

Regulations in a nutshell

A roundup of imminent and pending international regulatory initiatives impacting tanker shipping

Condition Assessment Scheme for existing tankers

September 1, 2002

The revised Regulation 13G of Marine Pollution (MARPOL) Convention Annex I entered into force on September 1, 2002. This rulemaking encompasses the accelerated phaseout schedule for single hull tankers agreed by IMO in May 2001. The new regime makes mandatory the Model Survey Plan for tankers which has been developed to help in carrying out the Condition Assessment Scheme (CAS) for certain tankers. CAS will have to be applied to certain Category 1 tankers continuing to trade after 2005 and certain Category 2 tankers after 2010. CAS requirements include enhanced and transparent verification of the reported structural condition of the tanker, and verification that the documentary and survey procedures have been properly carried out and completed.

Advance notification of charterers (US only)

September 18, 2002

The existing US rules on Advance Notification of Vessel Arrivals have been amended to include a new requirement that the ship's charterer be included in the ship information submitted in advance of the vessel's arrival to the US Coast Guard. The information will be of use in helping to identify possible connections between substandard shipping and certain charterers, and in the ongoing process of refining the risk-based targeting matrix developed by the USCG for port state inspection purposes.

Chemical tanker shipboard emergency plans

January 1, 2003

Under Regulation 16 of Annex II to the MARPOL Convention, it will be compulsory for all chemical tankers of more than 150 gross tons (gt) to carry a Shipboard Emergency Response Plan (SMPEP) for noxious liquid substances (NLS) from this date. The rulemaking effectively requires owners to provide the master of a particular ship with information on how to react in case of a NLS spill in order to minimise or mitigate the effects of that spill on the environment and crew. The Certificate of Chemical Fitness or the Certificate for the Carriage of Noxious Liquid Substances can only be issued if a SMPEP is available onboard.

Hull anti-fouling systems

Under the IMO's International Convention on the Control of Harmful Anti-fouling Systems, which was adopted at a diplomatic conference in October 2001, the application of organotin compounds which act as biocides in ship hull anti-fouling systems is prohibited from January 1, 2003 onwards. Although lack of sufficient ratifications means that the Convention will not have legally entered into force by that date, the industry in general has stated that they will abide by the letter of the treaty. The leading paint manufacturers have all developed non-tributyltin (TBT) hull antifouling systems and are actively marketing them. The Convention also calls for all ships to have either replaced or covered over existing anti-fouling systems containing organotin compounds by January 1, 2008.

Transponders on existing tankers

July 1, 2003

Under an amendment to the Safety of Life at Sea (SOLAS) Convention, Chapter V, which deals with navigational matters, new ships of 300 gt and above have had to be fitted with Automatic Identification Systems (AIS), or transponders, from July 1, 2002. Existing tankers will have to install an AIS not later than the first survey for safety equipment on or after July 1, 2003. SOLAS requires transponders to have a ship-ship and ship-shore communication and interaction capabilities, thus enabling a ship's identity and other details to be given to the shore and other vessels automatically.

Improvements to the Enhanced Survey Programme

January 1, 2004

Two sets of amendments to IMO Resolution A.744(18) - "Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers" - will enter into force on January 1, 2004. The set relating to tankers includes revisions of those sections dealing with prompt, thorough and permanent repairs to oil tankers at the time of survey and to the intermediate enhanced survey which, for tankers more than 15 years of age, must be to the same extent as the prior special survey. Also, an overall survey of every ballast tank is to be carried out for tankers more than five years of age at their intermediate survey. Close-up surveys of ballast and cargo tanks are to be to the same extent as the previous periodical survey for tankers more than 10 years of age. The tanker amendments stemmed from proposals following the Erika sinking in December 1999 and align the IMO Resolution with the IACS Unified Requirements that are already implemented by members of the International Association of Classification Societies (IACS).

Maritime security (proposed)

July 1, 2004

The current top priority item at IMO is the revision of SOLAS Chapter XI to include maritime security regulations. A draft of the revised Chapter XI and a new International Ship and Port Facility Security Code (ISPS Code) will be put before a diplomatic conference for adoption in December 2002. Under this new regime passenger ships, mobile offshore drilling units and cargo ships over 500 gt will have to have a ship security plan. Also, such vessels constructed after July 1, 2004 will have to be fitted with a ship security alarm which will automatically alert shore authorities that the security of the ship is under threat or being compromised. Existing tankers, bulkers passenger ships and high speed craft will need to be retrofitted with such alarms by the first radio installation survey after July 1, 2004. It has also been proposed that all cargo ships over 300 gt be provided with a continuous synopsis record, from January 1, 2004, which indicates the ship's industry from that date.

Permanent access regulations

January 1, 2005

Subject to approval of the draft rulemaking by IMO's Maritime Safety Committee in December 2002, a regulation requiring each space within the cargo area to be provided with a permanent means of access to enable overall and close-up inspections and thickness measurements of the ship structures to be carried out will enter into force on January 1, 2005. Regulation II-1/12-2 of the SOLAS Convention, and accompanying mandatory Technical Provisions, will apply to all tankers of more than 500 gt and bulk carriers of more than 20,000 dwt constructed after that date. Safe access to cargo holds, ballast tanks, cofferdams, cargo tanks and other spaces in the cargo area shall be direct from the open deck, while access to double bottom spaces may be from a pumproom, deep cofferdam, pipe tunnel, cargo hold or similar compartment not intended for the carriage of oil or hazardous cargoes. Relevant

ships will have to be in possession of a Ship Structure Access Manual approved by the flag administration.

The impact on the rulemaking of current ongoing tanker industry studies on internal corrosion and sloshing effects are due to be assessed at the upcoming December meeting and the draft rulemaking will be amended and finalised, as necessary.

Another outstanding issue which needs to be resolved is striking a balance between providing a permanent means of access and its continued structural integrity for safe use as the ship ages.

For the future

Voyage data recorders for existing ships

Under a SOLAS Chapter V amendment, since July 1, 2002 all new ships of 3,000 gt and above must be fitted with voyage data recorders (VDRs). In addition, existing ro-ro passenger ships had to be equipped with such devices from that date and other existing passenger ships will have to be equipped with a VDR from July 1, 2004. IMO is currently studying the practicability of a more general requirement for these so-called black boxes on existing cargo ships, including tankers. VDRs enable accident investigators to review procedures and instructions in the moments before an incident and help to identify the cause of any accident, but the case for fitting these devices on all existing ships has yet to be proven.

Bunker spill liability

At a diplomatic conference in March 2001 IMO adopted the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001. The new convention covers liability and compensation to be paid for pollution caused by ships' bunkers in the territorial waters of IMO member states, and makes it compulsory for owners of vessels of 1,000 gt and above to maintain insurance cover. The new regime will enter into force 12 months after at least 18 states have ratified the convention, but there are already doubts as to when that might be. Several shipowner groups have pointed out that most ship operators are already covered for bunker spills through P&I arrangements. Also, unlike the oil cargo liability regime, the bunker spill scheme provides no legal protection for those involved in salvage operations.

Ballast water management

IMO's Marine Environment Protection Committee (MEPC) is developing new draft ballast water management regulations, aimed at preventing the transfer of harmful aquatic organisms in ships' ballast water. IMO plans to hold a diplomatic conference in late 2003 to adopt the measures in the form of a new international convention. The problem of ballast water management is proving to be a vexing one for which scientific solutions are not yet available. Even the ability of ballast water exchange - the solution which the majority of shipowners currently favour - to achieve the desired result is as yet unproved.

Air emissions from ships

Annex VI of the MARPOL Convention, covering air emissions from ships, was adopted in 1997 but has still not yet received the requisite number of ratifications, i.e. 15 IMO member states with 50 per cent of the world fleet on a tonnage basis, for entry into force. Shipowners are concerned that the lack of the necessary level of support for this international initiative leaves the door open for unilateral action on the part of individual nations or regions. In August 2002 Liberia, the second largest flag state, signed the treaty, bringing the number of ratifications to six states with 26 per cent of the world fleet. IMO is hopeful, with the EU states promising to ratify en bloc,

that Annex VI will enter into force "within one year". IMO has sent to the UN a paper on greenhouse gases, outlining, amongst other things, ways in which the shipping industry can reduce air emissions. Once comments from the UN have been assimilated, this initiative will encompass revisions to Annex VI.