

ANNEX 3

**RESOLUTION MEPC.278(70)
(Adopted on 28 October 2016)**

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1997 TO AMEND THE
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS,
1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO**

Amendments to MARPOL Annex VI

(Data collection system for fuel oil consumption of ships)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocols of 1978 and 1997 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

HAVING CONSIDERED, at its seventieth session, proposed amendments to MARPOL Annex VI concerning the data collection system for fuel oil consumption,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex VI, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 September 2017 unless prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

3 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of MARPOL, the said amendments shall enter into force on 1 March 2018 upon their acceptance in accordance with paragraph 2 above;

4 INVITES FURTHER the Parties to consider the application of the aforesaid amendments to Annex VI of MARPOL as soon as possible to ships entitled to fly their flag;

5 ENCOURAGES the Organization to establish as soon as possible the IMO Ship Fuel Oil Consumption Database;

6 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

7 REQUESTS FURTHER the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

ANNEX

AMENDMENTS TO MARPOL ANNEX VI

(Data collection system for fuel oil consumption of ships)

ANNEX VI

REGULATIONS FOR THE PREVENTION OF AIR POLLUTION FROM SHIPS

**Regulation 1
Application**

1 The reference to "regulations 3, 5, 6, 13, 15, 16, 18, 19, 20, 21 and 22" is replaced with "regulations 3, 5, 6, 13, 15, 16, 18, 19, 20, 21, 22 and 22A".

**Regulation 2
Definitions**

2 After existing paragraph 47, new paragraphs 48, 49 and 50 are added as follows:

"48 *Calendar year* means the period from 1 January until 31 December inclusive.

49 *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the *International Management Code for the Safe Operation of Ships and for Pollution Prevention*, as amended.

50 *Distance travelled* means distance travelled over ground."

**Regulation 3
Exceptions and exemptions**

3 In the chapeau of paragraph 2, between existing sentences 2 and 3, a new sentence is added as follows:

"A permit issued under this regulation shall not exempt a ship from the reporting requirement under regulation 22A and shall not alter the type and scope of data required to be reported under regulation 22A."

**Regulation 5
Surveys**

4 At the end of paragraph 4.3, after the words "on board", new text is added as follows:

"and for a ship to which regulation 22A applies, has been revised appropriately to reflect a major conversion in those cases where the major conversion affects data collection methodology and/or reporting processes"

and the word "and" following the semicolon at the end of the paragraph is deleted.

5 In paragraph 4.4, the full stop at the end of the paragraph is replaced by "; and".

6 After the existing paragraph 4.4, a new paragraph 4.5 is added as follows:

"5 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 6

Issue or endorsement of Certificates and Statements of Compliance related to fuel oil consumption reporting

7 In the title of regulation 6, the words "and Statements of Compliance related to fuel oil consumption reporting" are inserted following the word "Certificates".

8 After existing paragraph 5, new paragraphs 6 and 7 are added as follows:

"Statement of Compliance – Fuel Oil Consumption Reporting

6 Upon receipt of reported data pursuant to regulation 22A.3 of this Annex, the Administration or any organization duly authorized by it* shall determine whether the data has been reported in accordance with regulation 22A of this Annex and, if so, issue a Statement of Compliance related to fuel oil consumption to the ship no later than five months from the beginning of the calendar year. In every case, the Administration assumes full responsibility for this Statement of Compliance.

7 Upon receipt of reported data pursuant to regulations 22A.4, 22A.5 or 22A.6 of this Annex, the Administration or any organization duly authorized by it* shall promptly determine whether the data has been reported in accordance with regulation 22A and, if so, issue a Statement of Compliance related to fuel oil consumption to the ship at that time. In every case, the Administration assumes full responsibility for this Statement of Compliance."

Regulation 8

Form of Certificates and Statements of Compliance related to fuel oil consumption reporting

9 In the title of regulation 8, the words "and Statements of Compliance related to fuel oil consumption reporting" are inserted following the word "Certificates".

* Refer to the Guidelines for the authorization of organizations acting on behalf of the Administration, adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration, adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

10 After existing paragraph 2, a new paragraph 3 is added as follows:

"Statement of Compliance – Fuel Oil Consumption Reporting

3 The Statement of Compliance pursuant to regulations 6.6 and 6.7 of this Annex shall be drawn up in a form corresponding to the model given in appendix X to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing Party is also used, this shall prevail in case of a dispute or discrepancy."

Regulation 9

Duration and validity of Certificates and Statements of Compliance related to fuel oil consumption reporting

11 In the title of regulation 9, the words "and Statements of Compliance related to fuel oil consumption reporting" are inserted following the word "Certificates".

12 After existing paragraph 11, a new paragraph 12 is added as follows:

"Statement of Compliance – Fuel Oil Consumption Reporting

12 The Statement of Compliance pursuant to regulation 6.6 of this Annex shall be valid for the calendar year in which it is issued and for the first five months of the following calendar year. The Statement of Compliance pursuant to regulation 6.7 of this Annex shall be valid for the calendar year in which it is issued, for the following calendar year, and for the first five months of the subsequent calendar year. All Statements of Compliance shall be kept on board for at least the period of their validity."

Regulation 10

Port State control on operational requirements

13 In paragraph 5, the words "Statement of Compliance related to fuel oil consumption reporting and" are inserted before the words "International Energy Efficiency Certificate".

Regulation 22

Ship Energy Efficiency Management Plan (SEEMP)

14 After existing paragraph 1, a new paragraph 2 is inserted as follows and the existing paragraph 2 is renumbered as paragraph 3:

"2 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."

15 After existing regulation 22, a new 22A is inserted as follows:

**"Regulation 22A
Collection and reporting of ship fuel oil consumption data**

1 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.

2 Except as provided for in paragraphs 4, 5 and 6 of this regulation, at the end of each calendar year, the ship shall aggregate the data collected in that calendar year or portion thereof, as appropriate.

3 Except as provided for in paragraphs 4, 5 and 6 of this regulation, within three months after the end of each calendar year, the ship shall report to its Administration or any organization duly authorized by it*, the aggregated value for each datum specified in appendix IX to this Annex, via electronic communication and using a standardized format to be developed by the Organization†.

4 In the event of the transfer of a ship from one Administration to another, the ship shall on the day of completion of the transfer or as close as practical thereto report to the losing Administration or any organization duly authorized by it*, the aggregated data for the period of the calendar year corresponding to that Administration, as specified in appendix IX to this Annex and, upon prior request of that Administration, the disaggregated data.

5 In the event of a change from one Company to another, the ship shall on the day of completion of the change or as close as practical thereto report to its Administration or any organization duly authorized by it*, the aggregated data for the portion of the calendar year corresponding to the Company, as specified in appendix IX to this Annex and, upon request of its Administration, the disaggregated data.

6 In the event of change from one Administration to another and from one Company to another concurrently, paragraph 4 of this regulation shall apply.

7 The data shall be verified according to procedures established by the Administration, taking into account guidelines to be developed by the Organization.

8 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.

9 The Administration shall ensure that the reported data noted in appendix IX to this Annex by its registered ships of 5,000 gross tonnage and above are transferred to the IMO Ship Fuel Oil Consumption Database via electronic communication and using a standardized format to be developed by the Organization not later than one month after issuing the Statements of Compliance of these ships.

10 On the basis of the reported data submitted to the IMO Ship Fuel Oil Consumption Database, the Secretary-General of the Organization shall produce an annual report to the Marine Environment Protection Committee summarizing the data collected, the status of missing data, and such other relevant information as may be requested by the Committee.

* Refer to the *Guidelines for the authorization of organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

† Refer to the *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP Guidelines)* (resolution MEPC.282(70)).

11 The Secretary-General of the Organization shall maintain an anonymized database such that identification of a specific ship will not be possible. Parties shall have access to the anonymized data strictly for their analysis and consideration.

12 The IMO Ship Fuel Oil Consumption Database shall be undertaken and managed by the Secretary-General of the Organization, pursuant to guidelines to be developed by the Organization."

16 After existing appendix VIII, new appendices IX and X are inserted as follows:

"Appendix IX

Information to be submitted to the IMO Ship Fuel Oil Consumption Database

Identity of the ship

IMO number

Period of calendar year for which the data is submitted

Start date (dd/mm/yyyy)

End date (dd/mm/yyyy)

Technical characteristics of the ship

Ship type, as defined in regulation 2 of this Annex or other (to be stated)

Gross tonnage (GT)¹

Net tonnage (NT)²

Deadweight tonnage (DWT)³

Power output (rated power⁴) of main and auxiliary reciprocating internal combustion engines over 130 kW (to be stated in kW)

EEDI (if applicable)

Ice class⁵

Fuel oil consumption, by fuel oil type⁶ in metric tonnes and methods used for collecting fuel oil consumption data

Distance travelled

Hours underway

¹ Gross tonnage should be calculated in accordance with the International Convention on Tonnage Measurement of Ships, 1969.

² Net tonnage should be calculated in accordance with the International Convention on Tonnage Measurement of Ships, 1969. If not applicable, note "N/A".

³ DWT means the difference in tonnes between the displacement of a ship in water of relative density of 1025 kg/m³ at the summer load draught and the lightweight of the ship. The summer load draught should be taken as the maximum summer draught as certified in the stability booklet approved by the Administration or an organization recognized by it.

⁴ Rated power means the maximum continuous rated power as specified on the nameplate of the engine.

⁵ Ice class should be consistent with the definition set out in the *International Code for ships operating in polar waters (Polar Code)*, (resolutions MEPC.264(68) and MSC.385(94)). If not applicable, note "N/A".

⁶ As defined in the *2014 Guidelines on the method of calculation of the Attained Energy Efficiency Design Index (EEDI) for new ships* (resolution MEPC.245(66), as amended) or other (to be stated).

Appendix X

Form of Statement of Compliance – Fuel Oil Consumption Reporting

STATEMENT OF COMPLIANCE – FUEL OIL CONSUMPTION REPORTING

Issued under the provisions of the Protocol of 1997, as amended, to amend the International Convention for the Prevention of Pollution by Ships, 1973, as modified by the Protocol of 1978 related thereto (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
(full designation of the Party)

by
(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of ship¹

Name of ship

Distinctive number or letters.

IMO Number²

Port of registry

Gross tonnage.

THIS IS TO DECLARE:

1. That the ship has submitted to this Administration the data required by regulation 22A of Annex VI of the Convention, covering ship operations from (dd/mm/yyyy) through (dd/mm/yyyy); and
2. The data was collected and reported in accordance with the methodology and processes set out in the ship's SEEMP that was in effect over the period from (dd/mm/yyyy) through (dd/mm/yyyy).

This Statement of Compliance is valid until (dd/mm/yyyy)

Issued at:
(place of issue of Statement)

Date (dd/mm/yyyy)

(date of issue)

*(signature of duly authorized official
issuing the Statement)*

(seal or stamp of the authority, as appropriate) "

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with the *IMO Ship Identification Number Scheme*, adopted by the Organization by resolution A.1078(28).

ANNEX 4

DRAFT ALTERNATE AMENDMENTS TO REGULATION B-3 OF THE BWM CONVENTION AND ASSOCIATED DRAFT MEPC RESOLUTION

Regulation B-3 is replaced with the following*:

"Regulation B-3

Ballast Water Management for Ships

- 1 A ship constructed before 2009:
 - .1 with a Ballast Water Capacity of between 1,500 and 5,000 cubic metres, inclusive, shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 9, after which time it shall at least meet the standard described in regulation D-2;
 - .2 with a Ballast Water Capacity of less than 1,500 or greater than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-1 or regulation D-2 until the renewal survey described in paragraph 9, after which time it shall at least meet the standard described in regulation D-2.
- 2 A ship constructed in or after 2009 and before 8 September 2019 with a Ballast Water Capacity of less than 5,000 cubic metres shall conduct Ballast Water Management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 9.
- 3 A ship constructed in or after 2009, but before 2012, with a Ballast Water Capacity of 5,000 cubic metres or more shall conduct Ballast Water Management in accordance with paragraph 1.2.
- 4 A ship constructed in or after 2012 and before 8 September 2019 with a ballast water capacity of 5,000 cubic metres or more shall conduct ballast water management that at least meets the standard described in regulation D-2 from the date of the renewal survey described in paragraph 9.
- 5 A ship constructed on or after 8 September 2019 shall conduct Ballast Water Management that at least meets the standard described in regulation D-2.
- 6 The requirements of this regulation do not apply to ships that discharge Ballast Water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities.
- 7 Other methods of Ballast Water Management may also be accepted as alternatives to the requirements described in paragraphs 1 to 5, provided that such methods ensure at least the same level of protection to the environment, human health, property or resources, and are approved in principle by the Committee.

* The draft alternate amendments and the associated draft MEPC resolution were drafted by a group of interested parties taking into account discussions in plenary related to documents MEPC 70/4/15 and MEPC 70/4/17 and the draft amendments to regulation B-3 of the BWM Convention and the associated draft MEPC resolution contained in annexes 4 and 5 of the report of MEPC 69 (MEPC 69/21/Add.1).

- 8 A ship subject to paragraph 2 or paragraph 4 will be required to comply with either regulation D-1 or regulation D-2, until such time as it is required to comply with regulation D-2.
- 9 Notwithstanding regulation E-1.1.2, the renewal survey referred to in paragraphs 1.1, 1.2, 2 or 4 is:
- .1 the first renewal survey as determined by the Committee following the date of entry into force of the Convention if this survey is completed on or after 8 September 2019;
 - .2 the second renewal survey as determined by the Committee following the date of entry into force of the Convention if the first renewal survey following the date of entry into force of the Convention is completed prior to 8 September 2019."

**DRAFT ALTERNATE MEPC RESOLUTION ON DETERMINATION OF THE DATE
REFERRED TO IN REGULATION B-3, AS AMENDED, OF THE BWM CONVENTION**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING resolution MEPC.[...(..)], by which it adopted, inter alia, amendments to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the BWM Convention),

NOTING ALSO that regulation B-3.9 of the BWM Convention, as amended, states that the Committee shall determine the date of the renewal survey for which paragraphs 1.1, 1.2, 2 and 4 of regulation B-3 of the BWM Convention shall apply,

DETERMINES that the date in regulation B-3.9 of the BWM Convention is the renewal survey for the ship associated with the International Oil Pollution Prevention Certificate pursuant to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL), Annex I, after the date of entry into force of the BWM Convention.
