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**UNIFIED INTERPRETATION OF PROVISIONS OF IMO ENVIRONMENT-RELATED
CONVENTIONS**

Proposed unified interpretation of regulations 18.5 and 18.6 of MARPOL Annex VI

Submitted by United Kingdom, IACS and IBIA

SUMMARY

Executive summary: This document proposes a draft unified interpretation for the form of the Bunker Delivery Note referred to in regulation 18 (Fuel oil availability and quality) of MARPOL Annex VI.

Strategic direction, if applicable: 7

Output: 7.1

Action to be taken: Paragraph 10

Related documents: FAL.5/Circ.39/Rev.2 and MSC 100/20

Background

1 The Bunker Delivery Note (BDN) required by regulation 18 of MARPOL Annex VI is intended to verify that fuel oil delivered to, in use or carried for use on board ships subject to regulations 5 and 6 of MARPOL Annex VI meets the applicable requirements of regulation 18.

2 The BDN is a signed declaration by the fuel oil supplier's representative that the fuel oil supplied is in conformity with the applicable requirements of regulation 18.3 of MARPOL Annex VI.

3 However, the regulations are silent on the form of the BDN, whether this be a physical document or an electronic document, and a variety of practices have been observed. The co-sponsors propose a unified interpretation (UI) to regulations 18.5 and 18.6 of MARPOL Annex VI to clarify this matter.

Discussion

4 There is an ever-increasing need for technological innovation and utilization of electronic documentation on board to increase efficiency and sustainability as is seen in the issue of electronic ship certification as per the *Guidelines for the use of electronic certificates*

(FAL.5/Circ.39/Rev.2) and the development of amendments to STCW for electronic certificates and documents for seafarers (MSC 100/20, paragraph 17.12). The co-sponsors encourage and support the move to utilizing electronic documentation wherever possible.

5 Regulation 18.5 of MARPOL Annex VI requires the details of fuel oil intended for combustion purposes to be recorded by means of the bunker delivery note which is to contain at least the information in appendix V of MARPOL Annex VI. Regulation 18.6 of MARPOL Annex VI goes on to require the BDN to be kept on board the ship and to be readily available for inspection at all reasonable times.

6 As these provisions are silent regarding the form (physical hard copy or digital), BDNs are predominantly, but not entirely, produced, saved and presented, as a hard copy paper document.

7 The co-sponsors note the existence of current platforms that are presently using electronic BDNs and the challenges in recognition of these electronic BDNs.

8 A UI clarifying the situation would give industry certainty and alleviate challenges during port State control (PSC) regarding the acceptability of an electronic BDN.

Proposal

9 The following interpretation is proposed to confirm that BDNs are acceptable in either hard copy or digital form providing they meet the relevant requirements of MARPOL Annex VI as follows:

"Regulation 18 – Fuel oil availability and quality

Regulation 18.5 reads:

"For each ship subject to regulations 5 and 6 of this Annex, details of fuel oil for combustion purposes delivered to and used on board shall be recorded by means of a bunker delivery note that shall contain at least the information specified in appendix V to this Annex. "

Regulation 18.6 reads:

"The bunker delivery note shall be kept on board the ship in such a place as to be readily available for inspection at all reasonable times. It shall be retained for a period of three years after the fuel oil has been delivered on board. "

Interpretation:

The Bunker Delivery Note (BDN) required by regulation 18.5 is acceptable in either hard copy or electronic format provided it contains at least the information specified in appendix V to MARPOL Annex VI and is retained and made available on board in accordance with regulation 18.6.

In addition, an electronic BDN should take account of sections 4 and 5 of FAL.5/Circ.39/Rev.2, as appropriate."

Action requested of the Sub-Committee

10 The Sub-Committee is invited to consider the information in this document and the proposed draft unified interpretation in paragraph 9 above and take action as appropriate.