



# South African Maritime Safety Authority

Ref: SM6/5/2/1

Date: 4 March 2019

## Marine Notice No. 9 of 2019

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### Fuel Oil Non Availability Report (FONAR)

TO ALL SHIP OWNERS, SHIP OPERATORS, MASTERS, BUNKER SUPPLIERS AND PRINCIPAL OFFICERS

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#### *Summary*

This Marine Notice provides a standard format for reporting fuel oil non-availability as provided in regulation 18.2.4 of MARPOL Annex VI that may be used to document if a ship is unable to obtain fuel oil compliant with the provisions stipulated in regulations 14.1.3, 14.4.3 and 18.3 of MARPOL Annex VI.

#### 1. INTRODUCTION

The main type of “bunker” oil for ships is heavy fuel oil, derived as a residue from crude oil distillation. Crude oil contains sulphur which, following combustion in the engine, ends up in ship emissions. Sulphur oxides (SO<sub>x</sub>) are known to be harmful to human health and the environment.

Limiting SO<sub>x</sub> emissions from ships will improve air quality and protects the environment. IMO regulations to reduce sulphur oxides (SO<sub>x</sub>) emissions from ships first came into force in 2005, under Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL Convention). Since then, the limits on sulphur oxides have been progressively tightened. There is an even stricter limit of 0.10% m/m already in effect in emission control areas (ECAS) which have been established by IMO.

**From 1 January 2020, the limit for sulphur in fuel oil used on board ships operating outside designated emission control areas will be reduced to 0.50% m/m (mass by mass).**

Compliant fuel oil is expected to be available from fuel oil suppliers that serve vessels that will operate in South Africa. However, if a ship owner or operator is unable to obtain compliant fuel oil, this Marine Notice clarifies how South Africa will implement the fuel oil availability provisions contained in Regulation 18 to Annex VI.

#### 2. APPLICATION

All sizes of ships will need to use fuel oil that meets the 0.50% limit from 1 January 2020. The 0.50% Sulphur limit extends to carriage of bunker fuel with Sulphur content of more than 0.50% for vessels not fitted with Exhaust Gas Cleaning Systems (EGSC). The carriage ban will come into effect on 1 March 2020.

All vessels that operate in South African waters are required to be in compliance with the Annex VI fuel oil sulphur standard. Note, most vessels under 400 gross tonnage are likely already in compliance with the standard as the majority of these vessels operate using solely distillate fuel oil that meets the Annex VI fuel oil sulphur limit.

### **3. GENERAL**

If a ship is found not to be in compliance with the standards for compliant fuel oils, the South African Maritime Authority is entitled to require the ship to:

- .1 Present a record of the actions taken to attempt to achieve compliance; and
- .2 Provide evidence that it attempted to purchase compliant fuel oil in accordance with its voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.

A ship shall notify the South African MRCC and Local SAMSA Port Office of the relevant port of destination when it cannot purchase compliant fuel oil.

Fuel oil for combustion purposes derived by methods other than petroleum refining shall not:

- .3.1 exceed the applicable sulphur content set forth in regulation 14 of Annex VI;
- .3.2 cause an engine to exceed the applicable NOx emission limit set forth in regulation 13;
- .3.3 contain inorganic acid; or
  - .3.4.1 jeopardize the safety of ships or adversely affect the performance of the machinery, or
  - .3.4.2 be harmful to personnel, or
  - .3.4.3 contribute overall to additional air pollution.

You are required to either use Annex VI compliant fuel oil when operating within South African waters, or to install and use an equivalent method as approved and allowed under MARPOL Annex VI Regulation 4. (Scrubbers)

### **4. DEMONSTRATING COMPLIANCE**

You are required to maintain and, if requested, make available to SAMSA, the following:

- .1 Bunker delivery notes, for vessels 400 gross tonnage and above. While bunker delivery notes are not required for ships less than 400 gross tonnage, owners and operators of such ships may maintain appropriate fuel oil records that document the sulphur content of fuel oil used onboard to demonstrate compliance with the requirements;
- .2 Representative fuel oil samples, taken at the time of fuel oil delivery.
- .3 Written fuel oil changeover procedures, which show how and when the fuel oil changeover is to be done to ensure that only compliant fuel oil is burned; and
- .4 The fuel oil changeover logbook that contains the volume of compliant fuel oil in each tank as well as the date, time, and position of the ship when any fuel oil changeover operation is completed prior to entry into or commenced after exiting South African waters.

These records may be inspected to determine if the fuel oil used onboard the ship while operating in South African waters meets the MARPOL Annex VI sulphur standard. In addition, the SAMSA may also verify compliance by any methods available to it including, but not limited to, sampling and analysing fuel oil from a ship's fuel oil tanks and lines, and sampling and analysing air emissions from a ship's plume.

### **5. FUEL AVAILABILITY**

Fuel oil that complies with the 0.50% m/m sulphur standard is expected to be available for ships that plan to operate in South African waters.

The possibility exists, that despite your best efforts to obtain compliant fuel oil, vessels may be unable to do so, and SAMSA has the authority to take into account all relevant circumstances to determine the appropriate action to take, including not taking control measures. Best efforts to procure compliant fuel oil include, but are not limited to, investigating alternate sources of fuel oil prior to commencing the vessels voyage or in route prior to entering South African waters. If, despite best efforts, the vessel is unable to procure compliant fuel oil prior to entering South African water, the Master must notify SAMSA and the vessels own flag Administration.

In addition, if you want SAMSA to consider the vessels efforts in determining what action to take, Masters should provide the following information in the form of a Fuel Oil Non-Availability Report, as described in the Annex, which details the vessels efforts to obtain compliant fuel oil.

In order to minimize disruptions to commerce and avoid delays, the vessel should submit this Fuel Oil Non-Availability Report as soon as the vessel determine, or become aware, that it will be unable to procure and use compliant fuel oil in South African waters, but no later than 96 hours prior to entering the South African Exclusive Economic Zone.

The Master must consider the availability of compliant fuel oil when planning the vessels voyage and, if compliant fuel oil is not available where planned, the vessel must attempt to locate alternative sources for such fuel oil. Furthermore, the vessel must attempt to obtain compliant fuel oil at each port on your intended voyage.

SAMSA does not consider having to change berth or anchor within a port in order to receive compliant fuel oil to be a deviation and expects a vessel operator to account for these logistical conditions and/or terminal/port policies when planning bunker delivery during a port call. Additionally, once the vessel entered South African waters, SAMSA expects the vessel to take on compliant fuel oil, if available, from a South African Port-of-call prior to further transit in through South African waters.

In evaluating the circumstances described in a submitted Fuel Oil Non-Availability Report, SAMSA will give consideration to actions taken to minimize the amount of excess emissions such as purchase of the next cleanest fuel oil possible.

The SAMSA does not consider the cost of compliant fuel oil to be a valid basis for claiming you were unable to purchase 0.50% m/m fuel oil. Nor is the cost of compliant fuel oil a valid basis for claiming that such fuel oil was not available.

## **6. FUEL AVAILABILITY REPORT**

The filing of a Fuel Oil Non-Availability Report does not mean your ship is deemed to be in compliance with MARPOL Annex VI. However, SAMSA will take into account the information provided in your Fuel Oil Non-Availability Report, as well as all relevant circumstances, to determine the appropriate action to take, if any, in response to the MARPOL Annex VI fuel oil sulphur standard violation.

In considering what action to take, SAMSA will also consider the following:

- .1 The sulphur content of the fuel oil that was used on board the ship, and whether it was the lowest sulphur fuel oil available at the time of fuel oil purchase and/or available along the ship's intended voyage;
- .2 Whether the ship obtained compliant fuel oil at its first port-of-call in South Africa and used that fuel oil for the remainder of the voyage while transiting South African waters;
- .3 How many Fuel Oil Non-Availability Reports have been previously filed by the ship,
- .4 the operating company, and the vessel owner;
- .5 What actions have been taken to address any engine-related constraints with respect to using compliant fuel oil that is available on the specified route;
- .6 Whether other vessels on similar voyages submitted Fuel Oil Non-Availability Reports; and
- .7 Any other relevant factors.

**[MARINE NOTICE 08 OF 2019: EFFECTIVE IMPLEMENTATION OF IMO 2020 0.50% SULPHUR CAP](#)**

**[ANNEX 1: FUEL NON AVAILABILITY REPORT](#)**

## 7. SAMSA CONTACT INFORMATION

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