

ANNEX 8

UNIFIED INTERPRETATIONS TO MARPOL ANNEX VI (REGULATIONS 2.1.14, 8.3, 18.3, 18.3.2.2, 22.3, 26.3.1, 27.1, 28.7, 28.9 AND APPENDIX IX)

1 Application of regulation 18.3 for biofuel and synthetic fuel¹

Regulation 18

Fuel oil availability and quality

Regulation 18.3 reads as follows:

"Fuel oil for combustion purposes delivered to and used on board ships to which this Annex applies shall meet the following requirements."

Interpretation

1.1 A fuel oil which is a blend of not more than 30% by volume of biofuel or synthetic fuel should meet the requirements of regulation 18.3.1 of MARPOL Annex VI. A fuel oil which is a blend of more than 30% by volume of biofuel or synthetic fuel should meet the requirements of regulation 18.3.2 of MARPOL Annex VI. For the purposes of this interpretation, a biofuel is a fuel oil which is derived from biomass and hence includes, but is not limited to, processed used cooking oils, fatty-acid-methyl-esters (FAME) or fatty-acid-ethyl-esters (FAEE), straight vegetable oils (SVO), hydrotreated vegetable oils (HVO), glycerol or other biomass to liquid (BTL) type products. For the purposes of this interpretation, a synthetic fuel is a fuel oil from synthetic or renewable sources similar in composition to petroleum distillate fuels. The Product Name, as entered onto the bunker delivery note, should be of sufficient detail to identify whether, and to what extent, a biofuel or a synthetic fuel is blended into the product as supplied.

Regulation 18.3.2.2 reads as follows:

"fuel oil for combustion purposes derived by methods other than petroleum refining shall not cause an engine to exceed the applicable NO_x emission limit set forth in paragraphs 3, 4, 5.1.1 and 7.4 of regulation 13."

Interpretation

1.2 A marine diesel engine certified in accordance with the requirements of regulation 13 of MARPOL Annex VI, which can operate on a biofuel or a synthetic fuel or blends containing these fuels without changes to its NO_x critical components or settings/operating values outside those as given by that engine's approved Technical File, should be permitted to use such a fuel oil without having to undertake the assessment as given by regulation 18.3.2.2 of MARPOL Annex VI. For the purposes of this interpretation, parent engine emissions tests undertaken on DM or RM grade fuels to the ISO 8217:2005 standard, as required by paragraph 5.3.2 of the NO_x Technical Code, should be valid for all DM or RM grade fuels used in operation, or that the engine may be designed for, or capable of operation on, including those meeting the ISO 8217 standards superseding ISO 8217:2005.

¹ The unified interpretation replaces the unified interpretation in section 13 of the annex to MEPC.1/Circ.795/Rev.6.

1.3 Where fuel oils are derived from methods other than petroleum refining, or where a fuel oil is a blend of more than 30% by volume of biofuel or synthetic fuel and does not fall under 1.2 of this unified interpretation, or where other fuels required to undertake the assessment as given by regulation 18.3.2.2 of MARPOL Annex VI have not been specifically certified in accordance with the regulation 13 limits at test bed for that specific fuel and Engine Group/Family, the following is interpreted as an acceptable route to demonstrate compliance with regulation 18.3.2.2:

- .1 the ship's IAPP Certificate may continue to be issued where the overall NO_x emissions performance has been verified to not cause the specified engine to exceed the applicable NO_x emissions limit when burning said fuels using the onboard simplified measurement method in accordance with 6.3 of the NO_x Technical Code 2008, or the direct measurement and monitoring method in accordance with 6.4 of the NO_x Technical Code 2008, or by reference to relevant test-bed testing. For the purposes of this interpretation and demonstration of compliance with regulation 18.3.2.2 of MARPOL Annex VI, and as applicable to possible deviations when undertaking measurements on board, an allowance of 10% of the applicable limit may be accepted.

2 Boil-off gas consumed on board ships²

Regulation 2

Definitions

Regulation 2.1.14 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 27

Collection and reporting of ship fuel oil consumption data

Regulation 27.1 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

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

Appendix IX reads as follows:

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

² The unified interpretation replaces the unified interpretation in section 15 of the annex to MEPC.1/Circ.795/Rev.6.

Interpretation:

2.1 Data relating to boil-off gas (BOG) consumed on board the ship for propulsion or operation (e.g. BOG used for propulsion, operational needs such as in a boiler, or burned in a gas combustion unit (GCU) for cargo tank pressure control or other operational purposes) is required to be collected and reported as fuel as part of the ship fuel oil consumption Data Collection System.

3 Requirements for reporting attained EEDI and relevant information³

Regulation 22

Attained Energy Efficiency Design Index (attained EEDI)

Regulation 22.3 reads as follows:

"For each ship subject to regulation 24 of this Annex, the Administration or any organization duly authorized by it shall report to the Organization the required and attained EEDI values and relevant information, taking into account the guidelines developed by the Organization, via electronic communication:

- .1 within seven months of completing the survey required under regulation 5.4 of this Annex; or
- .2 within seven months following 1 April 2022 for a ship delivered prior to 1 April 2022."

Interpretation:

3.1 For new ships that have completed the initial survey required in regulation 5.4.1 of MARPOL Annex VI on or after 1 April 2022, the EEDI data and relevant information shall be submitted within seven months after the completion date of the initial survey (in accordance with regulation 22.3.1).

3.2 For new ships that have completed the initial survey required in regulation 5.4.1 of MARPOL Annex VI prior to 1 April 2022:

- .1 if they have not undergone a major conversion specified in regulation 5.4.2 or 5.4.3, the EEDI data and relevant information shall be submitted within seven months after 1 April 2022 (in accordance with regulation 22.3.2);
- .2 if they have undergone a major conversion specified in regulation 5.4.2 or 5.4.3 on or after 1 April 2022, the EEDI data and relevant information of the major conversion shall be submitted within seven months after the completion date of general or partial survey required in regulation 5.4.2 or the initial survey required in regulation 5.4.3 (in accordance with regulation 22.3.1); and
- .3 if they have completed a major conversion specified in regulation 5.4.2 or 5.4.3 prior to 1 April 2022, the EEDI data and relevant information of the major conversion shall be submitted within seven months after 1 April 2022 (in accordance with regulation 22.3.2).

³ The unified interpretation will be added in a new section 17 of the annex to MEPC.1/Circ.795/Rev.7.

3.3 For existing ships that have completed the initial survey required in regulation 5.4.3 of MARPOL Annex VI on or after 1 April 2022, the EEDI data and relevant information shall be submitted within seven months after the completion date of the initial survey (in accordance with regulation 22.3.1).

3.4 For existing ships that have completed the initial survey required in regulation 5.4.3 of MARPOL Annex VI prior to 1 April 2022, the EEDI data and relevant information shall be submitted within seven months after 1 April 2022 (in accordance with regulation 22.3.2).

3.5 For ships for which up-to-date EEDI data have already been reported to the Organization prior to 1 April 2022, the reporting of EEDI data and information shall not be required on or after 1 April 2022.

4 Inclusion of the annual operational CII and rating in the Statement of Compliance⁴

Regulation 8

Form of Certificates and Statements of Compliance related to fuel oil consumption reporting and operational carbon intensity rating

Regulation 8.3 reads as follows:

"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."

Interpretation:

4.1 The Statement of Compliance form given in appendix X of MARPOL Annex VI has been updated to include the attained annual operational CII and the rating for ships to which regulation 28 applies. The new form should be used from the entry-into-force date (1 November 2022), however the new parts for the attained CII and rating will not be populated until 2024 when the relevant values are available.

5 Ship Energy Efficiency Management Plan (SEEMP) Part III⁵

Regulation 26

Ship Energy Efficiency Management Plan (SEEMP)

Regulation 26.3.1 reads as follows:

"In the case of a ship of 5,000 gross tonnage and above, which falls into one or more of the categories in regulations 2.2.5, 2.2.7, 2.2.9, 2.2.11, 2.2.14 to 2.2.16, 2.2.22, and 2.2.26 to 2.2.29 of this Annex:

⁴ The unified interpretation will be added in a new section 18 of the annex to MEPC.1/Circ.795/Rev.7.

⁵ The unified interpretation will be added in a new section 19 of the annex to MEPC.1/Circ.795/Rev.7.

- .1 On or before 1 January 2023 the SEEMP shall include:
- .1 a description of the methodology that will be used to calculate the ship's attained annual operational CII required by regulation 28 of this Annex and the processes that will be used to report this value to the ship's Administration;
 - .2 the required annual operational CII, as specified in regulation 28 of this Annex, for the next three years;
 - .3 an implementation plan documenting how the required annual operational CII will be achieved during the next three years; and
 - .4 a procedure for self-evaluation and improvement."

Interpretation:

5.1 A ship delivered after 1 January 2023 should comply with regulation 26.3.1 of MARPOL Annex VI at delivery. If delivered on 1 October or later, the following year will then be the first year of the three-year implementation plan and an inferior rating given, in accordance with regulation 28.6 of MARPOL Annex VI, for the remainder of the calendar year of delivery needs not to be counted in for the determination of whether the ship should develop a Corrective Action Plan required by regulation 26.3.2 of MARPOL Annex VI. Nothing in this interpretation relieves any ship of its reporting obligations under regulations 27 and 28 of MARPOL Annex VI.

5.2 A ship changing company, or changing from one Administration to another and from one company to another concurrently, after 1 January 2023 should comply with regulation 26.3.1 at change of company and a new SEEMP III will be required. The year of change should be the first year of the next three-year implementation plan.

5.3 In order to document how the required annual operational CII will be achieved during the next three years, the SEEMP Part III should be a rolling three-year plan, YYYY (first year of implementation plan), YYYY+1 and YYYY+2.

5.4 In the case of updating the SEEMP Part III on the elements in regulation 26.3.1 of MARPOL Annex VI, the original three-year plan may remain.

6 Plan of corrective actions to achieve the required annual operational CII⁶

Regulation 28

Operational carbon intensity

Regulation 28.7 reads as follows:

"A ship rated as D for three consecutive years or rated as E shall develop a plan of corrective actions to achieve the required annual operational CII."

Regulation 28.9 reads as follows:

"A ship rated as D for three consecutive years or rated as E shall duly undertake the planned corrective actions in accordance with the revised SEEMP."

⁶ The unified interpretation will be added in a new section 17 of the annex to MEPC.1/Circ.795/Rev.7.

Interpretation:

6.1 In case an inferior rating is given for data collected in calendar year YYYY, the revised SEEMP, including the plan of corrective actions, should be verified in year YYYY+1, and it should be developed to achieve the required annual operational CII for data collected in the calendar year YYYY+2.
