



TECHNICAL ALERT No. 15-09

Sulphur Emission Control Areas (SECAs)

1. Introduction

- 1.1. This Technical Alert has been issued by the Bahamas Maritime Authority (BMA) to address various aspects of recent changes in marine fuel sulphur content requirements.
- 1.2. This Technical Alert also aims to increase awareness of possible control actions by coastal State and Port Authorities that may be applied to ships failing to consume compliant fuel on voyages through Sulphur Emission Control Areas (SECAs).

2. General requirements in a SECA

- 2.1. In accordance with the requirements of Regulation 14.4.3 of Annex VI of MARPOL 73/78 ("MARPOL VI"), all ships are required to consume fuel oil with a sulphur content not exceeding 0.1% by mass when operating within a SECA area, unless an exception or exemption under Regulation 3 or an equivalent under Regulation 4 applies.
- 2.2. This requirement applies not only to ships proceeding to ports within a SECA area, but also on occasions when a ship is en-route through a SECA area to a port outside of the area.
- 2.3. The BMA will consider applications for exemptions for ships to conduct trials for the development of ship emission reduction control technologies and engine design programmes, under the provisions of Regulation 3.2 of Annex VI. The BMA will cooperate with the Administrations of the affected coastal State(s) in preparing a permit for such trials.

2.4. The BMA strongly recommends that operators of Bahamian ships incorporate appropriate procedures in their safety management systems to address operations within a SECA, which should include the following:

- Procedures for change-over to compliant fuel prior to entering a SECA, including record keeping;
- Procedures for reporting non-availability of compliant fuel;
- Procedures for emergency change-over to non-compliant fuel whilst operating in a SECA, including record keeping;
- Crew training aids and other information promulgating better awareness of SECA requirements.

3. Non-availability of Compliant Fuel

3.1. The BMA has received numerous reports from operators of Bahamian ships advising of the non-availability of compliant fuel in various ports both outside and within SECA areas.

3.2. When compliant fuel cannot be purchased locally or timely, Regulation 18.2.2 of Annex VI specifies that the ship should not be required to deviate from its intended voyage or to unduly delay its voyage in order to achieve compliance. In such cases documentary evidence addressing non-availability of compliant fuel must be submitted to the BMA and the competent authority of the relevant destination port. This information should also be available for inspection by Port State Control officers.

3.3. The BMA will report all confirmed incidents of non-availability of compliant fuel to the IMO as required by Regulation 18.2.5 of Annex VI.

4. Consuming non-compliant fuel in a SECA area in an emergency

4.1. The BMA has recently received a number of reports from operators of Bahamian ships advising of incidents where it was necessary to switch to non-compliant fuel whilst operating in a SECA due to machinery malfunction or equipment failure.

4.2. In accordance with Regulation 3.1.1 of Annex VI, any emission necessary for the purpose of securing the safety of a ship or saving life at sea does not fall under requirements of Regulation 14.

4.3. In case of such incidents and subsequent change-over to non-compliant fuel whilst in a SECA area, the following actions should be taken:

- A prompt notification should be made to the BMA and relevant coastal State authorities;
- Details of the fuel change-over related to the incident should be entered into the Official Log Book and MARPOL VI Record book, or equivalent¹;
- All documentation related to the incident should be available on board for review by the BMA, coastal State authorities and Port State Control officers.

5. United States of America - Enforcement and Penalty Policy

- 5.1. The United States Environmental Protection Agency (EPA) has published its penalty policy for ships using non-compliant fuel whilst in the North American and U.S. Caribbean SECA area. The policy is available to download from the following link:

<http://www2.epa.gov/sites/production/files/2015-01/documents/marinepenaltypolicy.pdf>

- 5.2. Operators of Bahamian ships calling at ports in California should take note of a recent ruling by the Californian Air Resources Board (ARB) with regards to enforcing compliant fuel consumption policy. Heavy monetary penalties have been imposed on four shipping companies for either not switching from regular fuel oil, or failing to do so in a timely manner when entering Regulated California Waters 24 miles off the coast.

<http://www.arb.ca.gov/newsrel/newsrelease.php?id=700>

6. Other areas with enforceable marine fuel sulphur limits

- 6.1. Notwithstanding the provisions of Regulation 14 of Annex VI, operators of Bahamian ships should be aware of any specific requirements that may be imposed by individual Coastal States.
- 6.2. Such additional requirements, running concurrently with MARPOL, may include more stringent limits on marine fuels used within territorial waters or specific areas.
- 6.3. Examples of locally enforceable legislation of this kind include [Directive 2012/33/EU](#) of the European Parliament and Council, applicable to all

¹ [See BMA Information Bulletin No.126](#)

ships calling at ports within the EU and Turkish Chamber of Shipping Circular No. 647/2011 mandating use of fuel-oil with sulphur content of not more than 0.1% m/m for every foreign ship whilst in Turkish ports.

7. Further Information

- 7.1. An international information campaign addressing new stricter sulphur requirements and their enforcement was launched in February 2015 by the maritime Administrations of 16 countries bordering SECAs. More details of the campaign, including a link for the pamphlet "*New Sulphur Requirements*" can be found on the Danish Maritime Authority's website:

[http://www.dma.dk/news/Sider/Nowajointsulphurcampaignislaunchedfro
measttwest.aspx](http://www.dma.dk/news/Sider/Nowajointsulphurcampaignislaunchedfro
measttwest.aspx)

- 7.2. Paris MoU has recently published guidance for Port State Control Officers entitled "*Guidelines in Application of MARPOL Annex VI Regulation 18 in an Emission Control Area*", which can be found on the Paris MoU website:

[https://www.parismou.org/sites/default/files/Guidelines%20on%20fuel%
20availability.pdf](https://www.parismou.org/sites/default/files/Guidelines%20on%20fuel%
20availability.pdf)

8. Validity

- 8.1. This alert is valid from 13 February 2015 until further notice.

9. Revision History

Rev.0 (13 February 2015) – First issue