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UNIFIED INTERPRETATIONS TO MARPOL ANNEX VI

1 The Marine Environment Protection Committee, at its seventy-fourth session (13 to 17 May 2019), approved unified interpretations to MARPOL Annex VI, which included:

- .1 regulation 13.2.2 of MARPOL Annex VI in relation to the time of the replacement or addition of an engine;
- .2 regulation 13.5.3 of MARPOL Annex VI in relation to the applicability of recording requirements to replacement engines (Tier II) subject to resolution MEPC.230(65));
- .3 regulation 14.1 of MARPOL Annex VI in relation to applying the requirement of sulphur content of fuel oil to emergency equipment; and
- .4 regulation 16.9 of MARPOL Annex VI in relation to shipboard incinerators.

2 The updated consolidated text of all existing unified interpretations to MARPOL Annex VI, including those set out in circular MEPC.1/Circ.795/Rev.3, are set out in the annex.

3 Member Governments are invited to apply the annexed unified interpretations to MARPOL Annex VI, as appropriate, and bring them to the attention of all Parties concerned.

4 This circular revokes MEPC.1/Circ.795/Rev.3.

ANNEX

UNIFIED INTERPRETATIONS TO MARPOL ANNEX VI

1 Definition of "new ship"

Regulation 2

Definitions

Regulation 2.23 reads as follows:

"New ship means a ship:

- .1 for which building contract is placed on or after 1 January 2013; or
- .2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 July 2013; or
- .3 the delivery of which is on or after 1 July 2015."

Interpretation:

1.1 For the application of the definition "new ship" as specified in regulation 2.23 to each phase specified in table 1 of regulation 21, it should be interpreted as follows:

- .1 the date specified in regulation 2.23.1 should be replaced with the start date of each phase;
- .2 the date specified in regulation 2.23.2 should be replaced with the date six months after the start date of each phase; and
- .3 the date specified in regulation 2.23.3 should, for Phase 1, 2 and 3, be replaced with the date 48 months after the start date of each phase.

1.2 With the above interpretations, the required EEDI of each phase is applied to the following new ship which falls into one of the categories defined in regulations 2.25 to 2.31 and to which chapter 4 is applicable:

- .1 the required EEDI of Phase 0 is applied to the following new ship:
 - .1 the building contract of which is placed in Phase 0, and the delivery is before 1 January 2019; or
 - .2 the building contract of which is placed before Phase 0, and the delivery is on or after 1 July 2015 and before 1 January 2019; or
- in the absence of a building contract:
- .3 the keel of which is laid or which is at a similar stage of construction on or after 1 July 2013 and before 1 July 2015, and the delivery is before 1 January 2019; or

- .4 the keel of which is laid or which is at a similar stage of construction before 1 July 2013, and the delivery is on or after 1 July 2015 and before 1 January 2019.
- .2 the required EEDI of Phase 1 is applied to the following new ship:
 - .1 the building contract of which is placed in Phase 1, and the delivery is before 1 January 2024; or
 - .2 the building contract of which is placed before Phase 1, and the delivery is on or after 1 January 2019 and before 1 January 2024; or

in the absence of a building contract:

 - .3 the keel of which is laid or which is at a similar stage of construction on or after 1 July 2015 and before 1 July 2020, and the delivery is before 1 January 2024; or
 - .4 the keel of which is laid or which is at a similar stage of construction before 1 July 2015, and the delivery is on or after 1 January 2019 and before 1 January 2024.
- .3 the required EEDI of Phase 2 is applied to the following new ship:
 - .1 the building of which contract is placed in Phase 2, and the delivery is before 1 January 2029; or
 - .2 the building contract of which is placed before Phase 2, and the delivery is on or after 1 January 2024 and before 1 January 2029; or

in the absence of a building contract:

 - .3 the keel of which is laid or which is at a similar stage of construction on or after 1 July 2020 and before 1 July 2025, and the delivery is before 1 January 2029; or
 - .4 the keel of which is laid or which is at a similar stage of construction before 1 July 2020, and the delivery is on or after 1 January 2024 and before 1 January 2029.
- .4 the required EEDI of Phase 3 is applied to the following new ship:
 - .1 the building of which contract is placed in Phase 3; or
 - .2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 July 2025; or
 - .3 the delivery of which is on or after 1 January 2029.

2 Major conversion

Regulation 2

Definitions

Regulation 2.24 reads as follows:

"*Major conversion* means in relation to chapter 4 of this Annex a conversion of a ship:

- .1 which substantially alters the dimensions, carrying capacity or engine power of the ship; or
- .2 which changes the type of the ship; or
- .3 the intent of which in the opinion of the Administration is substantially to prolong the life of the ship; or
- .4 which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship; or
- .5 which substantially alters the energy efficiency of the ship and includes any modifications that could cause the ship to exceed the applicable required EEDI as set out in regulation 21 of this Annex."

Interpretation:

2.1 For regulation 2.24.1, any substantial change in hull dimensions and/or capacity (e.g. change of length between perpendiculars (L_{PP}) or change of assigned freeboard) should be considered a major conversion. Any substantial increase of total engine power for propulsion (e.g. 5% or more) should be considered a major conversion. In any case, it is the Administration's authority to evaluate and decide whether an alteration should be considered as major conversion, consistent with chapter 4.

Note: Notwithstanding paragraph 2.1, assuming no alteration to the ship structure, both decrease of assigned freeboard and temporary increase of assigned freeboard due to the limitation of deadweight or draft at calling port should not be construed as a major conversion. However, an increase of assigned freeboard, except a temporary increase, should be construed as a major conversion.

2.2 Notwithstanding paragraph 2.1, for regulation 2.24.5, the effect on Attained EEDI as a result of any change of ships' parameters, particularly any increase in total engine power for propulsion, should be investigated. In any case, it is the Administration's authority to evaluate and decide whether an alteration should be considered as major conversion, consistent with chapter 4.

2.3 A company may, at any time, voluntarily request re-certification of the EEDI, with IEE Certificate reissuance, on the basis of any new improvements to the ships' efficiency that are not considered to be major conversions.

2.4 In regulation 2.24.4, the terms "new ship" and "existing ship" should be understood as they are used in MARPOL Annex I, regulation 1.9.1.4, rather than as the defined terms in regulations 2.22 and 2.23.

2.5 The term "a ship" referred to in regulation 5.4.2 is interpreted as "new ship".

3 Ships dedicated to the carriage of fruit juice in refrigerated cargo tanks

Regulation 2

Definitions

Regulation 2.30 reads as follows:

"*Refrigerated cargo carrier* means a ship designed exclusively for the carriage of refrigerated cargoes in holds."

Interpretation:

3.1 Ships dedicated to the carriage of fruit juice in refrigerated cargo tanks should be categorized as refrigerated cargo carrier.

4 Timing for existing ships to have on board a SEEMP

Regulation 5

Surveys

Regulation 5.4.4 reads as follows:

"For existing ships, the verification of the requirement to have a SEEMP on board according to regulation 22 shall take place at the first intermediate or renewal survey identified in paragraph 1 of this regulation, whichever is the first, on or after 1 January 2013."

Regulation 6

Issue or endorsement of a Certificate

Regulation 6.4 reads as follows:

"An International Energy Efficiency Certificate for the ship shall be issued after a survey in accordance with the provisions of regulation 5.4 of this Annex to any ship of 400 gross tonnage and above before that ship may engage in voyages to ports or offshore terminals under the jurisdiction of other Parties."

Regulation 22

Ship Energy Efficiency Management Plan (SEEMP)

Regulation 22.1 reads as follows:

"Each ship shall keep on board a ship specific Ship Energy Efficiency Management Plan (SEEMP). This may form part of the ship's Safety Management System (SMS)."

Interpretation:

4.1 The International Energy Efficiency Certificate (IEEC) should be issued for both new and existing ships to which chapter 4 applies. Ships which are not required to keep an SEEMP on board are not required to be issued with an IECC.

4.2 The SEEMP required by regulation 22.1 is not required to be placed on board an existing ship to which this regulation applies until the verification survey specified in regulation 5.4.4 is carried out.

4.3 For existing ships, a SEEMP required in accordance with regulation 22 should be verified on board according to regulation 5.4.4, and an IEEC should be issued, not later than the first intermediate or renewal survey, in accordance with chapter 2, whichever is earlier, on or after 1 January 2013, i.e. a survey connected to an intermediate/renewal survey of the IAPP Certificate.

4.4 The intermediate or renewal survey referenced in paragraph 4.3 relates solely to the timing of the verification of the SEEMP on board, i.e. these IAPP Certificate survey windows will also become the IEEC initial survey date for existing ships. The SEEMP is, however, a survey item solely under chapter 4 and is not a survey item relating to IAPP Certificate surveys.

4.5 In the event that the SEEMP is not available on board during the first intermediate/renewal survey of the IAPP Certificate on or after 1 January 2013, the RO should seek the advice of the Administration concerning the issuance of an IEEC and be guided accordingly. However, the validity of the IAPP Certificate is not impacted by the lack of a SEEMP as the SEEMP is a survey item solely under chapter 4 and not under the IAPP Certificate surveys.

4.6 With respect to ships required to keep on board a SEEMP, such ships exclude platforms (including FPSOs and FSUs) and drilling rigs, regardless of their propulsion, and any other ship without means of propulsion.

4.7 The SEEMP should be written in a working language or languages understood by ships' personnel.

5 Section 2.3 of the supplement to the IAPP Certificate

Regulation 8

Form of Certificates

Regulation 8.1 reads as follows:

"The International Air Pollution Prevention Certificate shall be drawn up in a form corresponding to the model given in appendix I to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy."

Appendix I*Form of International Air Pollution Prevention (IAPP) Certificate (Regulation 8)*

Section 2.3 of the supplement to International Air Pollution Prevention Certificate reads as follows:

"2.3 Sulphur oxides (SO_x) and particulate matter (regulation 14).

2.3.1 When the ship operates outside of an emission control area specified in regulation 14.2, the ship uses:

- .1 fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the values of:
 - 4.50% m/m (not applicable on or after 1 January 2012);
or.....☐
 - 3.50% m/m (not applicable on or after 1 January 2020);
or.....☐
 - 0.50% m/m.....☐
- .2 an equivalent arrangement approved in accordance with regulation 4.1 as listed in 2.6 that is at least as effective in terms of SO_x emission reductions as compared to using a fuel oil with a sulphur content limit value of:
 - 4.50% m/m (not applicable on or after 1 January 2012);
or.....☐
 - 3.50% m/m (not applicable on or after 1 January 2020);
or.....☐
 - 0.50% m/m.....☐

2.3.2 When the ship operates inside an emission control area specified in regulation 14.3, the ship uses:

- .1 fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the limit value of:
 - 1.00% m/m (not applicable on or after 1 January 2015);
or.....☐
 - 0.10% m/m.....☐
- .2 an equivalent arrangement approved in accordance with regulation 4.1 as listed in 2.6 that is at least as effective in terms of SO_x emission reductions as compared to using a fuel oil with a sulphur content limit value of:
 - 1.00% m/m (not applicable on or after 1 January 2015);
or.....☐
 - 0.10% m/m.....☐

Interpretation:

5.1 Section 2.3 of the Supplement ("as documented by bunker delivery notes") allows for an "x" to be entered in advance of the dates indicated in all of the relevant check boxes recognizing that the bunker delivery notes, required to be retained on board for a minimum period of three years, provide the subsequent means to check that a ship is actually operating in a manner consistent with the intent as given in section 2.3.

6 Identical replacement engines**Regulation 13***Nitrogen oxides (NO_x)*

Regulation 13.1.1.2 reads as follows:

"Each marine diesel engine with a power output of more than 130 kW which undergoes a major conversion on or after 1 January 2000 except when demonstrated to the satisfaction of the Administration that such engine is an identical replacement to the engine which it is replacing and is otherwise not covered under paragraph 1.1.1 of this regulation."

Regulation 13.2.2 reads as follows:

"For a major conversion involving the replacement of a marine diesel engine with a non-identical marine diesel engine or the installation of an additional marine diesel engine, the standards in this regulation in force at the time of the replacement or addition of the engine shall apply."

Interpretation:

6.1 In regulation 13.1.1.2, the term "identical" (and hence, by application of the converse, in regulation 13.2.2 the term "non-identical") as applied to engines under regulation 13 should be taken as:

6.2 An "identical engine" is, as compared to the engine being replaced,¹ an engine which is of the same:

- .1 design and model;
- .2 rated power;
- .3 rated speed;
- .4 use;
- .5 number of cylinders; and

¹ In those instances where the replaced engine will not be available to be directly compared with the replacing engine at the time of updating the Supplement to the IAPP Certificate reflecting that engine change it is to be ensured that the necessary records in respect of the replaced engine are available in order that it can be confirmed that the replacing engine represents "an identical engine".

- .6 fuel system type (including, if applicable, injection control software):
 - .1 for engines without EIAPP certification, have the same NO_x critical components and settings;² or
 - .2 for engines with EIAPP certification, belonging to the same Engine Group/Engine Family.

7 Time of replacement of an engine

Regulation 13

Nitrogen oxides (NO_x)

Regulation 13.2.2 reads as follows:

"For a major conversion involving the replacement of a marine diesel engine with a non-identical marine diesel engine, or the installation of an additional marine diesel engine, the standards in this regulation in force at the time of the replacement or addition of the engine shall apply."

Interpretation:

7.1 The term "time of the replacement or addition" of the engine in regulation 13.2.2 should be taken as the date of:

- .1 the contractual delivery date of the engine to the ship;³ or
- .2 in the absence of a contractual delivery date, the actual delivery date of the engine to the ship,³ provided that the date is confirmed by a delivery receipt; or
- .3 in the event the engine is fitted on board and tested for its intended purpose on or after six months from the date specified in sub-paragraphs of regulation 13.5.1.2, as appropriate, the actual date that the engine is tested on board for its intended purpose applies in determining the standards in this regulation in force at the time of the replacement or addition of the engine.

² For engines without EIAPP Certification there will not be the defining NO_x critical component markings or setting values as usually given in the approved Technical File. Consequently, in these instances, the assessment of "... same NO_x critical components and settings ..." shall be established on the basis that the following components and settings are the same:

Fuel system:

- .1 fuel pump model and injection timing; and
- .2 injection nozzle model;

Charge air:

- .1 configuration and, if applicable, turbocharger model and auxiliary blower specification; and
- .2 Cooling medium (seawater/freshwater).

³ The engine is to be fitted on board and tested for its intended purpose within six months after the date specified in sub-paragraphs of regulation 13.5.1.2, as appropriate.

7.2 Entry of the date in paragraph 7.1 above, provided the conditions associated with those dates apply, should be made in the item 8.a "Major conversion – According to regulations 13.2.1.1 and 13.2.2" of the Supplement of IAPP Certificate.

7.3 If the engine is not tested within six months after the date specified in sub-paragraphs of regulation 13.5.1.2, as appropriate due to unforeseen circumstances beyond the control of the shipowner, then the provisions of "unforeseen delay in delivery" may be considered by the Administration in a manner similar to UI4 of MARPOL Annex I.

8 Engine changeover/on-off recording requirements

Regulation 13

Nitrogen oxides (NO_x)

Regulation 13.5.3 reads as follows:

"The tier and on/off status of marine diesel engines installed on board 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 logbook 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."

Interpretation:

8.1 For the application of this regulation:

- .1 "marine diesel engines installed on board a ship to which paragraph 5.1 of this regulation applies" includes additional or replaced engines⁴; installed on or after the relevant emission control area takes effect;
- .2 "certified to Tier II only" means a Tier II engine that is installed on board a ship which is constructed on or after the emission control area where the ship is operating takes effect;
- .3 Tier II engines stipulated under the Tier II requirement of regulation 13.4, i.e. Tier II engines installed on board a ship constructed before the entry into force of the emission control area where the ship is operating, are not considered to be a "Tier II only" engine in the context of record keeping. Such exclusion is extended to Tier II engines replaced after the entry into force of the relevant emission control areas on board ships of this category, if the replacement engines meet resolution MEPC.230(65);
- .4 if an engine installed on a ship constructed before the entry into force of the emission control area where the ship is operating has undergone a major conversion as described in regulation 13.2.1, those engines are to be Tier III engines; thus the above interpretation in .1 above applies; and
- .5 recording is required for the Tier II engine operation in a NECA under the exemption according to regulation 13.5.4.

⁴ Additional or replaced engine: refer to section 7.1 of MEPC.1/Circ.795/Rev.4.

9 Application of sulphur limit to emergency equipment

Regulation 14

Sulphur oxides (SO_x) and particulate matter

Regulation 14.1 reads as follows:⁵

"The sulphur content of fuel oil used or carried for use on board a ship shall not exceed 0.50% m/m."

Interpretation:

9.1 Regulation 14.1 of MARPOL Annex VI for the prohibition on carriage of non-compliant fuel oil should be applied to the fuel oil of emergency equipment.

10 VOC management plan

Regulation 15

Volatile organic compounds (VOCs)

Regulations 15.6 and 15.7 read as follows:

"6 A tanker carrying crude oil shall have on board and implement a VOC management plan approved by the Administration. Such a plan shall be prepared taking into account the guidelines developed by the Organization. The plan shall be specific to each ship and shall at least:

- .1 provide written procedures for minimizing VOC emissions during the loading, sea passage and discharge of cargo;
- .2 give consideration to the additional VOC generated by crude oil washing;
- .3 identify a person responsible for implementing the plan; and
- .4 for ships on international voyages, be written in the working language of the master and officers and, if the working language of the master and officers is not English, French or Spanish, include a translation into one of these languages.

7 This regulation shall also apply to gas carriers only if the types of loading and containment systems allow safe retention of non-methane VOCs on board or their safe return ashore.[†]"

Interpretation:

10.1 The requirement for a VOC management plan applies only to a tanker carrying crude oil.

⁵ Unified Interpretation is applicable when resolution MEPC.305(73) enters into force on 1 March 2020.

[†] Resolution MSC.30(61), International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk.

11 Continuous-feed type shipboard incinerators

Regulation 16

Shipboard incineration

Regulation 16.9 reads as follows:

"For incinerators installed in accordance with the requirements of paragraph 6.1 of this regulation the combustion chamber gas outlet temperature shall be monitored at all times the unit is in operation. Where that incinerator is of the continuous-feed type, waste shall not be fed into the unit when the combustion chamber gas outlet temperature is below 850°C. Where that incinerator is of the batch-loaded type, the unit shall be designed so that the combustion chamber gas outlet temperature shall reach 600°C within five minutes after start-up and will thereafter stabilize at a temperature not less than 850°C."

Interpretation:

11.1 For the application of this regulation, the term "waste shall not be fed into the unit" should be interpreted as follows:

For continuous-feed incinerators solid waste shall not be fed into the unit when the combustion chamber flue gas outlet temperature is below 850°C. Sludge oil generated during normal operation of a ship should not be regarded as waste in connection with this regulation, and can be fed into the unit when the required preheat temperature of 650°C in the combustion chamber is achieved.

11.2 For the application of this regulation, the term "the unit shall be designed so that the combustion chamber gas outlet temperature shall reach 600°C within five minutes after start up" should be interpreted as follows:

Batch loaded incinerators should be designed so that the temperature in the actual combustion space where the solid waste is combusted should reach 600°C within five minutes after start up.

12 Applicability of the requirements for a bunker delivery note

Regulation 18

Fuel oil availability and quality

Regulation 18.5 reads as follows:

"For each ship subject to regulations 5 and 6 of this Annex, details of fuel oil for combustion purposes delivered to and used on board shall be recorded by means of a bunker delivery note that shall contain at least the information specified in appendix V to this Annex."

Regulation 18.6 reads as follows:

"The bunker delivery note shall be kept on board the ship in such a place as to be readily available for inspection at all reasonable times. It shall be retained for a period of three years after the fuel oil has been delivered on board."

Interpretation:

12.1 For the application of these regulations, they should be interpreted as being applicable to all ships of 400 gross tonnage or above and, at the Administration's discretion, to ships of less than 400 gross tonnage.

13 Confirmation of compliance for new ships

Regulation 5

Surveys

Regulation 5.4.5 reads as follows:

"The Administration shall ensure that for each ship to which regulation 22A applies, the SEEMP complies with regulation 22.2 of this Annex. This shall be done prior to collecting data under regulation 22A of this Annex in order to ensure the methodology and processes are in place prior to the beginning of the ship's first reporting period. Confirmation of compliance shall be provided to and retained on board the ship."

Regulation 22

Ship Energy Efficiency Management Plan (SEEMP)

Regulation 22.2 reads as follows:

"On or before 31 December 2018, in the case of a ship of 5,000 gross tonnage and above, the SEEMP shall include a description of the methodology that will be used to collect the data required by regulation 22A.1 of this Annex and the processes that will be used to report the data to the ship's Administration."

Regulation 22.3 reads as follows:

"The SEEMP shall be developed taking into account guidelines adopted by the Organization."

Interpretation:

13.1 For Ships that are delivered on or after 1 January 2019 should keep on board both a SEEMP that is in compliance with regulation 22.2 and confirmation of compliance as required by regulation 5.4.5.

14 Boil-off gas consumed on board ships

Regulation 2

Definitions

Regulation 2.9 reads as follows:

"*Fuel oil* means any fuel delivered to and intended for combustion purposes for propulsion or operation on board a ship, including gas, distillate and residual fuels."

Regulation 22A

Collection and reporting of ship fuel oil consumption data

Regulation 22A.1 reads as follows:

"From calendar year 2019, each ship of 5,000 gross tonnage and above shall collect the data specified in appendix IX to this Annex, for that and each subsequent calendar year or portion thereof, as appropriate, according to the methodology included in the SEEMP."

Appendix IX

Collection and reporting of ship fuel oil consumption data

Appendix IX reads as follows:

"Fuel oil consumption, by fuel oil type in metric tonnes and methods used for collecting fuel oil consumption data"

Interpretation:

14.1 For Data relating to Boil-off Gas (BOG) consumed on board the ship for propulsion or operation is required to be collected and reported as fuel as part of the Data Collection System for fuel oil consumption of ships.

15 Access to the disaggregated data

Regulation 22A

Collection and reporting of ship fuel oil consumption data

Regulation 22A.8 reads as follows:

"Except as provided for in paragraphs 4, 5 and 6 of this regulation, the disaggregated data that underlies the reported data noted in appendix IX to this Annex for the previous calendar year shall be readily accessible for a period of not less than 12 months from the end of that calendar year and be made available to the Administration upon request."

Interpretation:

15.1 The disaggregated data is not required to be kept onboard the ship provided that the disaggregated data can be made available by the Company.