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Interpretation of MARPOL 73/78 Annex I, Regulation 13G(5)(c) and Regulation 13H(5)(c)

1.0 Introduction

- 1.1 The MEPC, at its 53rd meeting in July, 2005, considered document MEPC 53/6/5 (Marshall Islands), copy attached, proposing a common understanding of the requirements of Regulations 13G(5) and 13H(5) to the effect that the extended operation up to 25 years of age may be granted for single-hull oil tankers with double sides, or double hull oil tankers not fully complying with the requirements of Regulation 13F or Regulation 13G(1)(c), which extend to approximately 95% of the entire cargo tank length.
- 1.2 The Committee noted that the proposal refers to those ships normally having fuel tanks on their sides in the area occupied by the approximate 5% balance of the cargo tank length indicated in paragraph 1.1, thus not providing protection to the entire cargo tank length by spaces not used for the carriage of oil as required by both regulations.

2.0 Agreement

- 2.1 The Committee agreed with the Administration that an oil tanker, as described above, may qualify for the continued operation allowances of Regulations 13G(5) and 13H(5), provided that its side fuel oil tanks are fitted with longitudinal or transverse bulkheads ensuring that the required minimum distance between the hull and the cargo and fuel oil tanks is maintained throughout the entire cargo area.
- 2.2 The Committee further agreed that this modification would not trigger the application of the provisions of Paragraph (c) in Regulations 13G(5) and 13H(5).
- 2.3 The Recognized Organizations are authorized by the Administration to evaluate requests to implement the minor modifications referred to by MEPC 53/6/5 for the purpose of application of MARPOL Regulations 13G(5) and 13H(5), and amend the IOPP Supplement Form B accordingly. As such, any application of MARPOL Regulations 13G(5) or 13H(5) must then be approved by the Administration.



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MARINE ENVIRONMENT PROTECTION
COMMITTEE
53rd session
Agenda item 6

MEPC 53/6/5
13 May 2005
Original: ENGLISH

**INTERPRETATIONS AND AMENDMENTS OF MARPOL 73/78
AND RELATED INSTRUMENTS**

Proposed amendments to regulations 13G and 13H of MARPOL Annex I

Submitted by the Marshall Islands

SUMMARY

Executive summary: This document considers issues of the interpretation of MARPOL Annex I regulation 13G(5)(c) and regulation 13H(5)(c).

Action to be taken: Paragraphs 10 and 11

Related documents: MARPOL Annex I regulations 13E, 13G and 13H

Background

1 Ships built in accordance with regulation 13E of MARPOL Annex I were required to have segregated ballast tanks and were also required to provide cargo tank protection by protectively locating these segregated ballast tanks (SBT/PL). Shipowners also had the option of providing this cargo tank protection by either:

- providing full double sides, or
- providing full double bottoms, or
- providing full double hulls.

2 When new ships were required to be fitted with full double hull protection (the 1992 amendments) there was a companion amendment that indicated that tankers built to the protocol SBT/PL were exempt from being fitted with double sides and double bottoms until after they reached the age of 30. This was the initial phase out of single hull tankers.

3 Subsequent amendments accelerated the phase out period for single hull tankers; however, they permitted a limited life extension if the ships were fitted with double bottoms, or double sides, or double hulls subject to their providing protection for the entire cargo length and that the spaces are not used for the carriage of oil.

4 There are in existence a number of double sided, double bottom and double hulled tankers that were built in advance of the requirements for new double hull ships. Some of these ships are configured in such a manner that the double side or double hull covers approximately 95% of the

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cargo tank length and the remaining cargo tank portion is protected by a fuel tank. It is the view of this Administration that this arrangement is acceptable in the context of the provisions of the 2001 and 2003 amendments to MARPOL Annex I. The Administration finds no prohibition concerning this arrangement for ships that were built in accordance with regulation 13E.

5 Attached as annex 1 is a diagram of the as-built arrangement of such tankers. The Administration brings this issue to the MEPC because there have been some deliberations and discussions that the arrangement as described does not comport with the amendments despite the fact that the ships have been designated as having double sides or double hulls for a number of years by both classification societies and administrations. The phrase that is causing the problem is the provision in the amendments, which indicates that the double side/bottom/hull spaces shall not be used for the carriage of oil (see regulations 13G(5) and 13H(5) reproduced below). It is the view of this Administration that this provision is intended to prevent the carriage of oil as cargo, but not fuel, in these spaces. The definition of an oil tanker as found in regulation 1(4) is that of a "... ship constructed or adapted primarily to carry oil in bulk in its cargo spaces ..." further reinforcing that the phrase "carriage of oil" is the carriage of oil in cargo tanks, not as fuel.

6 Additionally, it should be noted that when the new regulations were developed requiring new tankers to be fitted with double hulls, the specification prescribed was that "the entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel tanks ...". This was the first time that fuel tanks were expressly prohibited as forming part of the protection for cargo tanks.

7 If it was the intention of the subsequent amendments to MARPOL Annex I (2001 and 2003) to prohibit fuel oil tanks from providing part of the protection of the cargo tank length in a ship fitted with double sides/bottom/hulls, then this phrase could simply have been repeated. It was not.

8 For the purpose of assisting in the discussion of this issue, the relevant regulations are repeated here.

.1 MARPOL Annex I, regulation 13G(5) specifies:

"Notwithstanding the provisions of paragraph 4 of this regulation, in the case of a Category 2 or 3 oil tanker fitted with only double bottoms or double sides not used for the carriage of oil and extending to the entire cargo tank length or double hull spaces which are not used for the carriage of oil and extend to the entire cargo tank length, but does not fulfill conditions for being exempted from the provisions of paragraph 1(c) of this regulation, the Administration may allow continued operation of such a ship beyond the date specified in paragraph (4) of this regulation, provided that:

(a) the ship was in service on 1 July 2001;

(b) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;

(c) the conditions of the ship specified above remain unchanged; and

(d) such continued operation does not go beyond the date on which the ship reaches 25 years after the date of its delivery."

.2 MARPOL Annex I, regulation 13H(5) specifies:

“In the case of an oil tanker of 5,000 tons deadweight and above, carrying heavy grade oil as cargo fitted with only double bottoms or double sides not used for the carriage of oil and extending to the entire cargo tank length or double hull spaces which are not used for the carriage of oil and extend to the entire cargo tank length, but does not fulfil conditions for being exempted from the provisions of paragraph 1(b) of this regulation, the Administration may allow continued operation of such a ship beyond the date specified in paragraph (4) of this regulation, provided that:

(a) the ship was in service on 4 December 2003;

(b) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;

(c) the conditions of the ship specified above remain unchanged; and

(d) such continued operation does not go beyond the date on which the ship reaches 25 years after the date of its delivery.”

9 The Administration is convinced that the arrangement as shown in the as-built drawing (annex 1) is permitted; however, it has also been advised that there are interpretations of paragraph (c) of regulation 13G(5) and paragraph (c) of regulation 13H(5) that would prohibit modifications to the ship if the Administration’s interpretation is incorrect. The Administration does not believe that this is correct either.

Action requested of the Committee

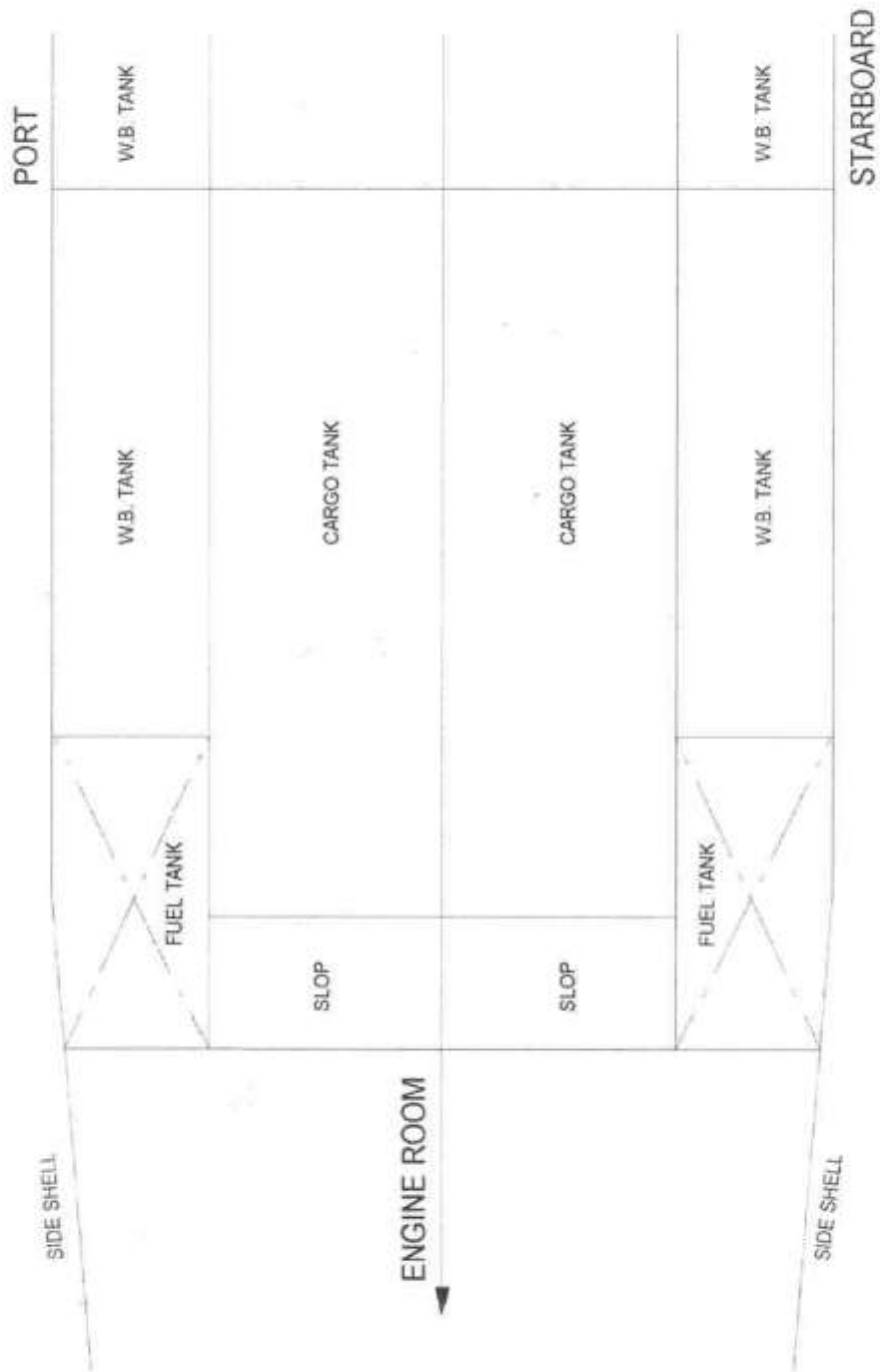
10 If the Committee concurs with this Administration’s interpretation that the arrangement as described is correct, the Committee need not take any further action.

11 If the Committee does not concur with this interpretation, the Administration proposes that the Committee consider the following:

- .1 that the fitting of longitudinal bulkheads as described in Proposal A (annex 2) or transverse bulkheads as described in Proposal B (annex 3), provided that the required minimum distance between hull and the cargo tanks is maintained, shall be permitted; and further,
- .2 that paragraph (c) in Regulations 13G(5) and 13H(5) does not prohibit the proposed modifications.

ANNEX 1

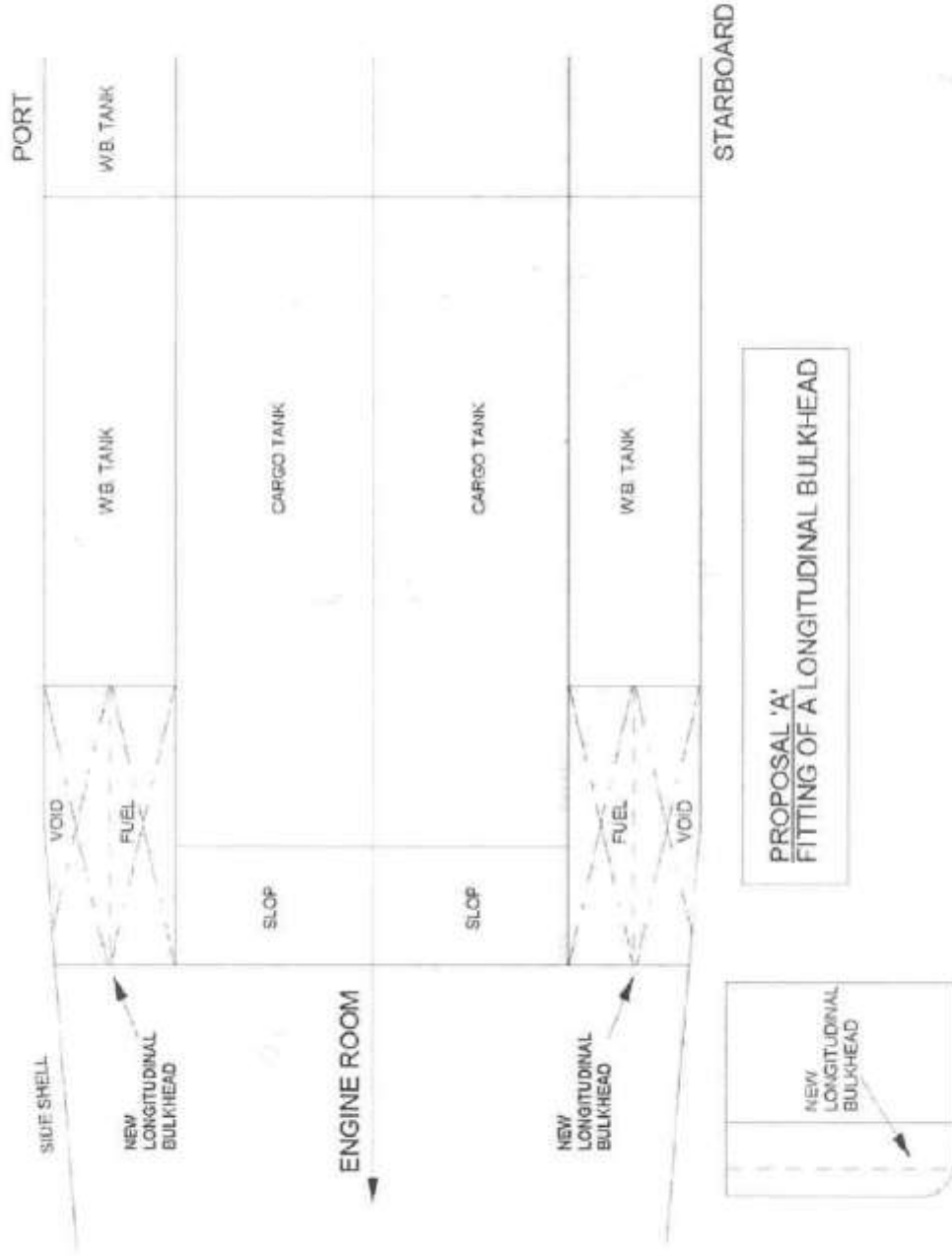
ORIGINAL ARRANGEMENT



ORIGINAL LAYOUT (BEFORE CONVERSION)

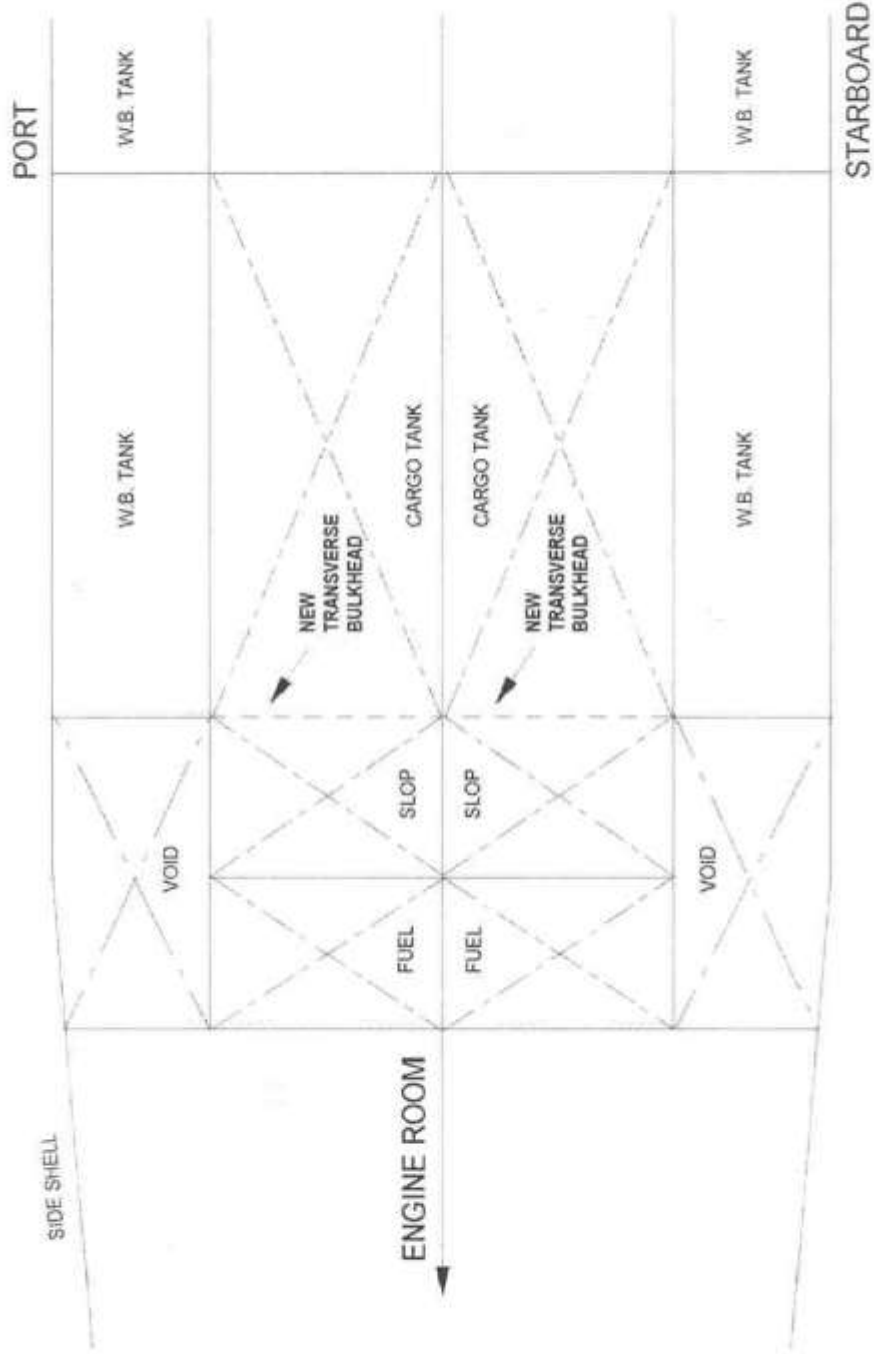
ANNEX 2

PROPOSAL A



ANNEX 3

PROPOSAL B



PROPOSAL 'B'
FITTING OF A TRANSVERSE BULKHEAD