

June 2018

Loss Prevention Regulation Update 2018/19

Introduction

The year 2017 was noteworthy for several environmental regulations. Important decisions from the regulatory front on the [ballast water management convention](#), [polar code](#) and [2020 global sulphur cap](#) were covered by the club through circulars, articles and web alerts.

With the constantly evolving regulatory landscape, it is essential to keep abreast of the industry developments and understand the challenges when addressing compliance or deliberating commercial decisions. This article aims to provide an overview of the changes in year 2018 and 2019 to the statutory regulations and instruments.

Regulations that came into force on 1 January 2018

SOLAS Ch.V/Reg.19 – MSC.350(92) – Correction of application clause of BNWAS requirements

SOLAS regulation V/19.2.2.3 requires the provision of a bridge navigational watch alarm system (BNWAS), which complies with the standards contained in [MSC.128\(75\)](#), to be installed on board and shall be in operation whenever the ship is under way at sea.

[MSC.1/Circ.1474](#) recommends that the automatic operational mode, if it is available on the BNWAS, should not be used when the ship is underway at sea.

This is the last phase of the implementation for ships constructed before 1 July 2002, ie for cargo ships 150\leq500 – not later than the first survey after 1 January 2018. However, ships which will be taken permanently out of service within two years of the implementation date are exempted.

[MSC.1/Circ.1290](#) refers the term 'first survey' as the annual, periodical or renewal survey whichever is due first after the date specified in

the relevant regulation or any other survey if the Administration deems it to be reasonable and practicable, taking into account the extent of repairs and alterations being undertaken.

Members with existing cargo ships 150\leq500 built before 1 July 2002 are advised to make timely retrofitting arrangements and obtain approval from the Flag Administrations or their recognised organisations.

SOLAS Ch.XIV/Reg.2 – MSC.386(94) – Safety Measures for Ships Operating in Polar Waters

The [Polar Code](#), as adopted in 2014 by the MSC-94, entered into force in January 2017. It is mandatory for ships operating in polar waters (Antarctic area and Arctic waters, as defined in SOLAS regulations XIV/1.2 and XIV/1.3 respectively); and contains safety (part I) and environmental (part II) requirements.

The safety section ([MSC.385\(94\)](#)) of the Polar Code applies to new ships constructed after 1 January 2017. Ships constructed before 1 January 2017 that are planned to operate in polar waters must comply with the relevant safety requirements by the first intermediate or renewal survey (whichever occurs first) after 1 January 2018.

All existing and new ships certified under MARPOL must comply with the environmental requirements ([MEPC.264\(68\)](#) and [MEPC.265\(68\)](#)) from 1 January 2017. Ships which do not operate in polar waters are not required to comply with these regulations.

Members with ships operating in polar waters are recommended to conduct a thorough risk assessment and close gaps between current practice and new regulations when considering safety, environmental and occupational aspects. Members are also advised to contact the club (in addition to their H&M insurers, who will usually operate a geographical exclusion) in order to confirm the position in relation to cover.



Akshat Arora
Senior Surveyor
T: +65 6506 2809
E: akshat.arora@ctplc.com



Yves Vandeborn
Director of Loss Prevention
T: +65 6506 2852
E: yves.vandeborn@ctplc.com



Discover more

For details of our range of industry expertise visit www.standard-club.com

[@StandardPandi](#)

[The Standard P&I Club](#)



International Maritime Dangerous Goods (IMDG) code – MSC.406(96) – Amendment 38-16

The latest amendment ([38-16](#)) to the IMDG code entered into force on 1 January 2018. It includes a significant number of changes to the code and, as such, the IMO had to fully revise volumes 1 and 2 of the code (2016 edition). The supplement volume remains the same as the 2014 edition.

Members engaged in carriage of packaged dangerous goods are required to comply with the latest amendments from 1 January 2018. Members are also recommended to refer to our publication [Standard Safety: Better Box Booking](#) to safeguard their ships against misdeclared container cargo incidents.

Convention on Facilitation of International Maritime Traffic (FAL) – FAL 40 – Revised FAL convention

The [FAL convention](#), first adopted in 1965, aims to harmonise procedures for ships' arrival, stay and departure from port. It includes mandatory standards and recommended practices on formalities, documentary requirements and procedures which should be applied on arrival, stay and departure to the ship itself, and to its crew, passengers, baggage and cargo.

The [revised annex](#) includes mandatory requirements for the electronic exchange of information on cargo, crew and passengers. The IMO Standardized Forms (FAL forms), which cover the IMO general declaration, cargo declaration, ship's stores declaration, crew's effects declaration, crew list, passenger list and dangerous goods have also been revised.

Other revised standards cover shore leave and access to shore-side facilities for crew, including the addition of a paragraph in the standard to say that there should be no discrimination, in respect of shore leave, on grounds of nationality, race, colour, sex, religion, political opinion or social origin, and irrespective of the Flag State of the ship on which seafarers are employed, engaged or work.

Standards and recommended practices relating to stowaways have been updated to include references to relevant sections of the International Ship and Port Facilities' Security (ISPS) code.

The revision aims to ensure the convention adequately addresses the industry's needs and serves to facilitate and expedite international maritime traffic. The objective is to prevent unnecessary delays to ships, and to persons and property on board.

2011 ESP code – MSC.405(96) – Amendments to the ESP code

The 2011 ESP code, as required by SOLAS XI-1/2, covers mandatory survey requirements for oil tankers and bulk carriers (including ore and combination carriers) of 500gt and above. The code is regularly updated to ensure harmonisation between the IMO and IACS requirements.

This set of amendments refers to the recommendations for entering enclosed spaces aboard ships set forth under resolution [A.1050\(27\)](#), so as to promote safe access by surveyors carrying out the surveys on oil tankers and bulk carriers on/after 1 January 2018.

Members are reminded that in order to enable the attending surveyors to carry out the survey, provisions for proper and safe access should be agreed and the surveyor(s) should always be accompanied by at least one responsible person, assigned by the owner, experienced in tank and enclosed space inspection.

Regulations which came into force on 1 March 2018

MARPOL annex I – MEPC.276(70) – Revision to form B of the supplement to the IOPP certificate

Amendments to form B of the supplement to the IOPP certificate (sections 5.1, 5.2, 5.3 and 5.5), given in the appendix to MARPOL annex I, were adopted at MEPC-70 to remove obsolete entries (concerning design/arrangements that no longer exist, such as Clean Ballast Tank (CBT)) and to simplify the current entry.

Members operating oil tankers of 150gt or above shall ensure that the revised format of this certificate is issued to the vessel at the first IOPP survey on or after 1 March 2018.

MARPOL annex V – MEPC.277(70) – HME substances and form of Garbage Record Book

The revised [MARPOL annex V](#), which entered into force on 1 January 2013, introduced stricter controls on garbage disposal, which also affected the disposal of cargo residues, including cargo hold washing water. However, there were still some clarifications required out of these revisions, which were adopted at MEPC-70. These were highlighted in the club's [web alert](#) and include the following:

- the requirement for shippers to classify solid bulk cargoes in accordance with the criteria set in a new appendix as HME or not (regulations 4 and 6)



- the new format of Garbage Record Book (GRB) is split in two parts (one part for all operations related to garbage other than cargo residues and a second part for all operations related to cargo residues)
- inclusion of a new garbage category for E-waste (such as gadgets, computers, printer cartridges, etc). The definition of E-waste is mentioned in the 2017 guidelines for the implementation of MARPOL annex V ([MEPC.295\(71\)](#))
- clarification of the term 'Estimated amount of Discharged or Incinerated', whether into the sea or to reception facilities in the Garbage Record Book (GRB)
- additional space in the GRB to record exceptional discharge or loss of garbage under regulation V/7.

Members are recommended to ensure that the new format of GRB is provided to their ships and that the crew are aware of the new requirements. For ships carrying solid bulk cargoes, part II of GRB will be applicable. The HME classification and declaration requirement might have a significant impact on these ships – mainly associated with the discharge requirements that accompany the regulation. It is recommended to refer to our [Standard Safety article](#) which highlights the challenges dry bulk operators may face and focuses on the practical steps that can be adopted to ensure compliance.

MARPOL annex VI – [MEPC.278\(70\)](#) – Data collection system for fuel oil consumption of ships

In order to further enhance the energy efficiency of ships, MEPC-70 adopted a three-step process to determine the technical and operational measures that need to be taken to further address greenhouse gas emissions from shipping. Consequently, a roadmap was approved which sets out IMO's intended steps up to 2023.

The first phase of this process is a mandatory data collection system ([IMO-DCS](#)). The [MEPC-70](#) adopted amendments to MARPOL annex VI that require ships to collect and report annual data on their fuel oil consumption to their Flag Administrations.

A new regulation 22A was inserted in MARPOL annex VI Ch.4 on 'collection and reporting of ship fuel oil consumption data'. The guidelines

for developing Ship Energy Efficiency Management Plan (SEEMP) have been revised through [MEPC.282\(70\)](#) to provide the ship-specific methodology and processes that need to be followed for the data collection.

The amended regulations entered into force on 1 March 2018. The data collection system for fuel consumption is applicable from 1 January 2019 for ships of 5,000gt and above; however, part II of SEEMP will have to be updated and submitted to the Flag Administration (or a Recognised Organisation (RO) nominated by the Flag) by 31 December 2018.

Reporting will take place at the end of each calendar year. After verifying that the data has been reported according to annex VI requirements, the ship will be issued with a Statement of Compliance and the data will be transferred to the IMO Ship Fuel Oil Consumption Database, where it will be kept anonymised. This will help the IMO to produce annual reports and evaluate the need for further technical and operational measures for enhancing the energy efficiency of international shipping.

Members are recommended to refer to the club's [web alert](#) and Resolutions [MEPC.292\(71\)](#) and [MEPC.293\(71\)](#) for further guidance.

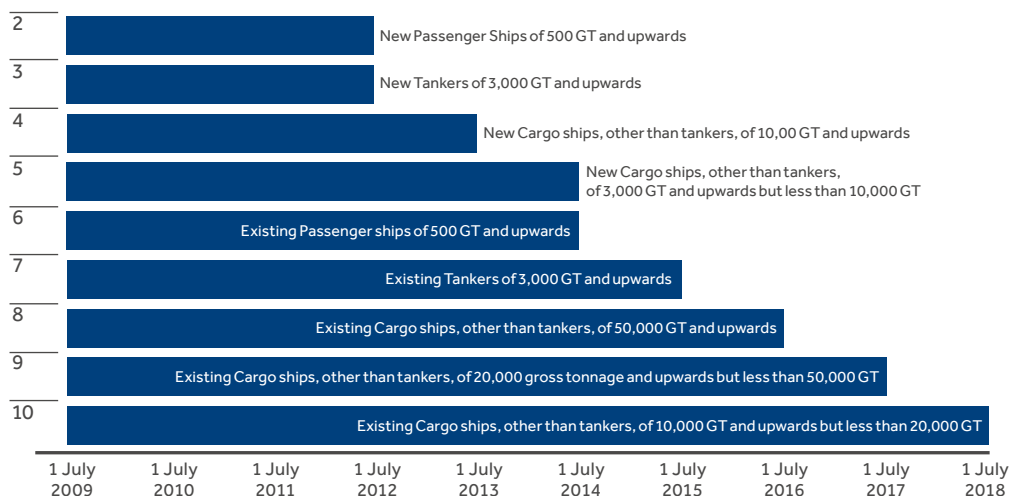
Regulations which came into force on 1 July 2018

SOLAS Ch.V/Reg.19 – [MSC.282\(86\)](#) – Carriage requirements of ECDIS

ECDIS will be mandatory for cargo ships (10,000gt ≤ non-tankers <20,000gt) constructed before 1 July 2013, at the first survey on or after 1 July 2018.

Although the 'first survey' may not coincide with dry docking, members should be aware that substantial work could be involved in retrofitting this equipment, which could take the ship out of service. Consideration should therefore be given to carrying out the necessary modifications in dry dock, before the mandatory implementation date. The agreement of the ship's Flag Administration would be required to postpone retrofitting beyond this date.

ECDIS Implementation Schedule



SOLAS Ch.II-2/Reg.10 – MSC.338(91) – Communication equipment for fire-fighting teams

For ships constructed on or after 1 July 2014, there is a requirement for carriage of at least two two-way portable radiotelephone apparatus (of explosion proof or intrinsically safe type) for fire-fighters' communication. Ships constructed before 1 July 2014 shall comply with these requirements not later than the first survey after 1 July 2018.

Members are recommended to ensure that the fire-fighter outfits on their ships meet the [relevant requirements](#) of SOLAS and the FSS code and that any changes to the fire-fighting equipment are updated on the ship's fire control plans.

2011 ESP code – MSC.412(97) – Amendments to the ESP code

As highlighted above, this code is regularly updated to maintain compatibility with the IACS requirements. This set of amendments covers requirements related to close-up survey/ thickness measurements for oil tankers (double hull and other than double hull construction).

Members are reminded that where the crew is allowed to carry out cargo tank testing during renewal survey, the tank testing procedure specifying filling height, tanks detail and bulkhead being tested, has to be submitted for review to the Administration or Recognised Organisation (RO) prior to the testing being carried out.

STCW convention & STCW code – MSC.416(97) & MSC.417(97) – Training requirements for

passenger ships and ships operating in polar waters

Amendments to the STCW convention and the STCW code were adopted at MSC-97 to include new mandatory minimum training requirements for masters and deck officers on ships operating in polar waters, and an extension of emergency training for personnel on passenger ships.

The implementation timeline was highlighted in club's [web alert](#) on Polar Code amendments to STCW. Members are also recommended to refer to the [ICS guidance](#) on STCW training requirements for personnel on ships operating in polar waters.

Members operating passenger ships need to be aware of the new requirements and allow for more time, if needed, before personnel assume duties on board in order to complete the passenger ship emergency familiarisation requirement.

Regulations coming into force on 1 January 2019

IMO Assembly Resolution A.1116(30) – Escape route signs and equipment location markings

IMO Assembly 30 adopted this resolution to harmonise the SOLAS requirements on shipboard safety signs and equipment location markings with the ISO standards.

This will take effect on ships constructed on or after 1 January 2019 or ships which undergo repairs, alterations, modifications and outfitting within the scope of SOLAS chapters II-2 and/or III, as applicable, on or after 1 January 2019.

Members are recommended to ensure that the new resolution should be used in conjunction with resolution [A.952\(23\)](#) (Graphical symbols for shipboard fire control plans) for the preparation of the shipboard fire control plans required by SOLAS regulation II-2/15.2.4.

MARPOL annex VI – MEPC.286(71) – Information to be included in the bunker delivery note (BDN)

The existing BDN contains the supplier's declaration that the fuel oil supplied to the ship meets the sulphur limit of either regulation 14.1 (global limit – currently 3.50%) or regulation 14.4 (within emission control areas (ECAs)). This declaration therefore prevents the supply of fuel oil to ships exceeding the global limit and would clearly be an issue when that falls from 3.50% to 0.50% in 2020.

To avoid any ambiguities during PSC inspections or IAPP surveys, the revised BDN will replace the current supplier's declaration and introduce a 'selection box' for the 'purchaser's specified limit value' of the sulphur content. This means that even fuels with higher sulphur content than required by regulation 14 of annex VI can be delivered to a ship where the ship uses equivalent measures, such as exhaust gas cleaning systems (EGCS).

Members are recommended to make their crew aware of the new requirements in order to ensure that the BDNs issued on or after the entry date comply with the new format.

International Maritime Solid Bulk Cargoes (IMSBC) code – MSC.426(98) – Amendment 04-17

The amendments (04-17) to the IMSBC code include new individual cargo schedules and revisions to existing ones.

Four solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted have been identified and added to the list published by the IMO as [MSC.1/Circ.1395/Rev.3](#).

Shippers shall ensure that the test for determining the transportable moisture limit (TML) of a solid bulk cargo has been carried out within six months prior to the date of loading of such bulk cargo. Additionally, the interval between sampling/testing for the moisture content of solid bulk cargo and the commencement of loading is not to be more than seven days so as to ensure that the moisture content of the cargo is less than its TML.

It also explicitly assigns the shipper with the responsibility to declare whether a solid bulk cargo is classified as harmful to the marine environment ([HME](#)) or non-HME.

Contracting governments may apply the amendments in whole or in part on a voluntary basis from 1 January 2018. Mandatory compliance with the amended IMSBC code requirements will commence on 1 January 2019. Members who are involved in the transport of solid bulk cargoes should pay due attention to the Flag State requirements.

Regulation coming into force on 1 June 2019

MARPOL annex IV – MEPC.275(69) – Passenger ship sewage discharge requirements for the Baltic Sea Special Area

As mentioned in the [club's web alert on MEPC-69 outcome](#), there will be a prohibition of sewage discharge from new passenger ships (as defined in [MEPC.274\(69\)](#)) within the Baltic Sea special area from 1 June 2019, unless the ship has an approved sewage treatment plant in operation that meets the applicable additional effluent standards for nitrogen and phosphorus in accordance with the resolutions [MEPC.227\(64\)](#) and [MEPC.284\(70\)](#).

Members operating passenger ships in the Baltic Sea area need to be aware of the new requirements and ensure logistical arrangements are in place for discharge of untreated sewage to port reception facilities.

Members are reminded that, other than in cases of purely accidental discharge, P&I cover for fines related to MARPOL violations is only available on a discretionary basis.

Regulations coming into force on 1 July 2019

SOLAS Ch.II-2/Reg.10 – MSC.338(91) – Breathing apparatus for fire-fighting teams

For ships constructed on or after 1 July 2014, there is a requirement for compressed air breathing apparatus to be fitted with an audible low-level alarm and a visual reading (or other device capable of warning the user) before the volume of the air in the cylinder has been reduced to no less than 200 litres.

Ships constructed before 1 July 2014 will have to comply with the revised FSS code requirements for breathing apparatus at the latest by 1 July 2019.

Members are recommended to ensure that the fire-fighter outfits on their ships meet the [relevant requirements](#) of SOLAS and the FSS code, and that any changes to the fire-fighting equipment are updated on the ship's fire control plans.

International Aeronautical and Maritime Search and Rescue (IAMSAR) manual – MSC.1/Circ.1594

The latest amendments to the IAMSAR manual include a new section on search and rescue operations (SAR) by maritime rescue services in areas remote from search and rescue facilities, in times of armed conflict, and updates to the section on mass rescue operations. These amendments will be included in the 2019 edition of the manual.

Members are reminded that in accordance with SOLAS regulation V/21, an up-to-date copy of the IAMSAR manual Volume III shall be placed on board. The 2019 edition of the manual will need to be provided to the ships after its publication.

Regulations coming into force in October 2019

Ballast Water Management convention (BWMC) – MEPC.297(72) – Amendments to regulation B-3

MEPC-72 (April 2018) adopted the first set of amendments to the BWMC after its entry into force on 8 September 2017. The amendments relate to the retrofitting schedule (Regulation B-3), guidelines on scaling, and onboard testing of ballast water management systems (BWMS). These amendments are set to enter into force on 13 October 2019.

Applicable ships constructed on or after the date of entry into force of the convention are required to install a ballast water management system (BWMS) with a view to complying with the D-2 performance standard. Ships constructed before 8 September 2017 are required to comply with the D-2 standard at the first IOPP renewal survey on or after 8 September 2019 (Reg. B-3/10.1.1), or on or after 8 September 2017, in the event the IOPP renewal survey is completed during the period on or after 8 September 2014 and prior to 8 September 2017 (Reg. B-3/10.1.2).

If the IOPP survey per Reg. B-3/10.1.2 is not completed, then compliance with the D-2 standard is required at the second IOPP renewal survey after 8 September 2017, only if the first IOPP renewal survey after 8 September 2017 is completed prior to 8 September 2019 and a IOPP renewal survey was not completed during the period on or after 8 September 2014 and prior to 8 September 2017 (Reg. B-3/10.2).

For ships constructed before 8 September 2017 and which are not subject to the IOPP renewal survey, compliance with the D-2 standard is required not later than 8 September 2024 (Reg. B-3/8).

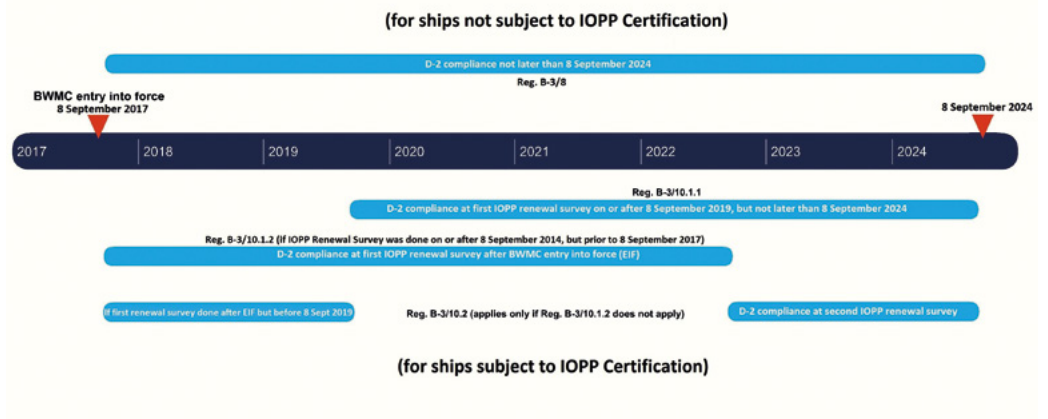


Image credit IMO

Regulation D-3 of the BWMC requires that BWMS must be approved by the Administration taking into account the guidelines for approval of ballast water management systems (G8). The G8 has been revised in 2016 and converted into a

mandatory code for approval of ballast water management systems (BWMS code), which was adopted by MEPC 72 (April 2018) and enters into force in October 2019.

Due date for fitting BWMS onboard (D-2 standard compliance) (for ships constructed before 8 Sept 2017)



Members are recommended to refer to the [IMO's FAQs](#) and [club's perspective](#) towards BWMC implementation.

water requirements, except for accidental discharges, will be discretionary (similar to MARPOL violations). In such cases, members will be required to satisfy the board that all reasonable steps had been taken to avoid the event giving rise to the fine.

Members are also reminded that P&I cover for fines involving non-compliance with the ballast

This information is published on behalf of The Standard Club Ltd by the managers' London agents:

Charles Taylor & Co. Limited
 The Minster Building, 21 Mincing Lane,
 London EC3R 7AG
 Registered in England No. 02561548

Telephone: +44 20 3320 8888
 Emergency mobile: +44 7932 113573
 Email: pandi.london@ctplc.com
 Website: www.standard-club.com

Authorised and regulated by the Financial Conduct Authority
 FRN 785106

Members requiring further information on this topic should direct their enquiries to either the club's loss prevention department or the authors.

The information and commentary herein are not intended to amount to legal or technical advice to any person in general or about a specific case. Every effort is made to make them accurate and up to date. However, no responsibility is assumed for their accuracy nor for the views or opinions expressed, nor for any consequence of or reliance on them. You are advised to seek specific legal or technical advice from your usual advisers about any specific matter.

The Standard Club Ltd is regulated by the Bermuda Monetary Authority.