

## **MBA Regulatory Bulletin 2020 – Summer Edition**

This bulletin is published to serve as an *aide-mémoire* of recent regulatory changes in the international shipping industry. This bulletin provides information of regulatory changes adopted by the International Maritime Organization (IMO) with entry into force (or action dates) dates nearly from 1 July 2020 to 1 July 2021.

Further information on these regulations can be obtained from the resolution of the appropriate IMO body adopting the new requirements. These resolutions are available at IMO website.

<b>Convention / Regulation</b>	<b>Amendments to MARPOL Annexes I, II, V and VI - Use of electronic record books</b>
<b>Entry into Force / Applicable From</b>	<b>1 October 2020</b>
<b>Application</b>	<b>All new and existing ships where MARPOL is applicable</b>
<b>Reference</b>	<b>MARPOL Annex I, II, V and VI, and the NOx Technical Code MEPC.312(74), MEPC.314(74), MEPC.316(74), MEPC.317(74)</b>

**Summary:**

IMO periodically reviews the administrative provisions of mandatory requirements and considers ways to make these more efficient. The use of electronic record books as an alternative to the current paper versions required under MARPOL Annexes I, II, V and VI has been agreed. Amendments to the relevant Annexes of MARPOL addressing the issue of electronic record-keeping are in progress. Further documentation will be created and existing procedures will be revised to support the amendments (see Related Instruments below). The exact MARPOL format should be used to facilitate the transition to electronic record-keeping and any possible flexibility in the format can be considered again in the future.

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	Ship-owners and Ship Managers can select to switch to electronic record books to reduce administrative burden and the amount of paper waste on board. Any electronic system used for this purpose will need to meet the specified criteria and be provided with written confirmation by the Administration which is to be carried on board the ship for the purpose of regulatory surveys or inspections.
<b>To Flags &amp; RO</b>	Flag approval of the electronic recording system will be needed if electronic record books are used.
<b>To Shipbuilders / Manufacturers</b>	NA

<b>Convention / Regulation</b>	<b>Amendments to the 2017 Guidelines Addressing Additional Aspects of the NOx Technical Code 2008 (Certification Requirements for SCR Systems) with regard to Particular Requirements Related to Marine Diesel Engines Fitted with Selective Catalytic Reduction (SCR) Systems</b>
<b>Entry into Force / Applicable From</b>	<b>1 October 2020</b>
<b>Application</b>	<b>All ships where MARPOL Annex VI applicable</b>
<b>Reference</b>	<b>Resolution MEPC.291 (71)</b>

**Summary:**

The NOx Technical Code provides two certification schemes: scheme A, where an engine and SCR are tested together; and scheme B where it is certified separately before putting onboard and final (simplified) testing is undertaken. Currently, the NOx Technical Code stipulates scheme B can be used only when the scheme cannot be undertaken due to “practical and technical” reasons.

This amendment will remove the above restriction and make scheme A and scheme B equally applicable. The details of the scheme are given in the amendments to the 2017 Guidelines Addressing Additional Aspects of the NOx Technical Code 2008 with regard to Particular Requirements Related to Marine Diesel Engines Fitted with Selective Catalytic Reduction (SCR) Systems (Resolution MEPC.291 (71))

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	Expected marine diesel engines to be installed onboard a ship constructed on or after 1 October 2020, subject to confirmation at MEPC 73 and MEPC 74. Option now to use Scheme A or B as per convenience.
<b>To Flags &amp; RO</b>	Survey procedure / Type approval for the new amendment.
<b>To Shipbuilders / Manufacturers</b>	Amendments were adopted to the NOx Technical Code permitting separate certification of the diesel engine and the Selective Catalytic Reduction (SCR) System, a technology that makes it possible to comply with the above requirements. This will help if a main engine and SCR are manufactured in different locations and pre-certified separately then finally joined on board.

<b>Convention / Regulation</b>	<b>Amendments to MARPOL Annex VI regulations 2.42 and 19.3 concerning EEDI regulations for ice-strengthened ships</b>
<b>Entry into Force / Applicable From</b>	<b>1 October 2020</b>
<b>Application</b>	<b>All category A ships designed for operation as polar ships</b>
<b>Reference</b>	<b>Res.MEPC.316(74)</b>

**Summary:**

The amendment to Marpol Annex VI clarifies which ships are not required to meet the attained EEDI due to their disadvantageous hull shape and construction for ice-breaking purposes.

Regulation 19.3 of MARPOL Annex VI has been amended to refer to ships with ice-breaking capabilities as "category A ships as defined in the Polar Code", instead of "cargo ships having ice breaking capability". The definition of "Polar Code" has also been included in Regulation 2 for reference.

This applies to:

1. Each new ship;
2. Each new ship which has undergone a major conversion

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	The requirement is for category A ships designed for operation as polar ships.
<b>To Flags &amp; RO</b>	New or existing ship which has undergone a major conversion is regarded by the Administration as a newly constructed ship.
<b>To Shipbuilders / Manufacturers</b>	NA

<b>Convention / Regulation</b>	<b>Amendments to the 2011 Enhanced Survey Program Code for bulk carriers and oil tankers</b>
<b>Entry into Force / Applicable From</b>	<b>1 January 2021</b>
<b>Application</b>	<b>ESP Code</b>
<b>Reference</b>	<b>Resolution MEPC.461(101)</b>

**Summary:**

The Enhanced Survey Program (ESP) Code is a mandatory survey requirement for Oil Tanker and Bulk Carriers as required by SOLAS Regulation XI-1/2. The Code was adopted as A.1049 (27) which superseded the previous ESP program (A.744 (18)). In addition to numerous editorial revisions providing consistent terminology, the more substantive amendments are:

1. clarify the responsibilities and working arrangements where the 2011 ESP Code requires at least two exclusive surveyors to attend on board at the same time to perform the required survey;
2. provide consistency with IMO goal-base standards, GBS, regime (e.g., number and location of thickness measurements to be taken, acceptance criteria for corrosion and renewal of structure and longitudinal strength evaluation);
3. clarify specific elements that are subject to close-up survey in tanks on one side of the ship;
4. specify conditions for using hydraulic arm vehicles or aerial lifts for the close-up survey

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	These amendments will help ensure harmonization between the IMO and IACS requirements. ESP survey scope / clarity well defined.
<b>To Flags &amp; RO</b>	Survey rules for ESP to comply with new amendments.
<b>To Shipbuilders / Manufacturers</b>	NA

<b>Convention / Regulation</b>	<b>Amendments to the IMSBC Code (Amendment 05-19)</b>
<b>Entry into Force / Applicable From</b>	<b>1 January 2021</b>
<b>Application</b>	<b>Ships carrying IMSBC Cargo (IMSBC Code)</b>
<b>Reference</b>	<b>MSC.462(101)</b>

**Summary:**

The IMSBC Code is regularly reviewed to take into account new requirements for existing substances or new substances. The latest version of the IMSBC Code is Amendment 04-17 (see item 307) and IMO is now finalizing the next set of amendments 05-19 which are expected to be approved in 2019

The draft amendments include:

On bauxite cargoes:

- Draft new test procedure for determining the transportable moisture limit (TML) for bauxite cargoes (Modified Proctor/Fagerberg test procedure for bauxite) included in Appendix 2
- Draft individual schedule for bauxite as a group A cargo (liable to liquefy)
- Draft amendments to the existing individual schedule of bauxite as Group C cargo

On seed cake cargoes:

- New draft individual schedules for seed cakes as Group C and Group B (MHB (SH)) addressing oxygen depletion issues.
- Draft amendments to the individual schedules for seed cake UN 1386 (a), seed cake UN 1386 (b) and seed cake UN 2217

On metal sulphide concentrates:

- New draft individual schedule for metal sulphide concentrates, self-heating UN 3190 as a group A and B cargo.
- Ammonium nitrate based fertilizer (non-hazardous) remains classified as Group C with a footnote reference to the information contained in CCC.1/Circ.4 on Carriage of Ammonium Nitrate Based Fertilizer (non-hazardous). Discussions on the hazards of ammonium nitrate based fertilizer are continuing.

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	The amendments will include new and amended schedules which will provide specific requirements for solid bulk cargoes intended to be carried under the IMSBC Code. Ship-owners and operators should be aware of the changes and advise their masters accordingly.
<b>To Flags &amp; RO</b>	All ships carrying solid bulk cargoes, other than grain, will be required to apply the amendments from 1 January 2021, and that governments may apply the requirements voluntarily from 01 January 2020
<b>To Shipbuilders / Manufacturers</b>	NA

<b>Convention / Regulation</b>	<b>Revision of the IBC Code Chapters 17, 18 and 21 - Assigning carriage requirements for products</b>
<b>Entry into Force / Applicable From</b>	<b>1 January 2021</b>
<b>Application</b>	<b>Chemical tanker (IBC Code)</b>
<b>Reference</b>	<b>MSC.460(101)/MEPC.318(74)</b>

**Summary:**

The criteria for assigning carriage requirements to chemicals (Chapter 21) with regards to safety hazards are currently under review. Among other amendments, the toxicity categorization of products will be revised. The lists of requirements for specific cargoes (Chapters 17 and 18) will also be amended accordingly. Consequential changes to the BCH Code are expected.

Upon finalization of the draft text at the PPR Sub-Committee, both the MSC and MEPC Committees will need to approve and adopt the changes.

New and existing ships to which the IBC Code applies, i.e. all chemical tankers regardless of tonnage and nature of voyage (international and non-international voyages).

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	Need to monitor the developments for any required changes to operational requirements or minor modifications on board. Especially, attention must be paid to a high number of products that are not currently classified as toxic but are expected to be classified as such after the revision. A new Certificate of Fitness including a new List of Products will be issued to applicable ships, based on the revised requirements.
<b>To Flags &amp; RO</b>	New revised Certificates and List of products will be effective and supersede the existing certificates, on the date of entry into force of the amendments to the IBC Code.
<b>To Shipbuilders / Manufacturers</b>	NA



<b>Convention / Regulation</b>	<b>Amendment to MARPOL Annex II and the associated draft amendments to the IBC Code related to the discharge of cargo residues and tank washings of high-viscosity, solidifying and persistent floating products</b>
<b>Entry into Force / Applicable From</b>	<b>1 January 2021</b>
<b>Application</b>	<b>IBC Code</b>
<b>Reference</b>	<b>MEPC.315(74); MEPC.318(74); MEPC.319(74); MEPC.460(74)</b>

**Summary:**

This is the follow up to a recent amendment which covered tank washings of high viscosity (but not harmful) oils which were washed ashore in the English Channel.

The new draft amendment to MARPOL Annex II requires a pre-wash for cargoes of persistent floating substances with a high viscosity, and includes cargoes such as vegetable oils and paraffin's when the vessel is in one of the defined special areas. In this regard a new special area "North Western European Water" has been included.

Consequential amendments to the IBC Code and the BCH Code as follows:

IBC Code:

Draft new paragraph 16.2.7, referring to the new prewash requirements in MARPOL Annex II;

The addition of 16.2.7 in column O of the entries in the draft revised chapter 17 corresponding to priority substances to which the draft new MARPOL Annex II prewash requirements should be applied as a first step; and

Draft new paragraph 21.6.5, specifying the criteria that trigger the inclusion of 16.2.7 in column O of chapter 17.

BCH Code:

Corresponding to a draft new paragraph 16.2.7 of the IBC Code.

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	The impact is in general limited as the pre-wash requirements apply only to the North Sea (new special area). However, it should be noted that short sea trade vessels solely operating in this area could be significantly impacted. Being an operational requirement, this applies to all new and existing ships upon entry into force. The amendment is expected to enter into force on 1 January 2021 following approval and subsequent adoption by IMO.
<b>To Flags &amp; RO</b>	A new chemical fitness certificate (COF) or NLS certificate documenting compliance with the new Regulations shall be issued once a Confirmation Survey has been conducted to verify whether a revised Operation Manual and P&A Manual with a class approval stamp are onboard.
<b>To Shipbuilders / Manufacturers</b>	NA

<b>Convention / Regulation</b>	<b>Amendments to MARPOL Annex VI, Regulation 13 - Emission Control Area (ECA) (NOx) (including Baltic Sea and North Sea)</b>
<b>Entry into Force / Applicable From</b>	<b>1 January 2021</b>
<b>Application</b>	<b>Ships constructed on or after 1 January 2021 and is operating in the Baltic Sea Emission Control Area or the North Sea Emission Control Area including English Channel</b>
<b>Reference</b>	<b>MEPC.286(71)</b>

**Summary:**

Further to the existing SOx emission control in the Baltic and North Seas (under MARPOL Annex VI Regulation 14), NOx emission control is also established under Regulation 13.

New ships (see Application) will be required to have Tier III engines if they visit these sea areas. There are exemption provisions to allow ships fitted with dual fuel engines to navigate without compliant fuel (e.g. LNG), or ships with only Tier II engines, to navigate in a NOx Tier III ECA if the ship is departing from a shipyard where the ship is newly built, or visiting a shipyard for conversion, repair or maintenance. It should be noted that these exemption provisions apply to all NOx ECAs not just the Baltic and North Sea.

MARPOL Annex VI is amended by IMO Resolution MEPC.271(69) to include a new paragraph, 13.5.3, which has the following explanatory text: "5.3 The tier and on/off status of marine diesel engines installed onboard a ship to which paragraph 5.1 of this regulation applies which are certified to both Tier II and Tier III or which are certified to Tier II only shall be recorded in such log books as prescribed by the Administration at entry into and exit from an emission control area designated under paragraph 6 of this regulation, or when the on/off status changes within such an area, together with the date, time and position of the ship".

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	New ships which visit this area will be required to have Tier III engines. This requires the future trading areas of a ship to be assessed at the contract stage.
<b>To Flags &amp; RO</b>	Compliance with the provisions of Annex VI is determined by periodic inspections and surveys.
<b>To Shipbuilders / Manufacturers</b>	Amendments to MARPOL Annex VI, introducing two new NOx Emission Control Areas (ECAs) will be enforced for ships constructed (keel laying) on or after 1 January 2021, or existing ships which replace an engine with "non-identical" engines, or install an "additional" engine.

<b>Convention / Regulation</b>	<b>The Revised MARPOL Annex VI for the Prevention of Air Pollution from Ships (Chapters 1 - 3)</b>
<b>Entry into Force / Applicable From</b>	<b>1 January 2021</b>
<b>Application</b>	<b>Yachts of less than 500 GT constructed before 1 January 2021</b>
<b>Reference</b>	<b>Res. MEPC.251(66)</b>

**Summary:**

The requirements of MARPOL Annex VI for the Prevention of Air Pollution from Ships (Chapters 1 - 3) as amended by MEPC.176(58) were further revised by MEPC.251(66) to delay the application to yachts (ships used solely for recreational purposes) until 1 January 2021. From this date, yachts are required to comply with the Tier III requirements. However, it should be noted that yachts of less than 500 GT constructed before 1 January 2021 and recreational yachts of less than 24 meters will not need to comply with Tier III even after this date.

**Implications:**

<b>To Ship Owners / Ship Managers:</b>	Yacht owners and Managers will need to note the new requirements for yachts which are applicable from 1 January 2021.
<b>To Flags &amp; RO</b>	Ensure compliance of the new amendment by periodical inspections and Surveys.
<b>To Shipbuilders / Manufacturers</b>	Annex VI Regulations 13.5.2.1 and 13.5.2.3, NOx Tier III requirements shall apply to marine diesel engines installed on Yachts.