

MARINE NOTICES OF SOUTH AFRICAN MARITIME SAFETY AUTHORITY

Ingosstrakh's P&I correspondent for South Africa Shepstone Wylie reports on two Marine Notices recently published by the South African Maritime Safety Authority ("SAMSA"):

(a) 8 of 2019, to advise of the global implementation of the MARPOL Annex VI limit of 0.50 mass per cent concentration (0.50% m/m) sulphur content in fuel oil, for all ships, from 1 January 2020; and

(b) 9 of 2019, which provides a standard format for reporting fuel oil non-availability as provided in regulation 18.2.4 of MARPOL Annex VI that may be used to document if a ship is unable to obtain fuel oil compliant with the provisions stipulated in regulations 14.1.3, 14.4.3 and 18.3 of MARPOL Annex VI.

Insureds shall pay attention to the following points arising from the new notices:

Ships installed with exhaust gas cleaning systems ("scrubbers") can continue to burn high-sulphur bunker fuel from 2020 and comply with the 0.5% sulphur limit and until further notice, South Africa accepts all types of approved scrubbers.

South Africa has no restrictions on ships using LNG or Marine Biofuels when entering South African waters.

The International Bunker Industry Association has expressed confidence that low sulphur fuel oil will be available in South African ports by 1 January 2020.

All ships that operate in South African waters will be required to comply with the Annex VI fuel oil sulphur standard.

If a ship is found not to be in compliance with the standards for compliant fuel oils, SAMSA will be entitled to require the ship to:

(a) present a record of the actions taken to attempt to achieve compliance; and

(b) provide evidence that it attempted to purchase compliant fuel oil in accordance with its voyage plan, and if it was not available where planned, that attempts were made to locate alternative sources of such fuel oil, and that despite best efforts to obtain compliant fuel oil, no such fuel oil was available for purchase.

A ship shall notify the South African MRCC and local SAMSA port office of the relevant port of destination when it cannot purchase compliant fuel oil.

Ships will be required to either use Annex VI compliant fuel oil when operating within South African waters or to install and use scrubbers.

Ships will be required to maintain and if requested make available to SAMSA, bunker delivery notes, representative fuel oil samples, written fuel oil changeover procedures and the fuel oil changeover logbook.

SAMSA may also verify compliance by any methods available to it including but not limited to sampling and analyzing fuel oil from a ship's fuel oil tanks and lines and sampling and analyzing air emissions from a ship's plume.

If despite best efforts ships are unable to obtain compliant fuel oil, SAMSA has the authority to take into account all relevant circumstances to determine the appropriate action to take including not taking control measures.

If despite best efforts a ship is unable to procure compliant fuel oil prior to entering South African waters, the Master must notify SAMSA and the vessel's own Flag Administration. If ships want SAMSA to consider their efforts in determining what action to be taken, Masters should provide information in the form of a Fuel Oil Non-Availability Report ("FONAR") detailing the vessel's efforts to obtain compliant fuel oil.

The FONAR should be submitted as soon as the vessel determines or becomes aware that it will be unable to procure and use compliant fuel oil in South African waters but no later than 96 hours prior to entering the South African Exclusive Economic Zone.

The Master must consider the availability of compliant fuel oil when planning the vessel's voyage and if compliant fuel oil is not available where planned, the vessel must attempt to locate alternative sources for such fuel oil.

The vessel must attempt to obtain compliant fuel oil at each port on the intended voyage.

SAMSA does not consider having to change berth or anchor within a port in order to receive compliant fuel oil to be a deviation. It expects a vessel operator to take into account these logistical conditions and/or terminal/port policies when planning bunker delivery during a port call.

Once a vessel has entered South African waters, SAMSA expects the vessel to take on compliant fuel oil, if available, from a South African port prior to further transit through South African waters.

SAMSA will give consideration to actions take to minimize the amount of excess emissions, such as purchase of the next cleanest fuel oil possible.

SAMSA does not consider the cost of compliant fuel oil to be a valid basis for claiming inability to purchase 0.50% m/m fuel oil. Nor is the cost of compliant fuel oil a valid basis for claiming that such fuel oil was not available.

The filing of a FONAR does not mean the ship is deemed to comply with MARPOL Annex VI, but SAMSA will take into account the information provided in the report and all relevant circumstances to determine the appropriate action to take, if any, in response to a MARPOL Annex VI fuel oil sulphur standard violation. The factors that SAMSA will take into consideration are listed in Marine Notice No. 9 of 2019.

IMPLEMENTATION OF SHIP ROUTING SYSTEM AND SHIP REPORTING SYSTEM IN MINJIANG RIVER ESTUARY OF FUZHOU PORT, CHINA SINCE JUNE 2019

Chinese P&I Correspondent of Ingosstrakh Messrs. Huatai Insurance Agency & Consultant Service Ltd. reports on following changes in Navigational regulation in region:

In order to maintain the navigation order in Fuzhou water area, enhance the traffic efficiency and ensure the navigation safety, China MSA has recently issued a notice regarding the implementation of Ship Routing System and Ship Reporting System in Minjiang River Estuary, which will take effect from 1 June 2019 and valid for five years. The Ship Routing System composes of traffic separation scheme of Qi Xing Jiao, including separation line, separation zone, boundary line, traffic separation, precautionary area and No-sail zone. All ships apply to the routing system shall keep duty on the channel VHF 23.

In the meantime, as per the Ship Reporting System, the Chinese ships GT ≥300 and all the foreign ships should report their name, call sign, IMO No., location, course, speed, last calling port, destination port, draft, defects and limitations, DG, Length Overall and Gross Tonnage as well as other required information to Fuzhou VTS at Qi Xing Jiao reporting

zone.

All the foreign ships should comply with the routing system and reporting system. Any ships that violate the aforementioned rules may be subject to administrative penalty or other administrative compulsory measures by maritime administration in accordance with relevant laws and regulations.

For more information, please refer to the full text of MSA's notice, free translation of which is kindly prepared by Huatai Xiamen office and may be found via [this link](#).