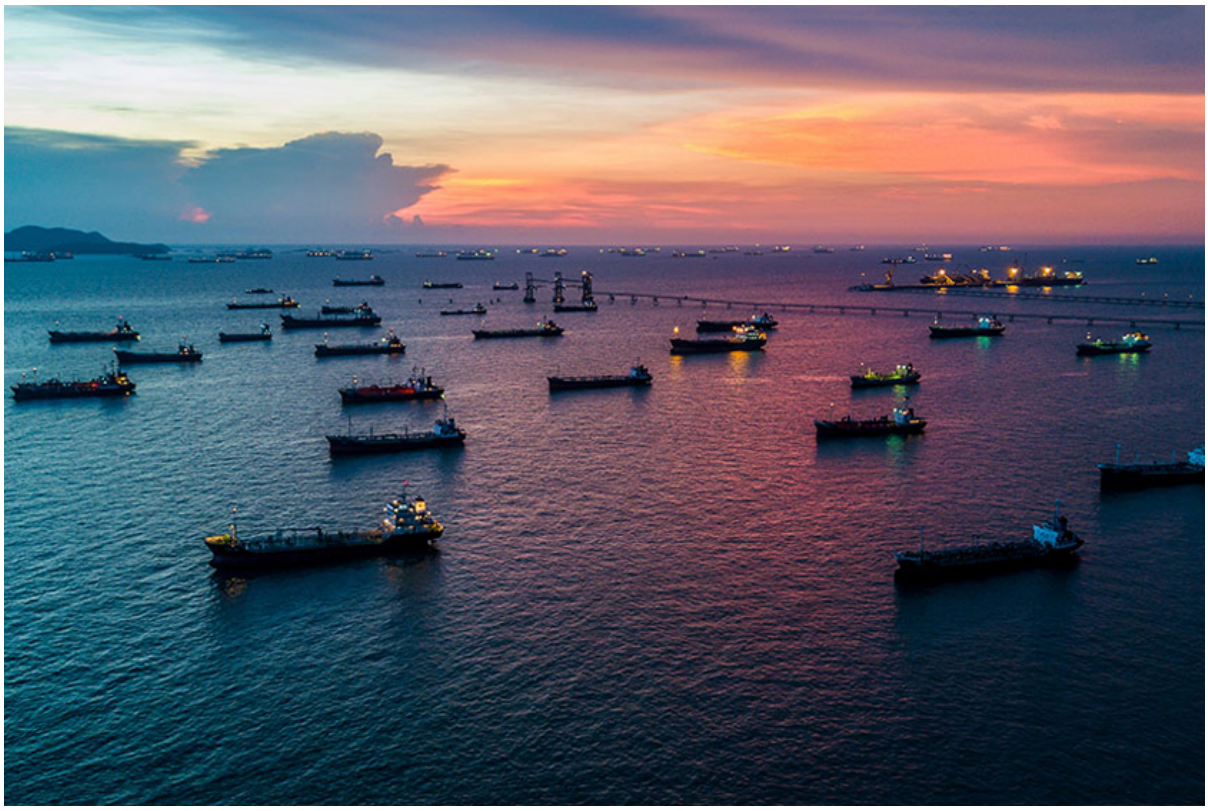

Charting the 2019 maritime regulatory landscape

The marine industry saw a plethora of regulations come into force during 2018 and there is no slowing down in 2019 as regulations related to crew, life and fire safety, environment, cargo, and certification will be implemented in the course of this year.

Published 10 January 2019

Written by Siddharth Mahajan

We summarize these below by date of implementation. We encourage Members and clients to ensure that their crew and shore staff are familiar with these. Besides regulations being implemented by the IMO, ILO and other international bodies, we have also included some key domestic regulatory changes. You can find a summary of the key changes introduced during 2018 here .

1 January 2019

Resolution A.1116(30): Escape Route Signs and Equipment Location Markings

To ensure uniformity of safety signs with ISO standards, the IMO has introduced updated signs and graphic symbols that should be used to mark the location of means of escape, life-saving systems, and mandatory action signs for launching lifesaving equipment. Safety signs and equipment location markings are now harmonized with the ISO standards. All ships constructed on or after 1 January 2019, and which undergo repairs, alterations, modifications and outfitting within the scope of SOLAS Chapters II-2 and/or III as applicable, on or after 1 January 2019 should ensure compliance with signs in tables 1, 2 and 3 in the Annex to IMO Resolution A.1116(30). The resolution also includes symbols to be used in conjunction with Resolution A.952(23) when preparing the shipboard fire control plans required by SOLAS regulation II-2/15.2.4.

Resolution MEPC.286(71): Information to be included in bunker delivery note

The existing bunker delivery note (BDN) limits the supplier's declaration to stating that the fuel oil supplied conforms with MARPOL Annex regulation 14.1, which reduces the global limit from 3.5% to 0.5% from 1 January 2020, or regulation 14.4 covering limits for emission control areas. It does not accommodate the supply of high sulphur fuel oil to vessels installed with scrubbers or those with an exemption. Text of the BDN was therefore amended to allow for such supply. A selection box has been introduced stating the purchaser's specified limit of sulphur content. The text of the selection box in the new BDN also obliges the bunker supplier to obtain a notification from the purchaser that fuel is intended to be used in compliance with MARPOL, if the fuel supplied exceeds the 0.5% sulphur limit. Guidance issued by the International Bunker Industry Association (IBIA) on this can be accessed here . Crew members should be made aware of the new requirements of the BDN to avoid any problems with Port State Control and other authorities.

Resolution MEPC.286(71): Designation of the Baltic Sea and the North Sea Emission Control Areas for NOX Tier III control

The Baltic Sea and North Sea emission control areas (ECA) will be extended to cover NOx in addition to SOx. Engines whose power output exceeds 130kw installed on vessels constructed on or after 01 January 2021 must be Tier III certified if operating inside these two areas. The regulation also applies to non-identical replacement engines or additional engines installed on existing ships on or after 1 January 2021. From 1 January 2019, all the four ECAs; the Baltic Sea, North Sea, North America and US Caribbean, will cover both SOx and NOx. Updated list of special areas under the various Annexes of MARPOL can be found here .

Resolution MSC.426(98): Amendments to the International Maritime Solid Bulk cargoes (IMSBC) code

New individual schedules for some cargoes have been introduced and some existing ones have been revised. Most notably, coal will now be classified as both Group A and B cargo unless otherwise tested. There are two alternative ways in which shippers may demonstrate that a coal cargo is not Group A:

• Coal cargoes are not subject to Group A requirements if they have a particle size distribution which is: Not more than 10% is less than 1 mm and not more than 50% is less than 10 mm.

• Alternatively, the competent authority of the country of loading can specify laboratory criteria to assess whether or not a coal cargo possesses Group A properties. Such criteria would most likely be based on the outcome of the test methods for Group A cargoes contained in Appendix 2 of the IMSBC Code.

Testing the transportable moisture level (TML) of coal requires the use of a modified Proctor/Fagerberg (PF) procedure which is significantly different from the existing PF methods, e.g. those that have been modified for iron ore fines, in that there is a new procedure on how to deal with lumps over 50 mm in the sample, as well as different Proctor hammer and a cylinder compared to other PF methods. Details of the amendments related to coal cargos can be found in our Gard Alert published on 27 November 2018 .

Shippers now have to ensure that the test to determine the TML of a solid bulk cargo is conducted within six months of the date of loading the cargo, and if it is reasonably assumed that any variation has taken place in the composition or characteristics of the cargo the TML testing should be repeated. Also, the shipper has to ensure that the interval between sampling and testing for the moisture content of the cargo and the date of commencement of loading shall never be more than seven days. If the cargo has been exposed to significant rain or snow during the period up to completion of loading it is also the responsibility of the shipper to ensure that the moisture content is less than the TML.

It is now mandatory for shippers to declare whether a solid bulk cargo is classified as harmful to marine environment (HME) or non-HME. Criteria for the classification of solid bulk cargoes as harmful to the marine environment can be found in Resolution MEPC.277(70) . Entries related to the discharge of cargo residues, both HME and non-HME, must be made in Part-II of the Garbage Record Book. This requirement came into force on 1 March 2018 and our Gard Alert on this topic can be found here . Masters are encouraged to report inadequate port reception facilities using the form provided in Appendix 1 of MEPC.1/Circ.834/Rev.1 , to the Flag state and, if possible, to the Authorities of the Port State.

Resolution MEPC.278(70) and Resolution MEPC 282(70) : IMO Data Collection System (DCS) and Ship Energy Efficiency Management Plan (SEEMP Part II)

All ships of 5,000 gross tonnes and above and engaged in international voyages should collect consumption data for each type of fuel oil they use, as well as other, additional, specified data including proxies for transport work, in accordance with the procedures mentioned in SEEMP Part II, which is to be approved by 31 December 2018. The aggregated data is reported to the flag State after the end of each calendar year and the flag State, having determined that the data has been

reported in accordance with the requirements, issues a Statement of Compliance to the ship. SEEMP Part II must include a description of the methodology that will be used to collect the data and the processes that will be used to report the data to the ship's flag State. Key dates in relation to above requirements are:

- 1 January 2019: commencement of first reporting period

- 31 December 2019: completion of first reporting period

- 31 March 2020 or before: submission of the report on fuel oil consumption data related to the first reporting period

- 31 May 2020: issuance of statement of compliance to the vessel

Domestic emissions control requirements in China, Taiwan and Hong Kong

• China:
From 1 January 2019 vessels must switch to fuel with a sulphur content not exceeding 0.50% prior to entering China's territorial sea. Other key dates until 2020 are:
From 1 July 2019, vessels other than tankers capable of receiving shore power should use shore power.
From 1 January 2020, vessels entering Inland ECAs (Yangtze River and Xi Jiang River) must use fuel with a sulphur content not exceeding 0.10% while operating within the Inland ECA. Our Gard Alert on this topic can be found
here
.

• Taiwan:
Ships not fitted with scrubbers must burn fuel with a sulphur content not exceeding 0.50% when entering its international commercial port areas. Our Gard Alert on the introduction of low sulphur limits in Taiwan can be read
here
.

• Hong Kong:
Hong Kong's current Fuel at Berth Regulation requiring ships to burn fuel with a sulphur content not exceeding 0.50% while at berth will be replaced by a regulation extending the standard to ships operating in Hong Kong waters. Ships not fitted with scrubbers will be required to burn fuel with a sulphur content not exceeding 0.50% within Hong Kong waters, irrespective of whether they are sailing or at berth. A copy of the regulation is available
here
. Our Gard Alert highlighting these changes can be found
here
.

China Regulation on Data Collection for Energy Consumption of Ships **(RDCECS)**

Ships of 400 GT or over, or powered by main propulsion machinery greater than 750 kW of propulsion power calling a port in China should report energy consumption data of last voyage to China MSA before leaving a port. Monthly reports can also be

submitted in lieu of single voyage reports subject to following conditions:

- Ship is sailing in fixed region and the time underway per voyage is 4 hours or less; or
- Ship is sailing on fixed route and the time underway per voyage is 24 hours or less.

Vessels are advised to report the data through the local agents as the web based platform which is to be used is currently available only in Chinese language. BIMCO's article highlighting this new regulation can be accessed here .

8 January 2019

2016 Amendments to Maritime Labour Convention 2006 (MLC): Amendments related to Regulations 4.3 and 5.1

- **Regulation 4.3:**

The MLC Guideline B4.3.1, concerning the provisions on occupational accidents, injuries and diseases, is amended such that implications for health and safety will also include harassment and bullying. Shipowners, operators and managers can take into account *'Guidance on eliminating shipboard harassment and bullying'*, jointly published by the International Chamber of Shipping and the International Transport Workers Federation which is available here, when amending their procedures.

- **Regulation 5.1:**

Standard A5.1.3 was amended to allow an extension of the validity of the Maritime Labour (ML) Certificate for not more than five months in circumstances where ships have passed the renewal inspection but a new full term ML Certificate cannot be issued immediately and provided on board. The new certificate will remain valid for a period not exceeding five years from the date of the existing one.

9 April 2019

Resolution FAL.12(40): Electronic exchange of information

In accordance with the 2016 amendments to FAL Convention, electronic exchange of information will be mandatory for public authorities with a transition period of no less than 12 months from the date of the introduction of such systems.

30 April 2019

EU MRV shipping Regulation 2015/757 **:** submission of CO_2 emissions report

Companies must submit to the EU Commission and to the authorities of the flag States concerned, an emissions report concerning the CO_2 emissions and other relevant information for the entire reporting period for each ship under their responsibility, which has been verified as satisfactory by a verifier. By 30 June 2019 all vessels must carry a document of compliance onboard. Our Gard Alert on EU Monitoring, Reporting and Verification of CO_2 emissions (EU-MRV) can be accessed

irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

here

1 June 2019

Resolution MEPC.275(69): Baltic Sea special area

Passenger ships must not discharge untreated sewage in the Baltic Sea in accordance with the below implementation schedule. To discharge treated sewage, ships must have onboard an approved sewage treatment plant meeting the requirements set out in Resolution MEPC.227(64) . Alternatively, they should have a sewage holding tank of adequate capacity.

• 1 June 2019: for a new passenger ship whose building contract has been placed on or after 1 June 2019 or delivered after 1 June 2021.

• 1 June 2021: for existing passenger ships.

• 1 June 2023: for existing passenger ships en route between a port outside the special area and a port located east of 028°10'E.

30 June 2019

EU MRV shipping Regulation 2015/757 **: Carriage of Document of Compliance (DOC)**

Ships arriving at or departing from an EU port and which have carried out voyages during that reporting period must carry onboard a DOC issued by an accredited verifier. The DOC shall be valid for a period of 18 months from the end of the reporting period and must include the following information:

• identity of the ship (name, IMO identification number and port of registry or home port);

• name, address and principal place of business of the shipowner;

• identity of the verifier;

• date of issue of the document of compliance, its period of validity and the reporting period it refers to.

Also, the Commission will make publicly available the following information:

• identity of the ship (name, IMO identification number and port of registry or home port);

• technical efficiency of the ship (EEDI or EIV, where applicable);

• annual CO_2 emissions;

• annual total fuel consumption for voyages;

• annual average fuel consumption and CO_2 emissions per distance travelled of voyages;

• annual average fuel consumption and CO_2 emissions per distance travelled and cargo carried on voyages;

• annual total time spent at sea in voyages;

• method applied for monitoring;

• date of issue and the expiry date of the document of compliance;

• identity of the verifier that assessed the emissions report.

1 July 2019

Resolution MSC.338(91): New requirements for compressed air breathing apparatus used in fire fighting

Compressed air breathing apparatus on ships constructed before 1 July 2014 shall be fitted with an audible alarm and a visual or other device that will alert the wearer before the volume of the compressed air in the cylinder has been reduced to no less than 200 liters. Compliance shall be verified at the first safety equipment survey on or after 1 July 2019. For ships constructed on or after 1 July 2014, these requirements are to be complied with on delivery. The revised FSS Code requirements are mentioned in Resolution MSC.339(91) . Onboard procedures will have to be revised and training provided to crew members in using the new equipment. It is advised that vessels be provided with appropriate documentation from the maker evidencing that SCBA sets are complying with above requirements.

MSC.1/Circ.1594: Amendments to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual

Besides other significant updates to Vol.III of the manual, a new section has been introduced on search and rescue by maritime rescue services in times of armed conflict. In accordance with SOLAS regulation V/21, vessels should be supplied with up-to-date copies of the IAMSAR Manual Vol.III. Crew members should be informed of the changes introduced in the new version of the publication.

Amendments to the Performance Standards for EGC and NAVTEX Equipment

MSC.430(98) contains amendments to the performance standards for EGC (Enhanced Group Call) and MSC.431(98) for NAVTEX. This equipment is required to be onboard as per SOLAS IV/7 and it must meet the relevant performance standards in SOLAS IV/14. Equipment installed on or after 1 July 2019, should be type

correspondents, or other contributors.

approved in accordance with the SOLAS IV/14 performance standards.

Domestic emissions control area in China: use of shore power

Vessels, other than tankers, capable of receiving shore power, must use shore power if they berth for more than three hours in ports in the Coastal ECA that have shore power capabilities and more than two hours in ports with such capabilities in the Inland ECAs. Ships are advised to approach their local agents for information on availability of shore power at the terminals they are calling. Ships can make use of alternative measures, such as clean energy, exhaust gas cleaning system etc. to satisfy emission control requirements. Our correspondent's circular on this topic can be accessed here .

1 September 2019

Resolution MEPC.301(72): Required EEDI for ro-ro cargo ships and ro-ro passenger ships

Following the IMO being made aware of problems in meeting EEDI requirements for ro-ro cargo ships and ro-ro passenger ships, the IMO has decided to increase the reference line, defined as a baseline EEDI for each ship type, representing reference EEDI as a function of ship size , by 20% and to introduce a deadweight threshold value. This new reference line comes into force on 1 September 2019 and will apply to ships whose:

• building contract is placed on or after 1 January 2020; or

• building contract is placed before 1 January 2020, and the delivery is on or after 1 January 2024; or

• in the absence of a building contract, keel laying date is after 1 July 2020.

The IMO encourages early implementation. Members wishing to apply the reference earlier to their new builds should approach the relevant Flag states.

13 October 2019

Resolution MEPC.296(72): **Resolution MEPC.297(72): Implementation schedule of ballast water management for ships**

The Code for Approval of Ballast Water Management Systems (BWMS Code) is introduced based on G8 Guidelines for approval of ballast water management systems. There is no change in technical content between the new code and G8 guidelines. The latter will be revoked once the BWMS Code comes into force. The BWMS Code is contained in MEPC.300(72) .

Resolution MEPC.297(72): Implementation schedule of ballast water management for ships

Amended Regulation B-3 of the Ballast Water Management Convention was adopted by the IMO at the MEPC 72 and comes into force on 13 October 2019. The implementation schedule for compliance with D-2 biological standard remains unchanged, i.e. ships constructed on or after 8 September 2017 should have a ballast water treatment system (BWTS) installed upon delivery whereas for ships constructed prior this date, the phase-in schedule is dependent on the IOPP renewal date after 8 September 2019. Details of the complex retrofitting scheme can be found in our Gard alert 'Ballast water management - are you ready for 8 September 2017?' published on 10 July 2017.

Resolution MEPC.299(72): Endorsements of additional surveys on the International Ballast Water Management Certificate

Regulation E-1 of the Ballast Water Management Convention was amended to clarify that additional surveys will require endorsement on BWM certificate. Regulation E-5 was also amended to clarify that requirements for Annual survey schedule also applies to Intermediate surveys.

Get ready now for 2020

Having reviewed key regulatory changes in 2018 and summarizing those coming into force during 2019, we would take this opportunity to remind Members and clients that, with less than 12 months to go until the **global sulphur cap** (reduced to 0.50% from the current 3.50%) enters into force, it is particularly important to start preparations now. And - although it is not a mandatory requirement - we endorse the IMO's recommendation to develop Ship Implementation Plans (SIP). This will help shipowners, managers and operators to plan and demonstrate the steps taken by ships to prepare for compliance with the 0.50% sulphur limit on **1 January 2020** . The SIP should include items such as:

• risk assessment and mitigation (impact of new fuels);

• fuel oil system modifications and tank cleaning (if needed);

• fuel oil capacity and segregation capability;

• procurement of compliant fuel;

• fuel oil changeover plan (conventional residual fuel oils to 0.50% sulphur compliant fuel oil); and

• documentation and reporting.

IMO guidance on the development of a SIP was approved during MEPC.73 and has been issued as MEPC.1/Circ.878 . The guidelines prepared by International Chamber of Shipping (ICS) can also be referred to for this purpose. To increase awareness and to encourage timely compliance, Paris MOU and Tokyo MOU port state control authorities will start issuing warning letters from 1 January 2019 to vessels not ready for 2020 sulphur cap compliance.