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DNV's purpose is to safeguard life,
property and the environment



FREQUENTLY ASKED QUESTIONS PERTAINING TO EU DIRECTIVE 2005/33/EC ON MARINE FUEL SULPHUR LIMIT, TO BE ENFORCED ON 1 JANUARY 2010

1. When will the vessel need to changeover to maximum 0.1% sulphur fuel?

A. Changeover should take place after the vessel has arrived in a community port and when securely moored or anchored. The Directive, however, allows exemption for vessels employing approved emissions abatement technologies in accordance with article 4(c).

2. Is there a time limit for vessels to complete changeover operation?

A. There is no time limit according to the Directive other than the changeover should be completed as soon as possible after arrival and as late as possible before departure. This will primarily depend on fuel system configuration and the type of fuel used prior to arrival. Changeover from an HFO 380 grade to a compliant fuel (MGO/MDO) should not take more than two hours, and that is why some port states have set this as the time limit. Vessels should check with respective port authorities if there is a set time limit.

3. 'Ships at berth' refer to ships which are securely moored or anchored in a Community port while they are loading, unloading or hotelling. What does 'hotelling' mean?

A. 'Hotelling' is used to describe a ship when it is not engaged in cargo operations. In other words, ships at berth will need to comply when securely moored or anchored within port limits, regardless of activity.

4. Is tying up to buoys or SBM for cargo operation considered as berth for application of this Directive?

A. Yes, since in this case ship is considered securely moored within a community port's limits for loading, unloading or hotelling.

5. Is outer port limit (OPL) considered a part of an EU community port?

A. There is no definition in the Directive on 'community port', but 'port' is mentioned without any additional reference to member state zones such as territorial seas. It is therefore presumed that the limit will only apply within port limits. Vessels that are anchored OPL can burn fuel oil exceeding 0.1% Sulphur (i.e. HFO) but within IMO limits (worldwide or ECA limits). If in doubt, vessels should check with the respective port authorities or admiralty charts.

6. Does the Directive only apply to EU Member States?

A. No. Norway and Iceland have also ratified the Directive.

7. Will there be a grace period for this regulation due to many ship operators' concerns (i.e. burning MGO in large boilers)?

A. As the EU Commission has no power to suspend the application of community laws, the Directive will be applicable from 1 January 2010. It is up to each Member State to decide how lenient they will be if a vessel has failed to comply, taking into account the documented efforts made and how close the fuel's sulphur content is to the 0.1% limit.

8. Marpol Annex VI and CARB require Change-over procedures. Is this a requirement according to the Directive?

A. Member states shall require the time of any fuel-changeover operation to be recorded in ships' logbooks. This should include arrival time, departure time, start time of changeover, end time of changeover and the total duration for each changeover.

9. If a vessel does not have compliant fuel onboard (max 0.1% Sulphur) prior to arrival, will Member States accept this as long as supply of compliant fuel is delivered as soon as possible after arrival?

A. This will depend on the Member State, the time it will take to load and changeover to the compliant fuel onboard (ie. the time it will take to start using the fuel once the vessel has arrived), and what fuel will be used during this transitional time. The European Commission has made it quite clear, however, that ship operators have had ample time to prepare and that non-compliant vessels can choose not to visit an EU port or to visit and accept the risk of appropriate enforcement actions.

10. Is the EU requirement applicable to diesel engine driven emergency generators, emergency fire

pumps, emergency air compressors and lifeboat engines?

A. As per the Directive (Article 1(f)), the limitations on the sulphur content of certain petroleum derived liquid fuels as laid down in this Directive shall not apply to any use of fuels in a vessel necessary for the specific purpose of securing the safety of a ship, or saving life at sea.

11. What is an inland waterway vessel?

A. According to the Directive, 'inland waterway vessel' means a vessel particularly intended for the use on an inland water way as defined in Council Directive 82/714/EEC of 4 October 1982, which laid down technical requirements for inland waterway vessels, including all vessels which carry:

- (i) A Community inland navigation certificate, as defined in Directive 82/714/EEC;
- (ii) A certificate issued pursuant to Article 22 of the Revised Convention for the Navigation of the Rhine.

12. Does the vessel's M/E need to burn compliant fuel (max 0.1% S) if it shifts from one berth to another in a Community port or move from anchorage inside a port limit to a berth?

A. After arrival in a Community port, the M/E in most vessels consuming fuel exceeding 0.1% S will be shut down, and all other types of running combustion machineries on board (including boilers) should burn compliant fuel (max 0.1% S). M/E operated at berth for cargo pumps, shaft generator etc. will also need to use max 0.1% S fuel.

If the vessel shifts location inside an EU port, the M/E can be started on the fuel oil consumed (most likely an HFO) when the vessel first arrived in the Community port, since the vessel will no longer be secured or anchored during this shift.

13. Is the regulated sulphur limit 0.1% or 0.10%?

A. According to the Directive, the sulphur content is stated as 0.1%, so it is up to each EU member

state to decide if the limit should be 0.1% or 0.10%. The ISO 8217 specification reports data with two decimal figures; hence it is important to specify a maximum sulphur content of 0.10% when purchasing a fuel to be used at berth.

14. If a commercial sample is tested with sulphur content above 0.10%, should we issue a letter of protest and inform the ship's flag administration as well as the port state (where the fuel was bunkered) about the non-conformity?

A. It is advisable to inform the relevant authorities and parties, but the ship operator should decide if this should be carried out when the sulphur content is above 0.10% or 0.14% (see question 13). To verify compliance, an EU Member State can either analyse sealed bunker samples*, a representative tank sample onboard, or a sample drawn on the engine inlet.

*It is unclear as to whether supplier's sample or vessel's sample should be tested since the EU does not specify an official sample like the IMO.