



Date: 23.12.2019

Circular no.: 0034CTECH/TG/12/19

To: All Owners / Managers / Operators / Agents / Deputy Registrars /Recognized organizations certifying vessels on behalf of the Togolese Administration

SUBJECT: FUEL NON-AVAILABILITY REPORT (FONAR)

Further to the circular with reference 0032CTECH/TG/10/19 of this flag Administration, please note that as per IMO Resolution MEPC.320(74), the standard format (of the report) for reporting fuel oil non-availability (FONAR) must be filled by ships which are unable to purchase fuel oil meeting the requirements of regulations 14.1 or 14.4 of MARPOL Annex VI, pursuant to regulation 18.2.4 and 18.2.5 of MARPOL Annex VI.¹

Regulation 18.2.1.2. of MARPOL Annex VI requires that evidence be provided to support a claim that all efforts were made to obtain compliant fuel oil. In this respect and in accordance with the Appendix 1 of the IMO Resolution MEPC.320(74), the FONAR² can be used accordingly:

1. The FONAR is to be sent to the Flag State Administration and to the competent authorities in the relevant port(s) of destination in accordance with Regulation 18.2.4 of MARPOL Annex VI. The report shall be sent as soon as it is determined that the ship/operator will be unable to procure compliant fuel oil and preferably before the ship leaves the port/terminal where compliant fuel cannot be obtained. In order to minimize disruption to maritime commerce and avoid delays, the master / company should submit a FONAR as soon as it is determined or becomes aware that it will not be able to procure and use compliant fuel oil. A copy of the FONAR should be kept on board for inspection for at least 36 months.

2. This report should be used to provide evidence if a ship is unable to obtain fuel oil compliant with the provisions stipulated in regulations 14.1 or 14.4 of MARPOL Annex VI. Should a ship despite its best efforts to obtain compliant fuel oil, be unable to do so, the master and/or company must present a record of actions taken to attempt to bunker correct fuel oil and provide evidence of an attempt to purchase compliant fuel oil in accordance with voyage plan.³

3. Before filing a FONAR, the following should be observed by the ship/operator:

3.1. The submission of a FONAR does not exempt the ship from the requirement to consume compliant fuel oil. The FONAR provides documented background information to the Coastal State authorities to the port (s) of destination, as well as to the Togolese Maritime Authority, to determine whether any enforcement action may be applicable in each individual case.

¹ Regulation 18.2.1 of MARPOL Annex VI provides that in the event compliant fuel oil cannot be obtained, a Party to MARPOL Annex VI can request evidence outlining the attempts made to obtain the compliant fuel oil, including attempts made to local alternative sources. Regulation 18.2.4. and 18.2.5 then require that the ship notifies the Administration and the competent Authority of the port of destination on the inability to obtain compliant fuel oil, with the Party to notify IMO of the non-availability (the concrete notification is commonly referred to as a Fuel oil Non -Availability report -FONAR-).

² www.togoregistrar.com

³ Best efforts to procure compliant fuel oil include, but are not limited to, investigating alternative sources of fuel oil prior to commencing the voyage.



Notwithstanding the submission of FONAR, the Company must try to obtain compliant fuel at the earliest opportunity. According to regulation 18.2 of MARPOL Annex VI, it is the responsibility of the Party of the destination port, through its competent authority, to scrutinize the information provided and take action, as appropriate.

- 3.2. In the case of insufficiently supported and/or repeated claims of non-availability, the Party may require additional documentation and substantiation of fuel oil non-availability claims. The ship/operator may also be subject to more extensive inspections or examinations while in port.
- 3.3. Ships/operators are expected to take into account logistical conditions and/or terminal/port policies when planning bunkering, including but not limited to having to change berth or anchor within a port or terminal in order to obtain compliant fuel.
- 3.4. Ships/operators are expected to prepare as far as reasonably practicable to be able to operate on compliant fuel oils. This could include, but is not limited to, fuel oils with different viscosity and different sulphur content not exceeding regulatory requirements (requiring different lube oils) as well as requiring heating and/or other treatment on board.
4. Regulation 18.2.5. of MARPOL Annex VI provides that a party to MARPOL Annex VI notify the Organization when a ship has presented evidence of the non-availability of compliant fuel oil in a port or at their terminal. For this purpose, MARPOL Annex VI GISIS module provides the platform to upload such notifications.

Your kind compliance with the above requirements is strongly recommended and will be highly appreciated.
Sincerely,
Attachment: Fuel Non-Availability Report - FONAR

For the International Ship Registry of Togo



Vera N. Medawar
Ship Registrar



For the Togolese Maritime Authority

MATCHONNAWE BAKAI

Director