

**2014 No. 0000**

**MERCHANT SHIPPING**

**The Merchant Shipping (Prevention of Air Pollution from Ships)  
and Motor Fuel (Composition and Content) (Amendment)  
Regulations 2014**

<i>Made</i>	- - - -	2014
<i>Laid before Parliament</i>		2014
<i>Coming into force</i>	- -	2014

The Secretary of State being a minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) and in exercise of the powers conferred by that section, articles 2 and 3 of the Merchant Shipping (Prevention of Air Pollution from Ships) Order 2006(c), article 2 of the Merchant Shipping (Prevention of Pollution)(Law of the Sea Convention) Order 1996(d), and section 128(5) and (6) of the Merchant Shipping Act 1995(e); makes the following regulations:

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Prevention of Air Pollution from Ships) and Motor Fuel (Composition and Content) (Amendment) Regulations 2014 and they come into force on 18th June 2014.

**Amendment of the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008**

2. The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008(f) are amended as follows—

(a) Regulation 25 (fuel oil quality) is amended as follows—

(i) after paragraph (3) insert

“(3A) The master of a relevant ship must notify its flag state and the competent authority of the relevant port when it cannot purchase fuel oil for combustion purposes to be used on board that ship that meets the requirements of paragraph (4) or (5),

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(a) S.I.1994/757.

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 200 (c.51) and by section 3(3) of and Part 1 of the Schedule to the European Union Amendment Act 2008 (c.7).

(c) S.I.1996/282.

(d) S.I. 2006/1248.

(e) 1995 c.21.

(f) S.I.2008/2924, amended by S.I. 2010/895 and S.I.2010/3035.

(3B) The master of a relevant ship which has on board fuel oil for combustion purposes which does not meet the requirements of paragraph (4) or (5) shall comply with any requirement of the Secretary of State as notified in a Merchant Shipping Notice.”

(ii) delete paragraph (6) and insert

“(6) For the purpose of paragraph (5), the appropriate sulphur content means

(a) subject to paragraph (c) in the case of fuel oil used or intended to be used in a sulphur oxide emission control area, not more than:

(i) 1.0 per cent by mass until 31st December 2014; and

(ii) 0.10 percent by mass from 1st January 2015,

(b) subject to paragraph (c), in the case of fuel oil not intended to be used in a sulphur oxide emission control area, not more than:

(i) 3.50 per cent by mass until 31 December 2019; and

(ii) 0.50 per cent by mass from 1 January 2020,

(c) in the case of marine fuel used or intended to be used by a ship while paragraph 4(3) of Schedule 2A applies to that ship, not more than 0.10 per cent by mass.”

(b) Regulation 32 (offences) is amended by deleting paragraph 3A and inserting

“(3A) Where a ship uses an emission abatement method which is not

(a) permitted in accordance with paragraph 6 or 7 of Schedule 2A,

(b) authorised for the purposes of articles 4c2, 4c3 or 4d of the 1999 Directive by an EEA state other than the United Kingdom, or

(c) authorised for the purposes of Annex VI by a Contracting Government other than the United Kingdom

(d) the owner and master are guilty of an offence and punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine.”

(c) After regulation 37 (defences) insert

### “Review

**38.**—(1) The Secretary of State must from time to time

(a) carry out a review of these Regulations,

(b) set out the conclusions of the review in a report, and

(c) publish the report

(2) In carrying out the review the Secretary of State must have regard to how Council Directive 1999/12/EEC, relating to a reduction in the sulphur content of certain liquid fuels is implemented in other Member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these regulations;

(b) assess the extent to which those objectives are achieved ; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years expiring on 18th June 2019.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

(d) Schedule 2A is amended as follows—

(i) Paragraph 1(interpretation) is amended as follows—

(aa) delete the definition of “the 1999 Directive” and insert—

“the 1999 Directive” means Council Directive 1999/32/EEC of 26th April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC, as amended by Directive 2005/33/EEC of the European Parliament and of the Council of 6th July 2005 and by Directive 2012/33/EU of the European Parliament and of the Council of 21 November 2012;”

(bb) delete the definition of “emission abatement technology” and insert—

““emission abatement method” means any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel or compliance method, used as an alternative to low sulphur marine fuel meeting the requirements set out in the 1999 Directive that is verifiable quantifiable and enforceable;”.

(ii) Paragraph 2 (control of sulphur oxide emissions; general provisions) is amended by deleting sub-paragraphs (1) to (4) and inserting—

“(1) This paragraph applies to any ship unless paragraph 4(3) or a permission granted under paragraph 6 or 7 applies to it.

(2) While a ship to which this paragraph applies is within a sulphur oxide emission control area it must comply with at least one of the following conditions.

- (a) the sulphur content of any fuel oil on board the ship must not exceed 1.0 per cent by mass; reducing to 0.10 per cent by mass after 31st December 2014,
- (b) an approved exhaust gas cleaning system must be applied to ensure that the total emission of sulphur oxide from the ship, including both auxiliary and main propulsion engines, do not exceed the relevant amounts specified in paragraph 4 of Schedule 3 to MSN 1819(M+F), and
- (c) any other technological method to limit sulphur oxide emissions must be used that has been—
  - (i) approved for the purposes of these Regulations by the Secretary of State in accordance with the provisions of a Merchant Shipping Notice, or
  - (ii) authorised for the purposes of Annex VI by a contracting government other than the United Kingdom.

(3) while a ship to which this paragraph applies is not within a sulphur oxide emission control area it must not use fuel oil which has a sulphur content exceeding 3.5 percent by mass, or as the case may be 0.50 per cent by mass, unless the ship is using an emission abatement method subject to Article 4c of the 1999 Directive operating in closed mode.

(4) The master of any ship using separate fuel oils to comply with sub paragraph 2(a) must—

- (a) allow sufficient time for the fuel oil service system to be fully flushed of all fuels containing sulphur exceeding 1.0 per cent, or as the case may be 0.10 per cent, by mass prior to entry into a sulphur oxide emission control zone,
- (b) Record in accordance with paragraph 5 the details of any fuel changeover operation.”

(iii) Paragraph 3 (maximum sulphur content of marine fuels used by passenger ships) is amended by inserting the words “reducing to 0.50 per cent by mass after 31st December 2019” at the end of sub paragraph (3).

(iv) Paragraph 4 (maximum content of marine fuel used by ships at berth) is amended by deleting sub-paragraph (2)(d) and inserting—

“(d) using an emission abatement method that has been—

- (i) permitted in accordance with paragraph 6 or 7, or
- (ii) authorised for the purposes of articles 4c2, 4c3 and 4d of the 1999 Directive by an EEA State other than the United Kingdom.”

- (v) Paragraph (5) (records in ship's logbook) is amended by deleting sub-paragraphs (1) to (6) and inserting—

“(1) A record made pursuant to paragraph 2(4)(b) or 3(5) of a fuel changeover operation consisting of a change from fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state

- (a) the time, date and position of the ship when the operation is completed, and
- (b) the amount, in each tank at that time, of fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass

(2) A record made pursuant to paragraph 2(4)(b) or 3(5) of a fuel changeover operation consisting of a change from fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state

- (a) the time, date and position of the ship when the operation commenced, and
- (b) the amount, in each tank at that time, of fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass.

(3) A record made pursuant to paragraph 4(4) of a fuel changeover operation consisting of a change from fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to a fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state

- (a) the time and date when the operation commenced and is completed, and
- (b) the amount in each tank at that time, of fuel oil having a sulphur content not exceeding 0.10 per cent by mass, or as the case may be 0.10 per cent by mass,.

(4) A record made pursuant to paragraph 4(4) of a fuel changeover operation consisting of a change from fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state

- (a) the time and date when the operation commenced and is completed, and
- (b) the amount, in each tank at that time, of fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass.

(5) The master of a ship making a record referred to in sub-paragraph (1), (2), (3) or (4) must make it—

- (a) in the case of a United Kingdom ship, in a log book in the format prescribed in Appendix 6 to Merchant Shipping Notice 1819 (M+F),
- (b) in the case of any other ship, in a ship's log book.”

(vi) Paragraph (7) is amended as follows

- (aa) for “emission abatement technologies” substitute “emission abatement methods(including in the heading),
- (bb) in sub- paragraph (3) delete “(4) and”, and
- (cc) delete sub paragraph (4).

(vii) Paragraph 10 is amended by deleting the existing sub- paragraphs (2) to (4) and substituting

“(2) The reference method adopted for determining the sulphur content shall be ISO method 8754 or BS EN 14596.

(3) In order to determine whether marine fuel delivered to and used on board ships is compliant with the sulphur limits required by articles 3a, 4, 4a and 4b of the 1999 Directive the fuel verification procedure set out in Appendix VI to Annex VI shall be used.”

### **Amendment of the Motor Fuel (Composition and Content) Regulations 1999**

3. The Motor Fuel (Composition and Content) Regulations 1999(a) are amended by deleting regulation 5A (restrictions on the marketing of marine diesel oil and marine gas oil) and inserting

#### **“Restrictions on the marketing of marine diesel oil and marine gas oil**

**5A.**—(1) The placing on the market of marine diesel oil is prohibited if the sulphur content exceeds 1.50 per cent by mass.

(2) The placing on the market of marine gas oil is prohibited if the sulphur content exceeds 0.10 per cent by mass.

(3) Analysis of marine fuel to determine its sulphur content must be carried out in accordance with the provisions of paragraphs (4) and (5).

(4) The reference method adopted for determining the sulphur content shall be ISO method 8754 (2003) or BS EN 14596.

(5) The arbitration method is to be that specified in BS EN ISO 14596 (2007).

(6) This regulation does not apply to marine fuel—

- (a) intended for the purpose of research and testing;
- (b) intended for processing prior to final combustion; or
- (c) to be processed in the refining industry.

(7) For the purposes of this regulation—

“marine diesel oil” means any marine fuel as defined for DMB grade in Table I of ISO 8217 with the exception of references to sulphur content;

“marine gas oil” means any marine fuel as defined for DMX, DMA and DMZ grades in Table I of ISO 8217 with the exception of references to sulphur content;

“marine fuel” means any petroleum based liquid fuel intended for use or in use on board a vessel including those fuels defined in ISO 8217;

“placing on the market” means supplying or making available to third persons, against payment or free of charge, anywhere in the United Kingdom marine fuels for on-board combustion, but excludes supplying or making available marine fuels for export in ship’s cargo tanks.”

Signed by authority of the Secretary of State

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

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(a) S.I.1999/3107, amended by S.I.2001/3896, S.I.2003/3078, S.I.2007/1608 and S.I.2010/3035. There are other amendments but none are relevant.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These regulations implement Directive 2012/33EU of the European Parliament and of the Council of 21 November 2012 which amends Council Directive 1999/32/EC as regards the sulphur content of marine fuels.

Regulation 2 amends the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 (the “2008 Regulations”). New regulation 37 requires the Secretary of State to review the operation and effect of the 2008 Regulations and to publish a report before 18th June 2019 and within ever five years after that. Following a review, it will fall to the Secretary of State to consider whether the 2008 Regulations should remain as they are or be revoked or be amended. A further instrument would be needed to revoke the 2008 Regulations or amend them.

Regulation 3 amends the Motor Fuels (Composition and Content) Regulations 1999.

A full impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR [add publication details].