



Maritime and Coastguard Agency

MARINE INFORMATION NOTE

MIN 376 (M+F)

Sulphur Content of Liquid Fuels Directive, 1999/32/EC, as amended by 2005/33/EC relating to the sulphur content of marine fuels - ships at berth

Notice to all Shipowners, Masters, Chief Engineers, Local Suppliers of Fuel Oil

*This notice should be read with EC directive 1999/32/EC, as amended by 2005/33/EC
This MIN replaces MIN 371(M) and expires on 01 January 2011*

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

This notice provides guidance for ships at berth in UK ports seeking to comply with the requirements under Article 4b of the Sulphur Content of Liquid Fuels Directive, 1999/32/EC, as amended by 2005/33/EC of 6 July 2005 relating to the sulphur content of marine fuels ("the Directive"). The Directive requirements came into effect on 1 January 2010. Specifically, to aid interpretation of the requirements under the Directive guidance is provided on ships anchored in UK ports, sufficient time for fuel changeover, and "hotelling".

The European Commission has issued a Commission Recommendation (2009/1020/EU) of 21 December 2009 on the safe implementation of the use of low sulphur fuel by ships at berth in Community ports. In bringing the Commission Recommendation to the attention of the shipping industry the MCA wishes to raise awareness of the safety issues highlighted in the recommendation. The MIN highlights further guidance on implementation of the Directive published by the Commission in December 2009.

Under Regulation 3(13)(a) of the Merchant Shipping (Prevention of Air Pollution of Ships) Regulations 2008 (SI 2008/2924) ships can be exempted where it is necessary for the purpose of securing the safety of a ship. Exemptions to both the current Regulations and the forthcoming Regulations to implement the Directive can be considered on application to the MCA.

The designation of the note as MIN 376 (M+F) identifies that the requirements of the Directive are applicable to both merchant and fishing vessels.

This information note is provided as an interim measure. Regulations are being prepared to implement the requirements of the Directive into UK law. Once this process is complete, this MIN will be replaced by a Marine Guidance Note.

1. Introduction

- 1.1 Article 4b(1) of the Directive states that “With effect from 1 January 2010, Member States shall take all necessary measures to ensure that the following vessels do not use marine fuels with a sulphur content exceeding 0.1% by mass”.
- 1.2 Article 4b(1)(b) of the Directive identifies that this requirement applies to “ships at berth in Community ports, allowing sufficient time for the crew to complete any necessary fuel-changeover operation as soon as possible after arrival at berth and as late as possible before departure”.
- 1.3 The Directive defines a ship at berth as meaning “ships which are securely moored or anchored in a Community port while they are loading, unloading or hotelling, including the time spent when not engaged in cargo operations”.
- 1.4 The definition of ships at berth in the Directive and the requirement under Article 4b(1)(b) requires further interpretation. For those seeking to interpret the requirements under the Directive for ships at berth, this notice provides guidance for ships anchored in UK ports, how sufficient time allowed for fuel changeover operations should be determined, and how the term “hotelling” could be defined.

2. Guidance for ships anchored within a UK port

- 2.1 A ship anchored within the port limits of a UK port are required to comply with the provisions for "ships at berth" in Article 4b(1)(b) of the Directive.
- 2.2 For a ship anchored outside port limits, but anchored within the North Sea Sulphur Emission Control Area, then the ship is to remain compliant with the 1.50% sulphur content limit for fuel oil used on board the ship as required under S.I. 2008/2924 The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008.

3. Guidance on the term “sufficient time” allowed for fuel changeover operations by ships at berth in UK ports

- 3.1 What is and what is not “sufficient time” to allow for fuel changeover operations may vary. However, Article 4b(2)(a) of the Directive indicates that ships are not required to changeover fuel where, according to published timetables, ships are due to be at berth for less than two hours. It can be inferred from this exemption, in general, that one hour could be considered as sufficient time to complete fuel changeover operations.
- 3.2 Other factors that should be considered when determining what is sufficient time for fuel changeover operations should include:
 - all relevant safe operations;
 - the operating circumstances of the ship, such as to minimise the interruption of power plant;
 - a need for effective maintenance and longevity of the ship’s machinery;
 - any associated shore-based activity that might be required;
 - machinery manufacturers’ guidance;
 - company and vessel specific procedures;
 - the power rating of the engines and the viscosity of the fuel being used.
- 3.3 The UK would not consider “sufficient time” for fuel changeover operations to include time to procure and have delivery to the ship marine fuel with a sulphur content not exceeding 0.1%. A ship is expected to have compliant fuel onboard on arrival at berth.

4. Guidance on the term “hotelling” in the context of operations by ships at berth

4.1 “Hotelling” should be considered as when a ship is securely moored or anchored in a port and is not loading or unloading cargo, but is providing crew and any passengers with accommodation and associated services.

5. Commission Recommendation (2009/1020/EU)

5.1 The European Commission has published Commission Recommendation of 21 December 2009 on the safe implementation of the use of low sulphur fuel by ships at berth in Community ports. The Commission Recommendation relates to the operational problems and safety risks associated with the use of marine diesel and marine gas oil in ships that have not been designed to use such fuels or have not undergone the necessary technical adaptation. The Commission have concluded that the main safety risk relates to use in ships’ boilers which have not yet been assessed and certified for use with the required type of fuel.

5.2 The Commission Recommendation was published in the Official Journal of the European Union on 29 December 2009 (L348/73) and is available from the following site:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:348:0073:0074:EN:PDF>

6. Additional Guidance from the European Commission

6.1 Guidance from the European Commission on the implementation of the Directive has been published. This guidance is available from the following site:

http://ec.europa.eu/environment/air/transport/pdf/ships_faq.pdf

7. The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008

7.1 Regulation 3(13)(a) of the Merchant Shipping (Prevention of Air Pollution of Ships) Regulations 2008 (SI 2008/2924) states that these Regulations do not apply to any emission “necessary for the purpose of securing the safety of a ship”.

7.2 The 2008 Regulations are to be amended to implement the provisions of the Directive, with the exemption provided by Regulation 3(13)(a) retained. Exemptions can be considered on a case by case basis on application to the MCA, for example, trip tests undertaken by LNG ships prior to discharge of cargo at LNG terminals.

More Information

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