compared to the Commission Staff Working Document, changes are indicated in **bold underline** (new text) and ~~strikethrough~~ (deleted text).

Scrutiny reservation: all delegations.

MARINE ENVIRONMENTAL
PROTECTION COMMITTEE
74TH session
Agenda item 5

MEPC 74/5/X
X March 2019
Original: ENGLISH

AIR POLLUTION AND ENERGY EFFICIENCY

Consideration on the enhancement of the implementation of regulation 18 of MARPOL Annex VI

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom and the European Commission on behalf of the European Union¹

SUMMARY

Executive summary: This document presents considerations and concrete proposals on data collection concerning fuel oil quality and reporting of non-availability of compliant fuel oils, including the enhancement of the GISIS MARPOL Annex VI module as requested at MEPC 73/19 paragraph 5.33 with a view to enhance the implementation of regulation 18 of MARPOL Annex VI.

Strategic direction, if applicable: 1

Output: 1.17

Action to be taken: Paragraph 12

Related documents: MEPC 73/19

Introduction

1 MEPC 73 invited concrete proposals on how to enhance the implementation of regulation 18 of MARPOL Annex VI, in particular on fuel oil quality and reporting of non-availability of compliant fuel oils, including the enhancement of the GISIS module for data collection and analysis.

¹ Reservation: the Commission.

Enhancement of data collection on fuel oil availability and quality

2 The scope of data collected is to be limited to regulations 18 and 14.2 of MARPOL Annex VI with a view to create transparency and raise awareness on potential issues related to fuel oil quality and availability to ensure consistent enforcement of regulations 14 and 18.

Regulation 18.1 of MARPOL Annex VI requires by each Party to inform the Organization on the availability of compliant fuel oils in its ports and terminals. As of February 2019, only five Parties, have reported via the GISIS MARPOL Annex VI module availability of compliant fuel oils.

Regulation 18.2.5 of MARPOL Annex VI requires by each Party to notify the Organization when a ship has presented evidence of the non-availability of compliant fuel oil. As of February 2019, only three Parties, have utilized the GISIS MARPOL Annex VI module to inform such cases.

Regulation 18.9.6 of MARPOL Annex VI requires by each Party to inform the Organization of all cases where fuel oil suppliers have failed to meet the requirements specified in regulations 14 or 18 of MARPOL Annex VI. As of February 2019, eleven Parties have reported to the Organization via the GISIS MARPOL Annex VI such cases.

The above indicate lack of reporting by the Parties to GISIS MARPOL Annex VI module.]

3 It is suggested for consideration to broaden the reporting scope of the following data and to add to current obligations the collection of new relevant data as follows:

- Data already subject to reporting in accordance with MARPOL:
 - Information on worldwide average sulphur content of residual fuel, cf. ~~reg-~~ **regulation** 14.2
 - Information on fuel availability, cf. ~~reg-~~ **regulation** 18.1
 - Information on compliant fuel oil unavailability (number of FONAR submitted including where the unavailability occurred), cf. ~~reg-~~ **regulation** 18.2.5
 - Information of cases where fuel oil suppliers have failed to meet the requirements specified in regulations 14 or 18, cf. ~~reg-~~ **regulation** 18.9.6
- Data not subject to reporting in accordance with MARPOL:
 - Cases where the competent authority of a party has taken steps to verify the contents of a Bunker Delivery Note (BDN) (~~reg-~~ **regulation** 18.7.1).
 - Cases where a Party has taken action against fuel oil suppliers that have been found to deliver fuel oil that does not comply with that stated on the Bunker Delivery Note (BDN) (~~reg-~~ **regulation** 18.9.4).
 - Inspections by the competent authority where sulphur in fuel has been tested including where the inspection has taken place.
 - Verifications by the competent authority where a representative fuel sample has been analyzed (~~reg-~~ **regulation** 18.8.2).
 - Number of detentions related to or based on sulphur compliance including where these detentions have taken place (IMO Res. A.1119(30) Procedures for Port State Control, paragraph 4.1.5.).

4 The scope of data collection on fuel quality could be further broadened by including the information currently provided by companies, on a commercial basis, based on testing and sampling services of bunker fuels delivered to ships for the purpose of assessing quality parameters of these fuels. These companies already provide data on the average sulphur content in residual fuel to the IMO pursuant to ~~reg.~~ **regulation 14.2**; cf. the 2017 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships (resolution MEPC.192(61)). The results of IMO's sulphur monitoring programme were reported to the Committee in 2017 and were based on 141,175 residual fuel oil samples accounting for a total of 121,428,910 tonnes of fuel supplied for use on board ships. The total number of distillate fuel samples tested was 72,286, corresponding to 12,173,450 tonnes of distillate fuels supplied to ships. These cover between 25% and 35% of all deliveries. Only 0.33% of the tested residual fuel oils exceeded 3.50% sulphur, the current global limit, down from 0.53% in 2016.

5 These reported data should also cover information about the quality of the fuel tested beyond the sulphur content. This could provide a basis for determining fuel oil quality, also considering that the results are coming from companies accredited and experienced in testing the content of marine fuels (*ISO 8217*, *ISO 17025*). However, issues such as the degree of the validation process of reported results on off specification fuels in particular – as well as on all other reported data – would need to be addressed. A dedicated reporting template could be developed to ensure uniform and unambiguous provision of quality data focusing on deviation from required specification affecting the handling and usability of the fuel by ships.

6 The current obligation for **Administrations** to report on availability could be made more effective by requiring testing agencies to contribute to the monitoring programme by providing information not just about the sulphur content but also about the ports, dates and quantity of the fuels supplied. Such information should be provided on a more regular basis, for example quarterly in the first year and then bi-annually for the duration of the collection period.

7 Synergies should be explored in relation to any future work at the ~~MSC~~ **Maritime Safety Committee**, as discussed at its 100th session, on 'development of measures to enhance safety of ships relating to the use of fuel oil' which may also require a potential collection of data focusing on fuel oil quality.

Existing mechanisms such as GISIS as data collection point

8 Existing joint platforms for data collection and sharing such as GISIS could be enhanced for reporting the data mentioned in paragraphs 3 to 6. The use of a one-point-of-entry for collecting data ~~into play~~ for the purpose of enhancing the implementation of regulation 14 and 18 of MARPOL Annex VI will provide certainty for competent authorities and facilitate data calibration and analysis to provide consistent enforcement. In particular, GISIS data management should as well be enhanced to allow for more filtering features of the reported data (i.e. display notifications from country or port of call, etc). This would require for example greater harmonization of the reported data, like mandatory fields or guidance to obtain relevant data for further analysis.

Life span and purpose of the data collection period

9 Data collection for greater transparency on fuel oil availability and fuel oil quality to ensure consistent enforcement should take place within a time frame of approximately 3 to 5 years. This will ensure that collection of data is strongly encouraged and that, therefore, the collected data depicts a true and fair picture of the status of availability and enforcement, while at the same time absorbing fluctuations of the data set that might be present in the post-shift phase of the new fuel types. However a preliminary picture taking stock of data on fuel quality and availability currently available in GISIS as well as an overview of the current use of GISIS with reference to obligations under **regulations 18 and 14** should be provided by the IMO secretariat by the end of 2019.

10 When the data collection period ends, the data should be analyzed with a view to assessing the consistent enforcement of regulation 18 of MARPOL Annex VI. Annual reviews of the data set could be useful.

Recommendations

11 Based on the considerations set out in paragraphs 3 and 8 above, it is recommended that:

- the IMO secretariat ~~should~~ provide a preliminary overview of data on fuel quality and availability currently available in GISIS as well as an overview of the current use of GISIS with reference to obligations under Regulation 18 and 14 by the end of 2019;
- an overall data collection period ~~should~~ further be set to 3 to 5 years;
- the scope of existing data collection as in paragraph 3 ~~should~~ be enhanced taking into account paragraphs 4 and 5;
- the collection of additional data **[amongst those mentioned]** as **set out** in paragraph 3 be carried out to effectively complement the existing reporting of information required;
- a more extensive use of GISIS by parties ~~should~~ be encouraged for reporting the data **[amongst those]** mentioned in paragraphs 3. Competent authorities of parties should commit to populate GISIS as one-point-of-entry for collecting data;
- new GISIS modules ~~should~~ be developed to collect data that are not currently reported (or collected).

Action requested at the ~~MEPC74~~ of the Committee

12 The Committee is invited to consider the recommendations in paragraph 11, taking into account the considerations in paragraphs 3 to 8, and take action as appropriate.
