

China Maritime Safety Administration (MSA) Notice - Implementation plan of 2020 global sulphur limit



DISCLAIMER: This is ONLY for reference use, the Chinese original copy shall always prevail in case of any discrepancy or inconsistency.

BACKGROUND

In order to effectively implement the IMO's 2020 global sulphur limit, China Maritime Safety Administration (MSA) issued the **NOTICE ON THE IMPLEMENTATION PLAN OF 2020 GLOBAL SULPHUR LIMIT** (hereinafter referred to as Implementation Plan or this Plan) on 23rd October 2019. China Classification Society (CCS) Overseas Technology Center developed this bulletin based on translation of the key points of the implementation plan for stakeholders' reference. In case of any discrepancy or inconsistencies, the Chinese original copy of the implementation plan shall always prevail.

KEY POINTS OF THE IMPLEMENTATION PLAN

REQUIREMENTS ON SHIPS USING, CARRYING FUEL OIL AND ALTERNATIVE MEASURES

Article 1 From January 1st 2020 onward, international ships entering waters under the jurisdiction of the People's Republic of China are to use fuel oil of sulphur content not exceeding 0.50%_{m/m} (hereinafter referred to as compliant fuel oil). The term "fuel oil", for the purpose of this Plan, means oils delivered onboard ship for combustion in connection with the propulsion and operation of the ship, including distillate marine fuels and residual marine fuels.

Article 2 From January 1st 2020 onward, international ships entering China inland waterway emission control areas are to use fuel oil of sulphur content not exceeding 0.10%_{m/m}. From January 1st 2022 onward, international ships entering Hainan waters within China emission control areas are to use fuel oil of sulphur content not exceeding 0.10%_{m/m}.

Article 3 From March 1st 2020 onward, international ships entering waters under the jurisdiction of the People's Republic of China are prohibited to carry fuel oil of sulphur content exceeding 0.50%_{m/m} (hereinafter referred to as non-compliant fuel oil) on board ships.

Article 4 For ships using alternative measures complying with the equivalent requirement as set out in MARPOL Annex VI Regulation 4, the requirements of above Article 1, Article 2 and Article 3 can be exempted. The term "alternative measures", for the purpose of this Plan, means ships using any installation, appliance or alternative fuels capable of achieving the same or better emission reduction level compared to that required by regulations. From January 1st 2020 onward, ships are prohibited to discharge wash water from open-loop scrubbers in China emission control areas.

-----*Note from CCS*-----

The above requirements are summarized in Table 1, Table 2 as below.

Table 1 Brief on fuel oil sulphur content(m/m) limit for international ships entering China waters

Effective date	Inland waterway ECA	Hainan waters within ECA	Other waters
January 1 st 2020	0.10%	0.50%	0.50%
January 1 st 2022	--	0.10%	--

Note: not applicable to ships using alternative measures (e.g. scrubbers, LNG, etc)

Table 2 Ban on carriage of non-compliant fuel oil and discharge of wash water from open-loop scrubbers

Effective date	Requirement
January 1 st 2020	ships are prohibited to discharge wash water from open-loop scrubbers in China emission control areas.
March 1 st 2020	international ships entering waters under the jurisdiction of China are prohibited to carry non-compliant fuel oil onboard.

-----End of this note-----

REQUIREMENTS ON INFORMATION SUBMISSION RELATED TO THE USE AND CARRIAGE OF NON-COMPLIANT FUEL OIL BY SHIPS

Article 5 From January 1st 2020 onward, a China-flagged ship using or carrying non-compliant fuel oil due to the non-availability of compliant fuel oil is to:

- immediately report to the MSA of ship's homeport and submit Fuel Oil Non-Availability Report (FONAR) to the competent authority of the next arrival port if it is a foreign port; or
- submit FONAR to the MSA of next arrival port if it is a China domestic port.

The copy of FONAR is to be kept onboard for a minimum of 36 months for possible check.

-----Note from CCS-----

This Plan included a Chinese version of the FONAR template. However it was stated clearly in the Plan that the English FONAR template takes precedence in case of any discrepancies in the Chinese translation. As such, ships are advised to follow the IMO FONAR template which can be accessed at IMO website:

<http://www.imo.org/en/OurWork/Environment/PollutionPrevention/Documents/Resolution%20MEPC.320%2874%29.pdf>

-----End of this note-----

Article 6 From January 1st 2020 onward, a foreign ship using or carrying non-compliant fuel oil due to the non-availability of compliant fuel oil is to submit FONAR to the MSA of next arrival port if it is a China port, before entering waters under the jurisdiction of China.

Article 7 From January 1st 2020 onward, a China-flagged ship is to immediately submit the information of non-compliant fuel oil including the port of bunkering, supplier and test report to the MSA of ship's homeport, in case it's found the quality of bunkered fuel oil does not meet the requirements as set out in MARPOL Annex VI Regulation 14 or Regulation 18.

Article 8 China MSA will periodically submit verified FONARs and information of non-compliant fuel oil bunkered by China-flagged ships to IMO.

REQUIREMENTS ON DISPOSAL OF NON-COMPLIANT FUEL OIL CARRIED ON BOARD SHIPS

Article 9 From March 1st 2020 onward, a foreign ship carrying non-compliant fuel oil in the waters under the jurisdiction of China is to:

- discharge the non-compliant fuel oil; or

- as permitted by the MSA of calling port, to retain the non-compliant fuel oil on board with a commitment letter stating it will not be used in waters under the jurisdiction of China.

in accordance with IMO MEPC.1/Circ.881 *GUIDANCE FOR PORT STATE CONTROL ON CONTINGENCY MEASURES FOR ADDRESSING NON-COMPLIANT FUEL OIL*.

Article 10 Discharge of non-compliant fuel oil from a foreign ship is to be reported to the local MSA and carried out in accordance with the requirements on fuel oil loading/unloading as set out in the *People's Republic of China Regulations on the Prevention and Control of Marine Environment Pollution by Ships and Related Activities*, as well as the *People's Republic of China Regulations on the Prevention and Control of Marine Environment Pollution in Inland Waters by Ships*. All safety and pollution precautions shall be implemented.

REQUIREMENTS ON RECORDING OF FUEL OIL SUPPLIERS

Article 11 Bonded fuel oil suppliers (hereinafter referred to as suppliers) are to submit the data regarding their capacity of supplying compliant fuel oil in China ports and contact details to China MSA before November 30th 2019, then China MSA will submit the data to IMO in an unified manner. The suppliers are to keep the China MSA updated if there's any change of supply capacity and other information.

Article 12 Suppliers are to submit relevant documents to the MSA for recording, in accordance with the requirements on suppliers' recording as set out in the *People's Republic of China Regulations on the Prevention and Control of Marine Environment Pollution by Ships and Related Activities*, as well as *China MSA Service Directory*; Suppliers intending to operate in inland waterways are to report to the MSA.

REQUIREMENTS ON SUPERVISION AND ENFORCEMENT

Article 13 Site inspection will be imposed to international ships and bunkering vessels by MSA affiliate. Ships infringing this regulation will be penalized in accordance with the *Law on the Prevention and Control of Air Pollution of the People's Republic of China* and this Plan, suppliers who delivered non-compliant fuel oil to ships will be reported to competent authority and the information will be disclosed to the public periodically.

Article 14 Fuel oil sampling and testing may be taken by MSA for supervision and enforcement, judgment on the testing result will be made in accordance with IMO MEPC.1/Circ.882 *EARLY APPLICATION OF THE VERIFICATION PROCEDURES FOR A MARPOL ANNEX VI FUEL OIL SAMPLE (REGULATION 18.8.2 OR REGULATION 14.8)* and relevant Amendments to MARPOL Annex VI to be effective.

Article 15 MSA affiliates are to review and examine the completeness and authenticity of the FONARs submitted by ships. Ship shall not be penalized but treated in accordance with this Plan if its FONAR examined as compliant and true, otherwise penalty will be imposed in accordance with this Plan.

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