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Shipping Guidance Notice 146

Amendments to MARPOL Annex I,

Prevention of Oil Pollution: Prohibition on the Use, and Carriage for Use, of Heavy Fuel Oil (HFO) in Arctic Waters

To: Ship Owners, Operators, Master's, and Recognised Organisations

References:

- MARPOL Annex I, Regulation 43
- MARPOL Annex I, Regulation 43A
- Resolution MEPC.329(76) - Amendments to MARPOL Annex I
- Gibraltar Merchant Shipping (Prevention of Pollution from Ships) Regulations 2009 (as amended)

1. Summary

- 1.1. This Shipping Guidance Notice (SGN) provides guidance on an amendment to Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL), which prohibit ships from using, or carrying for use by the ship, heavy fuel oil when in Arctic waters.
- 1.2. This new prohibition takes effect in two stages. It took effect for certain vessels on 1st July 2024 and will apply to all vessels on 1st July 2029. The details are set out below.
- 1.3. This amendment to Annex I is implemented in Gibraltar by way of Gibraltar Merchant Shipping (Prevention of Pollution from Ships) Regulations 2009 (as amended).

2. Introduction

- 2.1. The International Convention for the Prevention of Pollution from Ships (MARPOL) contains international requirements for the prevention of ship-source pollution. MARPOL has six technical annexes, each of which makes provision for a specific type of pollution¹.
- 2.2. Annex I of MARPOL contains mandatory requirements for the prevention and control of oil pollution from ships. Annex I also identifies specific geographic areas where, due to the sensitive nature of the marine environment, additional control measures are required for the protection of that environment from oil pollution. This includes specific measures which are already in place in Antarctic waters and, to a lesser extent, Arctic waters.

- 2.3. Amendments to Annex I of MARPOL have been agreed in the International Maritime Organization (IMO) and are set out in Resolution MEPC.329(76). These amendments extend, in a limited way, an existing prohibition on the carriage of heavy grade oils in Antarctic waters to the Arctic region.
- 2.4. This existing prohibition is contained in regulation 43 of Annex I. The prohibition extends to the use as fuel or ballast and the carriage in bulk as a cargo of certain heavy grade oils, tar, bitumen and their emulsions by ships operating in Antarctic waters. The amendment to Annex I will extend a similar, but more limited, prohibition to ships operating in Arctic waters. This is achieved by the addition of a new regulation 43A to Annex I. Subject to the coming into force dates, exemptions and waivers set out below, regulation 43A prohibits the use, and carriage for use, of heavy fuel oil (HFO) in ships when in Arctic waters.
- 2.5. The implementation of this measure in Arctic waters is in two stages. It took effect on 1st July 2024, except for vessels to which regulation 12A of Annex I and paragraph 1.2.1 of chapter 1 of part II-A of the Polar Code apply. That is because regulation 12A contains requirements for the protected location of fuel tanks and performance standards for accidental oil fuel outflow, and paragraph 1.2.1 of chapter 1 in part II-A of the Polar Code contains oil fuel tank separation requirements for certain types of ships designed for operation in polar waters (constructed on or after 1st January 2017 that have an aggregate oil fuel capacity of less than 600 m³). Waivers are also available for ships which fly the flag of an Arctic coastal state for voyages only within that coastal state's waters (the UK and subsequently Gibraltar is not an Arctic coastal state). The prohibition will take full effect from 1st July 2029 when these exceptions and waivers will no longer apply.
- 2.6. HFO is defined in regulation 43.1.2 of Annex I as oils, other than crude oils, having a density at 15°C higher than 900 kg/m³ or a kinematic viscosity at 50°C higher than 180 mm²/s.
- 2.7. The criteria for exceptions and waivers are set out in section 3 below.
- 2.8. The full text of regulation 43A of MARPOL Annex I is set out in annex I of this SGN.

3. Implementation

- 3.1. MARPOL Annex I regulation 43A takes effect in two stages.
- 3.2. Stage one: from 1st July 2024, vessels to which MARPOL Annex I applies cannot use, or carry for use as fuel by the ship, HFO (as defined in 1.5 above) when in Arctic waters.
- 3.3. With the following exceptions to this:
 - 3.3.1. Ships engaged in securing the safety of ships or in search and rescue operations;
 - 3.3.2. Ships dedicated to oil spill preparedness and response;
 - 3.3.3. Ships to which regulation 12A of Annex I applies;
 - 3.3.4. Ships to which 1.2.1 of chapter 1 of part II-A of the Polar Code applies; and
 - 3.3.5. Ships flying the flag of a Party to the Convention whose coastline borders on Arctic waters, are operating in waters subject to the sovereignty or jurisdiction of that Party and to which a temporary waiver is issued in accordance with regulation 43A.4.
- 3.4. Stage two: from 1st July 2029, MARPOL Annex I regulation 43A will take full effect. This means that, from 1st July 2029, ships to which MARPOL Annex I applies cannot use, or carry for use as fuel by the ship, HFO (as defined in 1.5 above) when in Arctic waters, with the following exceptions:
 - 3.4.1. Ships engaged in securing the safety of ships or in search and rescue operations; and
 - 3.4.2. Ships dedicated to oil spill preparedness and response.
- 3.5. From 1st July 2029 onwards, the exceptions and waivers listed in 3.3.3, 3.3.4 and 3.3.5 above will cease to apply.

- 3.6. 3.3.3 above is for ships to which regulation 12A applies, and not ships that voluntarily comply with regulation 12A. Ships that voluntarily comply with regulation 12A are not eligible for the exception.
- 3.7. When prior operations have included the carriage or use of oils covered by this prohibition, the cleaning or flushing of tanks or pipelines is not required.

Steve Gomez – Chief Surveyor
For & on behalf of the Maritime Administrator

Issue date: 21 January 2025

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RESOLUTION MEPC.329(76)

(adopted on 17 June 2021)

AMENDMENTS TO THE ANNEX OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO

Amendments to MARPOL Annex I

(Prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters)

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 international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO article 16 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), which specifies the amendment procedure and confers upon the appropriate body of the Organization the function of considering and adopting amendments thereto,

HAVING CONSIDERED, at its seventy-sixth session, proposed amendments to MARPOL Annex I concerning the prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters, which were circulated in accordance with article 16(2)(a) of MARPOL,

1 ADOPTS, in accordance with article 16(2)(d) of MARPOL, amendments to MARPOL Annex I, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article 16(2)(f)(iii) of MARPOL, that the amendments shall be deemed to have been accepted on 1 May 2022 unless prior to that date not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet have communicated to the Organization their objection to the amendments;

3 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of MARPOL, the said amendments shall enter into force on 1 November 2022 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of article 16(2)(e) of MARPOL, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to MARPOL;

5 REQUESTS ALSO the Secretary-General to transmit copies of the present resolution and its annex to Members of the Organization which are not Parties to MARPOL.

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ANNEX

AMENDMENTS TO MARPOL ANNEX I

(Prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters)

1 The title of chapter 9 is amended as follows:

2 A new regulation 43A is added in chapter 9 after existing regulation 43, as follows:

"Regulation 43A

Special requirements for the use and carriage of oils as fuel in Arctic waters

1 With the exception of ships engaged in securing the safety of ships or in search and rescue operations, and ships dedicated to oil spill preparedness and response, the use and carriage of oils listed in regulation 43.1.2 of this Annex as fuel by ships shall be prohibited in Arctic waters, as defined in regulation 46.2 of this Annex, on or after 1 July 2024.

2 Notwithstanding the provisions of paragraph 1 of this regulation, for ships to which regulation 12A of this Annex or regulation 1.2.1 of chapter 1 of part II-A of the Polar Code applies, the use and carriage of oils listed in regulation 43.1.2 of this Annex as fuel by those ships shall be prohibited in Arctic waters, as defined in regulation 46.2 of this Annex, on or after 1 July 2029.

3 When prior operations have included the use and carriage of oils listed in regulation 43.1.2 of this Annex as fuel, the cleaning or flushing of tanks or pipelines is not required.

4 Notwithstanding the provisions of paragraphs 1 and 2 of this regulation, the Administration of a Party to the present Convention the coastline of which borders on Arctic waters may temporarily waive the requirements of paragraph 1 of this regulation for ships flying the flag of that Party while operating in waters subject to the sovereignty or jurisdiction of that Party, taking into account the guidelines to be developed by the Organization. No waivers issued under this paragraph shall apply on or after 1 July 2029.

5 The Administration of a Party to the present Convention which allows application of paragraph 4 of this regulation shall communicate to the Organization for circulation to the Parties particulars of the waiver thereof, for their information and appropriate action, if any."
