



Date: 25.10.2019

Circular no.: 0032CTECH/TG/10/19

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

SUBJECT: IMPLEMENTATION OF THE 0.50% SULPHUR LIMIT UNDER MARPOL ANNEX VI.

(Annex to this circular the resolutions MEPC.320(74) and MEPC.321 (74) and Circulars MEPC.1/Circ.881 MEPC.1/Circ.878 – Appendix 1)

(the two Résolutions and the two circulars can also be downloaded from the official site of Togo International Ship Registry : <http://www.togoregistrar.com/circulars>)

i. General

From January 1, 2020, the limit for Sulphur in fuel oil used on board ships operating outside designated emission control areas has been reduced to 0,50% m/m (mass by mass), from 3,50 % m/m. The limit is set in Annex VI (Prevention of Air Pollution from Ships) to the IMO Convention for the Prevention of Pollution from Ships (MARPOL Convention).

In order to ensure consistent implementation of the 0.50% Sulphur limit under MARPOL Annex VI from 1st January 2020, MEPC 74 adopted one set of guidelines by resolutions MEPC.320(74) and MEPC.321 (74) and also approved various guidelines.

The scope of this circular, is for the Togo Maritime Administration to inform all interested parties for the implementation of mandatory IMO instruments related to 0.50% sulfur limit and strongly recommends the implementation of the relevant guidelines.

In this respect the Togo Maritime Administration, hereby provides the below notices, applicable for all interested parties:

ii. Notices for implementation of the IMO 2020 Global Sulphur Limit

1. All parties concerned are advised to take into account the above IMO Resolutions **MEPC.320(74) and MEPC.321 (74)** (*annexed to this circular*), for ensuring consistent implementation of the 0.50% Sulphur limit under MARPOL Annex VI which has already entered into force since **1st January 2020**.
2. The Shipowners, Ships' Operators and Managers are guided to plan for transition to compliant fuel oil on board their ships well in advance before the indicated deadline of 1st January 2020, unless the ship :
 - is fitted with an approved equivalent (e.g. an Exhaust Gas Cleaning System - "Scrubber")
 - use alternative fuel (e.g. LNG methanol)
 - use onshore power supply when at berth
3. A supplementary MARPOL Annex VI amendment (the carriage ban), enters into force on **1st day of March 2020**, and prohibits the carriage of non-compliant fuel oil for combustion purposes, for propulsion or operation on board a ship, unless the ship is equipped with alternative means (e.g. Exhaust Gas Cleaning System - "Scrubber"), approved by the Flag State as an alternative mean.



4. Ships not fitted with approved equivalent systems under Regulation 4 may be allowed to carry unconsumed fuel with Sulphur content exceeding 0.50% until 01 March 2020. Consumption of such fuel as of 1st January 2020 is not permitted. Ships having such fuel on board after 1st January 2020 must make plans to debunker the non-compliant fuel oil prior to 1st March 2020.
5. Owners / managers decided for their ships to limit the air pollutants by installing *Exhaust Gas Cleaning System* need to have the acceptance / approval from the Flag State for that system.
6. IMO Member States have the right to adopt their own laws and measures to reduce the pollution from ships into their ports and territorial waters (*limit or restrict discharge of wash water in their areas*). Therefore, it is strongly recommended, when approaching a port or territorial waters of a country, the communication with the local port authorities for relevant guidelines in respect to the use of any equivalent system.
7. It is underlined that the 0,50% Sulphur limit, applies to all ships, irrespectively of their size and the nature of voyages (International voyages, voyages between two or more countries or domestic voyages within waters of a Party to the MARPOL Annex VI).
8. The new 0,50 % Sulfur limit, does not affect the already 0,10 % limit in the ECAs (*Baltic Sea, North Sea, North America Sea, covering designated coastal areas off the US and Canada - and the US Caribbean Sea area, around Puerto Rico and US Virgin Islands,*) and ECAs and ports of European Union.
9. In accordance with the IMO decisions, **no phase-in period has been allowed as of 01 January 2020 for transition to shipboard consumption of compliant fuel oil.**

iii. **Making use of the Ship Implementation Plan (SIP) for enhancing compliance with the 0,50% sulphur limit under MARPOL Annex VI**

1. Administrations should have encouraged ships flying their flag to develop implementation plans, outlining how the ship may prepare in order to comply with the required Sulphur content limit of 0.50% by 1 January 2020.
2. Although A **Ship Implementation Plan** is not a mandatory requirement, **Togo Maritime Administration strongly recommends the use of same.**
3. The ship implementation plan could be used as the appropriate tool to identify any specific safety risks related to Sulphur compliant fuel oil, as may be relevant to the ship, and to develop an appropriate action plan for the Company to address and mitigate the concerns identified.

The ship implementation plan for 2020 is ship specific and covers various items including, as appropriate, but not limited to:

- risk assessment and mitigation plan (impact of new fuels);
- fuel oil system modifications and tank cleaning (if needed);
- fuel oil capacity and segregation capability;
- procurement of compliant fuel;
- fuel oil changeover plan (conventional residual fuel oils to 0.50% Sulphur compliant fuel oil); and
- documentation and reporting.



4. It is noted that a lack of a ship implementation plan or an incomplete ship implementation plan should not be considered as "clear grounds" for a more detailed inspection. However, ships voluntarily enforcing the **Ship Implementation Plan, may be faced by the** Port State Control Authorities as more prudent to demonstrate compliance.
5. Guidance on the development of a Ship Implementation Plan for the consistent implementation of the 0.50% Sulphur limit under MARPOL Annex VI can be found **enclosed** to this Circular (IMO MEPC.1/Circ.878 – Appendix 1)

iv. **Fuel oil non-availability Report (FONAR)**

1. Regulation 18.2.1 of MARPOL Annex VI mandated that in case compliant fuel oil cannot be obtained, a Party to MARPOL Annex VI can request evidence describing the attempts made to obtain the compliant fuel oil, including attempts made to local alternative sources.
2. Regulations 18.2.4 and 18.2.5 then require that the ship informs its 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. This notification is commonly referred to as a "Fuel Oil Non-Availability Report" (FONAR).
3. If a ship, in spite of its best efforts to obtain compliant fuel oil, is unable to do so, the master/company must present a record of actions taken and provide evidence. Moreover, the master/Company must immediately notify the port State Administration in the port of arrival and the flag Administration (regulation 18.2.4 of MARPOL Annex VI).
4. It is noted that the ship should have a procedure for Fuel Oil Non-Availability Reporting (FONAR). The master and chief engineer should be conversant about when and how FONAR should be used and who it should be reported to.
5. Togo Maritime Administration underlines that this particular reporting procedure (FONAR), should be solely used in situations of absolute necessity and provided that vessel and management company can prove with facts and documents the unavailability to have compliant fuel. Moreover, if a ship cannot obtain compliant fuel oil, the FONAR can be completed and presented to Port State Control Authorities, which at their discretion may take it in to account.

It is stressed that the FONAR is NOT a waiver nor an exemption.

v. **Port State control and measures against ships that fail to comply**

1. It is once again stressed that the implementation of the MARPOL Annex VI, and the guidelines of resolutions MEPC.320(74) and MEPC.321 (74) are mandatory to all ships irrespectively of their size and the nature of voyages (International voyages, voyages between two or more countries or domestic voyages within waters of a Party to the MARPOL Annex VI).
2. It is also underlined that the Port State Control Authorities have responsibility for the enforcement of the guidelines and the verification of the vessels' compliance of same. ✕



- The Togo Maritime Administration draws the attention to all interested parties to this critical point and encourage owners / managers to make the necessary actions on time as appropriate in order to avoid detentions and other measures imposed by the Port State Control Authorities.
- Guidance for Port State Control on how to address non-compliant fuel oil has been provided by IMO in Circular MEPC.1/Circ.881 and MARPOL Annex VI Chapter 3 (2019 PSC Guidelines - MEPC.321 (74)).
 - A ship should not be required to deviate from its intended voyage or unduly delay the voyage in order to achieve compliance.
 - Ships that for any reason be found by any Port State Control to deviate from the above described requirements, may be subject to a detention.
 - The Maritime Administration keeps the right to proceed to measures or penalize ships not complying with the above described requirements.

Your kind compliance with the above requirements is strongly recommended and will be highly appreciated.

Sincerely,

For the International Ship Registry of Togo



Vera N. Medawar
Ship Registrar



Matchonawe Bakai
Director

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