

Circular - Series R

Circular Series R (Regulations) supersedes previous Series F. In the new Series R, relevant legal amendments and amendments to conventions are also published.

Circular recipients: (check box)

- Sdir: Norwegian Maritime Authority
A: 16 specially authorised employment offices
U: Selected Foreign Service stations
 P: Equipment manufacturers, any subgroups Offshore
 OFF: companies / OIM / operators Main organisations
 H.i.
 Others:

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The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.

Amendments to the Environmental Safety Regulations (implementation of MEPC.248(66), MEPC.266(68), MEPC.277(71), MEPC.286(71), MEPC.301(72) and MEPC.305(73)).

The Norwegian Maritime Authority (NMA) has laid down amendments to the Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units (Environmental Safety Regulations).

The amendments implement IMO Resolutions MEPC.248(66), MEPC.266(68), MEPC.277(71), MEPC.286(71), MEPC.301(72) and MEPC.305(73). In addition, the references to MARPOL (the International Convention for the Prevention of Pollution from Ships) have been updated to reflect Consolidated Edition 2017.

Furthermore, the provision of section 14 related to sulphur limits for fuels for passenger ships on a regular service in the EEA Area is deleted. This provision was originally implemented in Norwegian legislation in connection with the EEA obligations related to the EU Directive 2005/33/EC (the Sulphur Directive). The provision regulates sulphur emissions from fuel outside emission control areas for passenger ships operating on regular services to or from EEA ports and which are in Norwegian territorial waters or in the Economic Zone of Norway. According to this provision, the sulphur content of oily fuels shall not exceed 1.5% by mass. The provision is consumed by the new requirement that the sulphur content shall not exceed 0.5% by mass from 1 January 2020, cf. MARPOL regulation VI/14.

MARPOL Consolidated Edition 2017 includes MEPC.248(66), which amends MARPOL regulations I/3, I/19, I/20 and I/28 as well as appendix II form B section 5, and MEPC.266(68), which amends regulation I/12 on tanks for oil residues (sludge). These resolutions are now implemented through the reference to MARPOL Consolidated Edition 2017.

MARPOL amendments in brief

The amendments to MARPOL that follow from the mentioned resolutions were negotiated in the relevant IMO committees and adopted in plenary in MEPC. In cooperation with the industry, Norway developed positions and participated in the negotiations. The industry should be well aware of these amendments through information from special interest organisations and the

Norwegian Maritime Authority (NMA).

In brief, the amendments made by the resolutions include:

MEPC.248(66)

MEPC.248(66) adopts amendments to MARPOL regulation I/3 on exemptions and waivers by adding a new possible waiver, regulation I/3(6), from the requirements in Regulation 28(6) for tankers under specific conditions.

Regulations I/19 and I/20 are updated with the correct reference to regulation I/28, so that the reference to paragraph 28(6) is replaced with a reference to regulation paragraph 28(7).

Regulation I/28(6) is renumbered as 28(7). New regulation I/28(6) applies to the subdivision and stability instrument on board oil tankers to verify compliance with the intact and stability requirements. Moreover, regulation I/28(6) provides rules relating to the phasing-in of the requirement, who it shall apply to and requirements for a document of approval.

Moreover, appendix II form B section 5 is updated with new paragraphs 5.7.5 and 5.7.6 in the check list, as well as an update of paragraph 5.8.4 where the reference to paragraph 28(6) is replaced with a reference to 28(7).

MEPC.266(68)

MEPC.266(68) adopts amendments to MARPOL regulations I/12(1) to (4) on tanks for oil residues (sludge). As a main rule, the regulations apply to ships of 400 gross tonnage and above, but with certain exemptions specified in the resolution and the consolidated translation attached to this consultation.

MEPC.277(70)

MEPC.277(70) adopts several amendments to MARPOL Annex V relating to garbage management. These amendments are based on the general prohibition on discharge of garbage into the sea in regulation V/3, which had consequences for the discharge of cargo residues, including wash water containing cargo residues.

Originally, the state of the law has followed the IMO guidelines of resolution MEPC.219(63) paragraph 3, which were recommended when deciding whether cargo residues and washwater from tank cleaning contains cargo residues and should be considered harmful to the marine environment. If cargo residues and washwater from tank cleaning were considered harmful, the discharge requirements of regulations V/4.1.3 and V/6.1.2.1 had to be complied with. The guideline criteria are implemented through MEPC.277(70) as requirements by amendment to regulations V/4 and V/6 with appurtenant appendix I to MARPOL Annex V.

Moreover, MEPC.277(70) implements new provisions in MARPOL regulations V/4.3 and V/6.1.2.2. Ships transporting in bulk, as defined in SOLAS regulation VI/1-1.2, except grain, shall be classified in accordance with appendix I to MARPOL Annex V. Appendix I sets out the conditions for when a bulk cargo is harmful to the marine environment (HME).

MARPOL regulation V/4.3 requires the shipper to declare whether or not a solid bulk cargo is harmful to the marine environment in accordance with the new appendix I of MARPOL Annex V.

V. You can find an example form for cargo information in paragraph 4.2.3 of the IMSBC Code.

The following discharge of garbage is permitted in areas that are defined as special under MARPOL regulation V/6:

- tank washings/washwater from tank cleaning containing cargo residues (hold washing water) not containing substances classified as harmful to the marine environment;
- paint or additives in the wash waters not classified as harmful to the marine environment according to the guidelines made by the IMO.

The amendments apply to all ships carrying other solid form bulk cargo than grain on both domestic and foreign voyages.

The requirements in regulation V/10 and in appendix II to Annex V related to garbage record keeping are amended. The garbage record book shall be divided into two parts, one part for all ships, and one part only for ships carrying in bulk (related to HME cargo) and the subcategories non-HME and HME. See the headlines Part I "All ships" and Part II "Ships that carry solid bulk cargoes".

Every discharge shall be recorded in the garbage record book, and the entry shall include date and time and position of the ship (latitude and longitude), category of the garbage and the estimated amount (in cubic metres). For discharge of cargo residues, the discharge start and stop positions shall be recorded. In the same manner, discharges must be recorded in the garbage record book for incineration. For ships of less than 400 gross tonnage, discharges shall be recorded in the deck log book. Location, position and an explanation for the measures taken must also be recorded.

The amendments to regulation V/10 apply to ships that are required to keep a garbage record book. The aim of the amendments is to emphasise the requirements for recording in a garbage record book and preventing misses during port State controls. The company must ensure that their ships have updated record books.

MEPC.286(71)

MARPOL regulation VI/13 is amended to have the North Sea and the Baltic Sea get NO_x included in the established emission control areas. Companies planning to construct new ships the keel of which is laid on or after 1 January 2021 or companies having ships that are affected by the conversion regulations in regulation VI/13 that will be engaged on voyages in these emission control areas, and that are not included in the alternative exemptions, must therefore install adjusted engines.

MEPC.286(71) also implemented a new exemption provision from the regulations of MARPOL regulation VI/13 5.1. New exemption provision, regulation VI/13 5.4 allows temporary exemption for the emission of nitrogen oxides from a diesel engine on a ship provided that the following three conditions are met: An exemption may be granted from the time of the emission immediately

- following building and sea trials of a newly constructed ship,
- or before and following converting, repairing and/or maintaining the ship, or
- maintenance or repair of a Tier II engine or a dual fuel engine when the ship is required to not have gas fuel or gas cargo on board due to safety requirements, for which activities take place in a shipyard or other repair facility located in a NO_x Tier III

emission control area. In addition to meeting the requirements for the exemption described above, the ship must meet the requirements that the engine meets the Tier II NO_x limits, the ship must sail directly to or from the shipyard or other repair facility, must not load or unload cargo during the duration of the exemption and must follow any additional specific routing requirements indicated by the port State in which the shipyard or other repair facility is located.

New regulation VI/13 5.5 constricts the exemption option by limiting the exemption period for the three alternatives mentioned above. For a closer description of these preconditions, reference is made to the resolution and the consolidated edition attached to this consultation letter.

MEPC 286(71) furthermore stipulates amendments to appendix V to MARPOL Annex VI on information to be included in the bunker delivery note (BDN). The amendments have been done to allow delivery of fuel with a sulphur content exceeding the limits in regulation VI/14 for ships using equivalent methods pursuant to regulation VI/4 or for ships that have been granted exemption to test new technology pursuant to regulation VI/3. The fuel oil supplier must declare the fuel quality and a representative from the fuel supplier must tick the text boxes on the fuel declaration form. This is set out in paragraph 9 in the appendix to MARPOL regulation VI/13.

MEPC.301(72)

A minor adjustment has been done to the wording for the NO_x Tier III area in regulation VI/13.

The resolution also amends MARPOL regulation VI/21 for requirements to "Energy Efficiency Design Index" (EEDI) for ro-ro ships and ro-ro passenger ships. Reference lines for ro-ro cargo ships and ro-ro passenger ships are amended. These amendments provide a reduced requirement compared to existing reference lines, and they ease the CO₂ emission requirements for ro-ro ships and ro-ro passenger ships for EEDI phase 2, which entered into force on 1 January 2020.

In MARPOL regulation VI/21, the parameters for determination of reference values for the different ship types rows 2.34 (ro-ro cargo ships) and 2.35 for ro-ro passenger ships were amended.

In MARPOL regulations VI/21, table 1 shows reduction factors (percentage) for EEDI compared to the EEDI reference line.

MEPC.305(73)

MARPOL regulation VI/14 is amended so that previous transitional rules have been taken out of the provision. The amended provision now has a more general wording stating that sulphur content of fuel oil on board passenger ships should not exceed 0.50% m/m.

Regulation VI/14(3) has also been amended to make it easier to add new ECAs without having to change existing rule numbers.

Consultation and consultative statements

Proposed amendments to the Regulations of 30 May 2012 No. 488 on environmental safety for ships and mobile offshore units (Environmental Safety Regulations) were circulated for review from

26 March until 27 April 2020. The NMA received a total of 6 consultative comments, of which one included a question to the amendments.

The Norwegian Fishermen's Association asked whether the amendments arising from MEPC.286, the inclusion of the North Sea as an emission control area, and the requirement for adjusted engines, will apply to fishing vessels as well, and wondered if it would be possible to be exempt from the new rules. The provisions of MEPC.286 will apply to new ships.

For existing ships, the Norwegian Maritime Authority has made a guidance on the conditions that need to be met in order for a diesel engine to be exempt from the NO_x Tier III requirements introduced by the amendments (RSV 06-2020), which has been published under Circulars on our website (only available in Norwegian).

It is the on-board engine and not the vessel type which determines who the NO_x Tier III requirements apply to. MARPOL regulation VI/13 applies to diesel engines with a power output of more than 130 kW installed on a ship, the same applies for diesel engines with a power output of more than 130 kW which have undergone a major conversion, see regulation VI/13.1.1.

However, some diesel engines fall outside the scope of the main rule of regulation VI/13.1.1 The exemptions from the main rule are stipulated in MARPOL regulation VI/13.1.2. This applies to diesel engines intended to be used solely for emergencies, or solely to power any device or equipment intended to be used solely for emergencies on the ship on which it is installed. The same applies to diesel engines installed on life boats intended to be used solely for emergencies.

MARPOL VI/13.1.2.2 further states that diesel engines installed on a ship solely engaged on domestic voyages, provided that such engine is subject to an alternative NO_x control measure established by the Administration, are exempt from regulation VI/13. Norway currently have not made separate national alternative measures to limit NO_x. We use the requirements found in MARPOL.

Administrative and financial implications

The requirements are operational. The NMA presumes that these are familiar to the industry. As a consequence of the amendments of MEPC.286(71), and as referred to above, the NO_x Tier III requirements will take effect in the North Sea Emission Control Area from 1 January 2021. The Norwegian Maritime Authority will publish a circular to inform the industry about which conditions must be met in order to exempt machine installations with an engine propulsion power of less than 750 kW from the NO_x Tier III requirements.

Companies and shipyards will be most affected by the amendment and carry a significant part of the costs. In the short term, the requirements may include new administrative inconveniences for the companies and shippers since the delivery note for solid form bulk cargo and the ships' garbage record book must be reviewed and (if applicable) updated in compliance with the new requirements. The NMA will adapt the enforcement of the legislation to the amendments to MARPOL. Beyond this, the proposal is not considered to have any significant administrative implications. The measures will ensure better conservation of the environment and the climate.

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This document has been electronically approved, and therefore does not contain handwritten signatures.