

Implementation Scheme of the Global Marine Fuel Oil Sulphur

Limit by 2020

by Maritime Safety Administration of the People's Republic of China
on 20 Nov. 2019

In order to effectively implement the regulations on marine fuel oil sulphur content limit (hereinafter referred to as “the global sulphur limit directive”) by IMO, this Implementation Scheme is formulated in accordance with the laws, regulations and conventions such as *Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution*, *Regulations on the Prevention and Control of Marine Environmental Pollution by Ships*, *International Convention for the Prevention of Pollution from Ships (MARPOL)*, and *Implementation Scheme of the Domestic Emission Control Areas for Atmospheric Pollution from Vessels (JHF [2018] No. 168)*.

II. Specific Requirements

(i) Requirements for fuel oil used or carried for use and alternative measures

1. From 1st January 2020, the sulphur content of any fuel oil used on ships engaged in international voyages entering the waters under the jurisdiction of the People's Republic of China shall not exceed 0.50% m/m (hereinafter referred to as “the compliant fuel oil”). The “fuel oil” in this Scheme refers to any fuel oil delivered to and intended for combustion purposes for propulsion or operation on board a ship, including distillate and residual fuels.

2. From 1st January 2020, the sulphur content of any fuel oil used on board ships of international voyages shall not exceed 0.1% m/m when operating in the inland river emission control area. From 1st January 2022, the sulphur content of any fuel oil used on board ships of international voyages shall not exceed 0.1% m/m when operating in the coastal emission control area in Hainan waters.

3. From 1st March 2020, the sulphur content of any fuel oil carried for use on board that ship of international voyages shall not exceed 0.50% m/m (hereinafter referred to as “non-compliant fuel” for sulphur content exceeding 0.50%) when operating in waters under the jurisdiction of the people's Republic of China.

4. Ships of international voyages with equivalent requirements in its alternative measures which comply with Article 4 of MARPOL Annex VI could be exempt from the requirements of paragraphs 1, 2 and 3 herein. The above “alternative measures” refer to any fittings, apparatus or alternative fuels which are at least as effective in terms of emissions reductions as required above. From 1st January 2020, the wash water of open-loop exhaust gas cleaning systems should not be discharged into waters of DECAs

(ii) Requirements for report of fuel oil used or carried for use on board.

5. From 1st January 2020, if ships of international voyages with Chinese nationality use or carry non-compliant fuel oil due to non-availability of compliant fuel oil and the next port of call is a foreign port, the ships shall report to the maritime authority of the registered port immediately and notify the competent authority of the next port of call with Fuel Oil Non-Availability Report (FONAR, see appendix). If ships of

international voyages with Chinese nationality use or carry non-compliant fuel due to non-availability of compliant fuel and the next port of call is a port of China, the ships shall submit a FONAR to the maritime authority of the port. A copy of the FONAR should be kept on board for potential inspection for 36 months.

6. From 1st January 2020, if ships of international voyages with foreign nationalities use or carry non-compliant fuel due to non-availability of compliant fuel and the next port of call is a port of China, the ships shall notify the maritime authority of the Chinese port with a FONAR, before entering the waters under the jurisdiction of China.

7. From 1st January 2020, ships of international voyages with Chinese nationality which are found with the quality of fuel oil bunkered not compliant with the requirements of paragraphs 14 or 18 of MARPOL Annex VI should immediately report to the maritime authority of the registered port with non-compliant fuel information, including ports of bunkering, fuel oil supplier, and fuel oil test reports.

8. At regular intervals, the information of confirmed FONAR and non-compliant fuel oil bunkered to Chinese ships of international voyages will be reported to the IMO by Maritime Safety Administration of the People's Republic of China.

(iii) Disposal Requirements of non-compliant fuel oil remaining on board.

9. The *Guidance For Port State Control On Contingency Measures For Addressing Non-Compliant Fuel oil* (MEPC.1/Circ.881) shall be complied with from 1st March 2020, where the ships of international voyages carrying non-compliant fuel in the waters under jurisdiction of China shall discharge non-compliant fuel oil, or keep the

non-compliant fuel oil on board with a commitment letter of not using it in the waters under jurisdiction of China, with the consent of the maritime authority of the port.

10. Discharging non-compliant fuel oil from ships shall comply with the provisions of bunkering in *Regulations of the People's Republic of China on the Prevention and Control of Marine Environment Pollution from Ships and Related Operation Activities* and *Regulations of the People's Republic of China on the Administration of the Prevention and Control of the Pollution of Inland Waters from ships*. Report shall be made to the local maritime authority and safety and pollution prevention measures shall be implemented.

(iv) Fuel oil suppliers record

11. Before November 30, 2019, the bonded ship's fuel oil supplier (hereinafter referred to as "fuel oil supplier") shall report information of the supply capacity of compliant fuel oil for ports and contact details to the Maritime Safety Administration of the People's Republic of China, which is responsible for the collection of the information and notify the IMO. If any change of the capacity or other information occurs, it shall be updated in a timely manner.

12. The fuel oil supplier shall submit documents to the maritime authority for record in accordance with *Regulations of the People's Republic of China on the Prevention and Control of Marine Environment Pollution from Ships and Related Operation Activities* and *Guide to Maritime Affairs and Services*. The supplier that intends to engage in the business in the inland river shall notify the maritime authority.

(v) Supervision and Management

13. The maritime authorities at all levels shall conduct on-site inspections of vessels engaged in international voyages and bunkering barges in accordance with the on-site supervision and management guidelines formulated by the Maritime Safety Administration of the People's Republic of China. Regarding the violations, maritime authorities shall exercise their functions in accordance with relevant laws, regulations and *Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution*. In the case of non-compliant fuel oil provided by fuel oil suppliers, relevant competent departments shall be notified and the supervision information will be publicized on a regular basis.

14. The maritime authorities at all levels can conduct inspections by means of the sampling and testing fuel oil onboard, and determine whether the sulphur content of fuel oil is non-compliant in accordance with *Notice of Implementing Verification Procedure of the Fuel Oil Sample in MARPOL Annex VI in advance* (MEPC.1/Circ.882) and the provisions of the MARPOL Annex VI Amendment that will come into force soon afterwards.

15. The maritime authorities at all levels shall examine, as appropriate, the integrity and authenticity of the FONAR submitted by the ship. If the review reveals that the FONAR meets the standard, ships shall be exempted from punishment and maritime authorities shall exercise their functions by following the regulations in the Implementation Scheme, and if fails to meet the standards, maritime authorities shall exercise their functions by following the regulations in the Implementation Scheme.

APPENDIX

FUEL OIL NON-AVAILABILITY REPORT (FONAR)

(sample)

Note:

1. This document is the Chinese version of *Appendix 1 of 2019 GUIDELINES FOR CONSISTENT IMPLEMENTATION OF THE 0.50% SULPHUR LIMIT UNDER MARPOL ANNEX VI*. If there is any discrepancy between the two language versions, the English version shall prevail.
2. This report is to be sent to the flag Administration and to the competent authorities in the relevant port(s) of destination in accordance with regulation 18.2.4 of MARPOL Annex VI. The report shall be 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 cannot be obtained. A copy of the FONAR should be kept on board for inspection for at least 36 months.
3. This report should be used to provide evidence if a ship is unable to obtain fuel oil compliant with the provisions stipulated in regulations 14.1 or 14.4 of MARPOL Annex VI.
4. Before filing a FONAR, the following should be observed by the ship/operator:
 - 4.1 A fuel oil non-availability report is not an exemption. According to regulation 18.2 of MARPOL Annex VI, it is the responsibility of the Party of the destination port, through its competent authority, to scrutinize the information provided and take action, as appropriate.
 - 4.2 In the case of insufficiently supported and/or repeated claims of non-availability, the Party may require additional documentation and substantiation of fuel oil non-availability claims. The ship/operator may also be subject to more extensive inspections or examinations while in port.
 - 4.3 Ships/operators are expected to take into account logistical conditions and/or terminal/port policies when planning bunkering, including but not limited to having to change berth or anchor within a port or terminal in order to obtain compliant fuel.
 - 4.4 Ships/operators are expected to prepare as far as reasonably practicable to be able to operate on compliant fuel oils. This could include, but is not limited to, fuel oils with different viscosity and different sulphur content not exceeding regulatory requirements (requiring different lube oils) as well as requiring heating and/or other treatment on board.

1 Particulars of ship

1.1 Name of ship:

1.2 IMO number:

1.3 Flag:

1.4 (if other relevant registration number is available, enter here):

2 Description of ship's voyage plan

2.1 Provide a description of the ship's voyage plan in place at the time of entry into "country X" waters (and ECA, if applicable) (Attach copy of plan if available):

2.2 Details of voyage:

1 Last port of departure

2 First port of arrival in "country X":

3 Date of departure from last port (dd-mm-yyyy):

4 Date of arrival at the first port in "country X" (dd-mm-yyyy):

5 Date ship first received notice that it would be transiting in "country X" waters (and ECA, if applicable) (dd-mm-yyyy):

6 Ship's location at the time of notice:

7 Date ship operator expects to enter "country X" waters (and ECA, if applicable) (dd-mm-yyyy):

8 Time ship operator expects to enter "country X" waters (and ECA, if applicable) (hh:mm UTC):

9 Date ship operator expects to exit "country X" waters (and ECA, if applicable) (dd-mm-yyyy):

10 Time ship operator expects to exit "country X" waters (and ECA, if applicable) (hh:mm UTC):

11 Projected days ship's main propulsion engines will be in operation within "country X" waters (and ECA, if applicable):

12 Sulphur content of fuel oil in use when entering and operating in "country X" waters (and ECA, if applicable):

3 Evidence of attempts to purchase compliant fuel oil

3.1 Provide a description of actions taken to attempt to achieve compliance prior to entering "country X" waters (and ECA, if applicable), including a description of all attempts that were made to locate alternative sources of compliant fuel oil, and a description of the reason why compliant fuel oil was not available:

3.2 Name and email address of suppliers contacted, address and phone number and date of contact (dd-mm-yyyy):

Please attach copies of communication with suppliers (e.g. emails to and from suppliers)

4 In case of fuel oil supply disruption only

4.1 Name of port at which ship was scheduled to receive compliant fuel oil:

4.2 Name, email address, and phone number of the fuel oil supplier that was scheduled to deliver (and now reporting the non-availability):

5 Operation constraints, if applicable

5.1 If non-compliant fuel has been bunkered due to concerns that the quality of the compliant fuel available would cause operational or safety problems on board the ships, the concerns should be thoroughly documented.

5.2 Describe any operational constraints that prevented use of compliant fuel oil available at port:

5.3 Specify steps taken, or to be taken, to resolve these operational constraints that will enable compliant fuel use:

6 Plans to obtain compliant fuel oil

6.1 Describe availability of compliant fuel oil at the first port-of-call in "country X", and plans to obtain it:

6.2 If compliant fuel oil is not available at the first port-of-call in "country X", list the lowest sulphur content of available fuel oil(s) or the lowest sulphur content of available fuel oil at the next port-of-call:

7 Previous Fuel Oil Non-Availability Reports

7.1 If shipowner/operator has submitted a Fuel Oil Non-Availability Report to "country X" in the previous 12 months, list the number of Fuel Oil Non-Availability Reports previously submitted and provide details on the dates and ports visited while using non-compliant fuel oil, as set out below:

Report:

Date (dd-mm-yyyy):

Port:

Type of fuel:

Comments:

8 Master/Company information

Master name:

Local agent in "country X":

Ship operator name:

Shipowner name:

Name and position of official:

Email address:

Address (street, city, country, postal/zip code):

Telephone number:

Signature of Master:

Print name:

Date (DD/MM/YYYY):
