

Isle of Man Ship Registry

CONSULTATION:

Regulations Applying MARPOL Annex I - Prevention of Pollution by Oil

Opening Date: 23 November 2018

Closing Date: 4 January 2019

Department for Enterprise

Proposed update to legislation implementing MARPOL Annex I – Regulations for the Prevention of Pollution by Oil

The Isle of Man Ship Registry is consulting on a proposed set of updated Regulations to give effect to the latest version of MARPOL Annex I. The current Regulations applying MARPOL Annex I are the Merchant Shipping (MARPOL Annex I – Prevention of Pollution by Oil) Regulations 2006, which will be revoked.

There have been a number of amendments to MARPOL Annex I since the current Regulations were written in 2006. Operators should be familiar with these requirements since these are already in force internationally and therefore we do not foresee any changes to current practices. The new Regulations will implement all amendments up to and including those within MEPC.276(70).

MARPOL Annex I applies to all Manx ships - see Section 2 for further information. A summary of the most significant updates is provided in Section 5 of this Consultation.

Please address responses to this consultation to:

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When responding, please consider whether you are willing to have your response published and indicate your preference from the following options:

- **Response can be published together with your name/organisation**
- **Response can be published anonymously**
- **Response can not be published**

This consultation will close at 1700hrs on 4 January 2019

SECTION 1 – INTRODUCTION

Annex I of MARPOL (The International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978) is written to prevent pollution of the marine environment by oil from ships. It entered into force in 1983 following a series of high profile oil pollution incidents including the Torrey Canyon and Amoco Cadiz oil spills.

The Isle of Man currently gives effect to Annex I by the Merchant Shipping (MARPOL Annex I – Prevention of Pollution by Oil) Regulations 2006. It is proposed that these Regulations will be revoked and replaced with Regulations which will take account of amendments to Annex I post-2006. Section 5 of this Consultation summarises the most significant of these amendments.

The Regulations will require Manx ships and foreign ships in Manx waters to comply with Annex I as is applicable to the type of ship - as these Regulations form part of an international convention, there is limited scope for interpretation.

In addition to commercial ships, the requirements apply to pleasure vessels, fishing vessels and craft that are registered with the Department of Infrastructure Harbours Division, although many of the regulations are disapplied to smaller craft.

The majority of the requirements of Annex I apply only to oil tankers ≥ 150 gt and for other vessels ≥ 400 gt. These vessels are required to be surveyed and certificated with an International Oil Pollution Prevention Certificate. All Annex I inspections and approvals are currently delegated by the Ship Registry to the Recognised Organisations specified in [MSN 020](#).

Annex I has special requirements for Oil Tankers (Chapters 4 & 5), ships operating in Polar regions (Chapter 11) and ships undertaking the transfer of oil cargo between vessels at sea (Chapter 8). The Regulations applicable to Oil Tankers include measures relating to construction, stability and cargo operations.

SECTION 2 – APPLICATION

The proposed Regulations will apply to the following Manx ships, and foreign ships when they are in the territorial waters of the Island:

- Passenger ships, including high speed passenger craft
- Cargo ships
- Commercial yachts
- Pleasure vessels
- Mobile offshore drilling units
- Fishing Vessels

The proposed Regulations will not apply to Manx ships or foreign ships in the territorial waters of the Island which are:

- Warships, naval auxiliaries or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

SECTION 3 – LOCAL CRAFT AND PLEASURE VESSELS OF <150GT

Owners of local craft (including fishing vessels) and pleasure vessels of <150gt should take note that certain sections of MARPOL Annex I apply to their craft, in particular Chapter 1 (General) and Chapter 3 (Requirements for machinery spaces of all ships).

In particular we wish to draw attention to Regulation 15 which states that any discharge into the sea of oil or oily mixtures is prohibited, except as otherwise provided. Regulation 15.6 provides the circumstances which would apply to a vessel less than 400 gross tons.

Requirements for ships of less than 400 gross tonnage in all areas except the Antarctic area and Arctic waters

In the case of a ship of less than 400 gross tonnage, oil and all oily mixtures shall either be retained on board for subsequent discharge to reception facilities or discharged into the sea in accordance with all of the following provisions:

- .1 the ship is proceeding *en route**;
- .2 the ship has in operation equipment of a design approved by the Administration that ensures that the oil content of the effluent without dilution does not exceed 15 parts per million;
- .3 the oily mixture does not originate from cargo pump-room bilges on oil tankers; and
- .4 the oily mixture, in case of oil tankers, is not mixed with oil cargo residues.

SECTION 4 – PORT STATE CONTROL REQUIREMENTS

A foreign ship in the territorial waters of the Island must comply the requirements of MARPOL Annex I as apply to a ship of its description. A foreign ship in a port of the Island may be subject to inspection.

If an inspector carries out an inspection on a foreign ship in a port of the Island, and the certificates required by regulation 7 or 8 of MARPOL Annex I are not produced, have expired or ceased to be valid, the ship may be detained. A ship may also be detained if the inspector has clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate.

SECTION 5 – SUMMARY OF AMENDMENTS

The following is provided only as a limited summary of the most significant amendments. Please consult the full text of MARPOL Annex I to fully understand the proposed Regulations.

1. Oil Fuel Tank Protection

MEPC.141(54) introduces a new regulation 12A concerned with Oil Fuel Tank Protection for vessels which have an aggregate oil fuel capacity of 600m³ and are delivered on or after 1

*En route means 'the ship is underway at sea on a course of courses, including deviation from the shortest direct route, which, as far as practicable for navigation purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable as practicable

August 2010. This resolution also amends the form of the IOPP Supplement to include reference to the new regulation 12A.

2. Special Areas

The 'Gulfs Area' was established as a Special Area in 1973, when MARPOL was adopted, but the discharge requirements therein could not take effect until States in the area had ratified the Convention and provided adequate reception facilities. The Gulfs Special area came into effect on 1 August 2008.

MEPC.154(55) establishes a new Special Area within Southern South African Waters, also in effect from 1 August 2008.

3. STS Operations

MEPC.186(59) introduces a new Chapter 8 in MARPOL Annex I which regulates the transfer of oil cargo between oil tankers whilst at sea ('STS Operations'). The Regulations require that any tanker undertaking involved in STS operations shall carry on board and implement an STS Operations Plan, which shall take account of IMO guidelines and be approved by the Ship's Recognised Organisation. Records of STS operations must also be retained onboard the vessel for three years and be available for inspection.

A new regulation 42 requires that ships undertaking STS operations within the territorial waters or EEZ of country that is a party to MARPOL must notify that country not less than 48 hours prior to the operation. Regulation 42 specifies the information that shall be included within such notification.

4. Operations in Polar Waters

MEPC.265(68) creates a new Chapter 11 of Annex I which applies the environmental provisions of the Polar Code to all ships operating in Arctic or Antarctic Waters. In addition to the Polar Code, requirements within MEPC.189(60) prohibit the carriage of heavy oils in the Antarctic region except for search and rescue operations and vessels engaged in securing the safety of ships.

5. Stability Instruments on Tankers

The new regulation 28.6 requires all tankers to be fitted with a stability instrument, capable of verifying compliance with intact and damage stability requirements. For tankers constructed before 1 January 2016, this requirement is not mandatory until their first scheduled renewal survey after 1 January 2016.

6. Tanks for Oil Residues (Sludge)

MEPC.187(59) amends regulation 12.2 to state that 'Oil residue (sludge) tank means a tank which holds oil residue (sludge) from which sludge may be disposed directly through the standard discharge connection or any other approved means of disposal'. Prior to this tanks which hold sludge which did not have a connection to the standard discharge, but held sludge prior to incineration had been understood as not being "Oil residue (sludge) tanks".

MEPC.266(68) further amends regulation 12 to incorporate existing Unified Interpretations relating to means of disposal, interconnections and tank cleaning arrangements.