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GUIDELINES FOR PORT STATE CONTROL UNDER MARPOL ANNEX VI

- 1 The Marine Environment Protection Committee, at its fifty-third session (July 2005), adopted, by resolution MEPC.129(53), the Guidelines for port State control under MARPOL Annex VI, and requested the Secretariat to issue the Guidelines by an MEPC Circular as soon as possible (MEPC 53/24, paragraph 4.55.3).
- 2 The Guidelines, as adopted by the Committee, are attached at annex hereto.

ANNEX**RESOLUTION MEPC.129(53)
(adopted on 22 July 2005)****GUIDELINES FOR PORT STATE CONTROL UNDER MARPOL ANNEX VI**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that, by the Protocol of 1997 to amend the International Convention for the Protection of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (the 1997 Protocol), Annex VI was added to the Convention,

NOTING that MARPOL Annex VI entered into force on 19 May 2005,

NOTING ALSO that articles 5 and 6 of the MARPOL Convention and regulations 10 and 11 of MARPOL Annex VI provide control procedures to be followed by a Party to the 1997 Protocol with regard to foreign ships visiting its ports,

RECOGNIZING the need to provide basic guidance on the conduct of port State control inspections for MARPOL Annex VI and ensure consistency in the conduct of these inspections, the recognition of deficiencies of a ship, its equipment, or its crew, and the application of control procedures,

HAVING CONSIDERED the draft Guidelines for port State control for MARPOL Annex VI prepared by the Sub-Committee on Flag State Implementation at its thirteenth session,

1. ADOPTS the Guidelines for port State control for MARPOL Annex VI, as set out in the Annex to this resolution;
2. INVITES Governments, when exercising port State control for MARPOL Annex VI, to apply the aforementioned Guidelines and to provide the Organization with information on their application; and
3. AGREES that, at a later stage, the Guidelines be adopted as amendments to resolution A.787(19) on Procedures for port State control, as amended by resolution A.882(21).

ANNEX

GUIDELINES FOR PORT STATE CONTROL UNDER MARPOL ANNEX VI

Chapter 1 GENERAL

1.1 This document is intended to provide basic guidance on the conduct of port State control inspections for compliance with MARPOL Annex VI (hereinafter referred to as “the Annex”) and afford consistency in the conduct of these inspections, the recognition of deficiencies and the application of control procedures.

1.2 The regulations of MARPOL Annex VI contain the following compliance provisions:

- .1 an IAPP Certificate is required for all ships of 400 GT or above engaged in international voyages. Administrations may establish alternative appropriate measures to demonstrate the necessary compliance in respect of ships under 400 GT engaged in international voyages;
- .2 in the case of the NO_x controls, these apply to all diesel engines over 130 kW (other than those used solely for emergency purposes) installed on ships constructed on or after 1 January 2000, and diesel engines subject to ‘major conversion’ (as defined by the Annex) on or after that date;
- .3 only those incinerators installed on or after 1 January 2000 are required to comply with the associated requirements (appendix IV to the Annex), however, the restrictions as to which materials may be incinerated apply to all incinerators; and
- .4 tanker vapour emission control systems are only required where their fitting is specified by the relevant authority.

1.3 Chapters 1 (General), 4 (Contravention and detention), 5 (Reporting requirements) and 6 (Review procedures) of the Procedures for Port State Control adopted by resolution A.787(19), as amended by resolution A.882(21), also apply to these Guidelines.

Chapter 2 INSPECTIONS OF SHIPS REQUIRED TO CARRY THE IAPP CERTIFICATE

2.1 Initial inspections

2.1.1 On boarding and introduction to the master or responsible ship’s officer, the port State control officer (PSCO) should examine the following documents:

- .1 the International Air Pollution Prevention Certificate (IAPP Certificate) (regulation VI/6), including its Supplement* ;

* Under regulation 6(2) of MARPOL Annex VI, ships constructed before 19 May 2005 shall be issued with the IAPP Certificate not later than the first scheduled dry docking after 19 May 2005, but in no case later than 19 May 2008. Ships flying the flag of a State which is not a Party to MARPOL Annex VI and which do not carry an IAPP Certificate after the above dates should be treated in accordance with chapter 3 of these Guidelines.

- .2 the Engine International Air Pollution Prevention Certificate (EIAPP Certificate) (paragraph 2.2 of the NO_x Technical Code) including its Supplement, for each applicable diesel engine;
- .3 the Technical File (paragraph 2.3.6 of the NO_x Technical Code) for each applicable diesel engine;
- .4 the record book of diesel engine parameters for each diesel engine (paragraph 6.2.3.3 of the NO_x Technical Code) demonstrating compliance with regulation VI/13 by means of the diesel engine parameter check method;
- .5 approved documentation relating to exhaust gas cleaning systems, or equivalent means, to reduce SO_x emissions (regulation VI/14(4), (b) or (c));
- .6 the bunker delivery notes and associated samples (regulation VI/18);
- .7 the copy of the type approval certificate of any shipboard incinerator installed on or after 1 January 2000 (for the incinerators with capacities up to 1,500 kW) (resolutions MEPC.76(40) and MEPC.93(45)); and
- .8 any notification to the ship's flag Administration issued by the master or officer in charge of the bunker operation together with any available commercial documentation relevant to non-compliant bunker delivery.

The PSCO should ascertain the date of construction and installation of equipment on board which are subject to the provisions of the Annex, in order to confirm which regulations of the Annex are applicable.

2.1.2 As a preliminary check, the IAPP Certificate's validity should be confirmed by verifying that the Certificate is properly completed and signed and that required surveys have been performed.

2.1.3 Through examining the Supplement to the IAPP Certificate, the PSCO may establish how the ship is equipped for the prevention of air pollution.

2.1.4 If the certificates and documents are valid and appropriate, and the PSCO's general impressions and visual observations on board confirm a good standard of maintenance, the PSCO should generally confine the inspection to reported deficiencies, if any.

2.1.5 In the case where the bunker delivery note or the representative sample as required by regulation 18 of this Annex presented to the ship are not in compliance with the relevant requirements, the master or officer in charge of the bunker operation should have documented that through a Notification to the ship's Flag Administration with copies to the port authority under whose jurisdiction the ship did not receive the required documentation pursuant to the bunkering operation and to the bunker deliverer. A copy should be retained onboard the ship, together with any available commercial documentation, for the subsequent scrutiny of port State control.

2.1.6 If, however, the PSCO's general impressions or observations on board give clear grounds (see paragraph 2.1.7) for believing that the condition of the ship or its equipment do not correspond substantially with the particulars of the certificates or the documents, the PSCO should proceed to a more detailed inspection.

2.1.7 "Clear grounds" to conduct a more detailed inspection include:

- .1 evidence that certificates required by the Annex are missing or clearly invalid;
- .2 evidence that documents required by the Annex are missing or clearly invalid;
- .3 the absence of principal equipment or arrangements specified in the certificates or documents;
- .4 the presence of equipment or arrangements not specified in the certificates or documents;
- .5 evidence from the PSCO's general impressions or observations that serious deficiencies exist in the equipment or arrangements specified in the certificates or documents;
- .6 information or evidence that the master or crew are not familiar with essential shipboard operations relating to the prevention of air pollution, or that such operations have not been carried out;
- .7 evidence that the quality of fuel oil, delivered to and used on board the ship, appears to be substandard; or
- .8 receipt of a report or complaint containing information that the ship appears to be substandard.

2.2 More detailed inspections

2.2.1 The PSCO should verify that:

- .1 there are effectively implemented maintenance procedures for the equipment containing ozone-depleting substances; and
- .2 there are no deliberate emissions of ozone-depleting substances.

2.2.2 In order to verify that each installed diesel engine with a power output of more than 130 kW is approved by the Administration in accordance with the NO_x Technical Code and maintained appropriately, the PSCO should pay particular attention to the following:

- .1 examine such diesel engines to be consistent with the EIAPP Certificate and its Supplement, Technical File and, if applicable, Engine Record Book;

- .2 examine diesel engines specified in the Technical Files to verify that no unapproved modifications, which may affect on NO_x emission, have been made to the diesel engines;
- .3 in the case of ships constructed before 1 January 2000, verify that any diesel engine which has been subject to a major conversion, as defined in regulation VI/13, has been approved by the Administration; and
- .4 emergency diesel engines intended to be used solely in case of emergency are still in use for this purpose.

2.2.3 The PSCO should check whether the quality of fuel oil used on board the ship, conforms to the provisions of regulations VI/14 and VI/18*, taking into account appendix IV to the Annex. Furthermore, the PSCO should pay attention to the record required in regulation VI/14(6) in order to identify the sulphur content of fuel oil used while the ship is within SO_x emission control areas, or that other equivalent approved means have been applied as required.

2.2.4 If the ship is a tanker, as defined in paragraph (12) of regulation VI/2, the PSCO should verify that the vapour collection system approved by the Administration, taking into account MSC/Circ.585, is installed, if required under regulation VI/15.

2.2.5 The PSCO should verify that shipboard incineration of sewage sludge or sludge oil in boilers or marine power plants is not undertaken while the ship is inside ports, harbours or estuaries (regulation VI/16(5)).

2.2.6 The PSCO should verify that the shipboard incinerator, if required by regulation VI/16(2), is approved by the Administration. For these units, it should be verified that the incinerator is properly maintained, therefore the PSCO should examine whether:

- .1 the shipboard incinerator is consistent with the certificate of shipboard incinerator;
- .2 the operational manual, in order to operate the shipboard incinerator within the limits provided in appendix IV to the Annex, is provided; and
- .3 the combustion chamber flue gas outlet temperature is monitored as required (regulation VI/16(9)).

2.2.7 If there are clear grounds as defined in paragraph 2.1.6, the PSCO may examine operational procedures by confirming that:

- .1 the master or crew are familiar with the procedures to prevent emissions of ozone-depleting substances;

* It should be noted that in the case where bunker delivery note or representative sample as required by regulation VI/18 are not in compliance with the relevant requirements, the master or crew should have documented that fact. Where fuel oil supply was undertaken in a port under the jurisdiction of a Party to the 1997 Protocol, the PSCO should report that non-compliance to the appropriate authority responsible for the registration of fuel oil suppliers (regulation VI/18(8)(a)).

- .2 the master or crew are familiar with the proper operation and maintenance of diesel engines, in accordance with their Technical Files;
- .3 the master or crew have undertaken the necessary fuel oil changeover procedures, or equivalent, associated with demonstrating compliance within an SO_x emission control area;
- .4 the master or crew are familiar with the garbage screening procedure to ensure that prohibited garbage is not incinerated;
- .5 the master or crew are familiar with the operation of the shipboard incinerator, as required by regulation VI/16(2), within the limits provided in appendix IV to the Annex, in accordance with its operational manual;
- .6 the master or crew are familiar with the regulation of emissions of volatile organic compounds (VOCs), when the ship is in ports or terminals under the jurisdiction of a Party to the 1997 Protocol to MARPOL 73/78 in which VOCs emissions are to be regulated, and are familiar with the proper operation of a vapour collection system approved by the Administration (in case the ship is a tanker as defined in regulation VI/2(12)); and
- .7 the master or crew are familiar with bunker delivery procedures in respect of bunker delivery notes and retained samples as required by regulation VI/18.

2.3 Detainable deficiencies

2.3.1 In exercising his/her functions, the PSCO should use professional judgment to determine whether to detain the ship until any noted deficiencies are corrected or to allow it to sail with certain deficiencies which do not pose an unreasonable threat of harm to the marine environment. In doing this, the PSCO should be guided by the principle that the requirements contained in the Annex, with respect to the construction, equipment and operation of the ship, are essential for the protection of the marine environment and that departure from these requirements could constitute an unreasonable threat of harm to the marine environment.

2.3.2 In order to assist the PSCO in the use of these guidelines, there follows a list of deficiencies, which are considered to be of such a serious nature that they may warrant the detention of the ship involved:

- .1 absence of valid IAPP Certificate, EIAPP Certificates or Technical Files* ;
- .2 a diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a diesel engine having undergone a major conversion on or after 1 January 2000, which does not comply with the NO_x Technical Code;

* Under regulation 6(2) of MARPOL Annex VI, ships constructed before 19 May 2005 shall be issued with the IAPP Certificate no later than the first scheduled dry docking after 19 May 2005, but in no case later than 19 May 2008. Ships flying the flag of a State which is not a Party to MARPOL Annex VI and which do not carry an IAPP Certificate after the above dates should be treated in accordance with chapter 3 of these Guidelines.

- .3 the sulphur content of any fuel oil being used on board exceeds 4.5% m/m.
- .4 non-compliance with the relevant requirements while operating within an SO_x emission control area;
- .5 an incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolutions MEPC.76(40) and MEPC.93(45));
- .6 the master or crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment as defined in paragraph 2.2.7 above.

Chapter 3 INSPECTIONS OF SHIPS OF NON-PARTIES TO THE ANNEX AND OTHER SHIPS NOT REQUIRED TO CARRY THE IAPP CERTIFICATE

3.1 As this category of ships is not provided with the IAPP Certificate, the PSCO should judge whether the condition of the ship and its equipment satisfies the requirements set out in the Annex. In this respect, the PSCO should take into account that, in accordance with article 5(4) of the MARPOL Convention, no more favourable treatment is to be given to ships of non-Parties.

3.2 In all other respects the PSCO should be guided by the procedures for ships referred to in chapter 2 and should be satisfied that the ship and crew do not present a danger to those on board or an unreasonable threat of harm to the marine environment.

3.3 If the ship has a form of certification other than the IAPP Certificate, the PSCO may take such documentation into account in the evaluation of the ship.
