Procedure for Compliant Fuel Oil Non-Availability

According to Annex VI Regulation 18 paragraph 2.4 MARPOL-Convention a ship shall notify its administration and the competent authority of the relevant port of destination when it cannot purchase compliant (low-sulphur) fuel oil.

Regarding German ports the above mentioned competent authority is the Federal Maritime and Hydrographic Agency (§ 14 sentence 1 number 1 Maritime Environmental Behaviour Regulations (SeeUmwVerhV).

In the event that a ship intending to transit German territorial waters cannot purchase compliant fuel oil, the Federal Maritime and Hydrographic Agency should be informed as early as possible by email to marpol@bsh.de

It is legally not possible to issue a permit to sail on German territorial waters although the fuel oil used on board ship will not be compliant. However, it is recommended to provide following voyage details and evidence that it was attempted to purchase low-sulphur fuel oil.

In case the compliant fuel oil non-availability is proven, the Federal Maritime and Hydrographic Agency informs the competent investigating authorities and the port State control authority.

Compliant Fuel Oil Non-Availability Report for Emission Control Areas (ECAs)

- **Ship’s Particular** (Name of Ship, IMO Number, Flag):

- **Latest Description of Ship’s Voyage Plan**:
  - Last Port(s) and ATD before Entering ECA
  - ETA of Entering ECA:
  - First Port of Call in ECA and ETA:
  - ETA of Leaving ECA:
  - List of Port of Call in ECA:

- **Date/Time Ship first received Notice of Entering ECA**:

- **Schedule for Bunkering in order to achieve compliant fuel oil (type and amount)**:

- **Name/Address of Fuel Oil Supplier scheduled to deliver but is no longer able to**:

- **Name/Address of Fuel Oil Suppliers contacted and Date/Time of Contact**:

*Please complete the provided data with appropriate documents or other written records (e.g. email correspondence) to proof your statements – if possible.
**Important Advice:**

According to Annex VI Regulation 18 paragraph 2.1 MARPOL Convention actions taken should be described to attempt to achieve compliant fuel oil prior entering ECA. This includes a description of all attempts that were made to locate alternative sources for compliant fuel oil. However, the ship is not required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.

To furnish the proof request please provide

- **confirmations of at least three fuel oil suppliers**, that it was not able to purchase compliant fuel oil

  or

- an **official confirmation** issued by the Port Authority or any other public maritime authority respectively administration, that there do not exist other fuel oil suppliers in the relevant port or region.

* A sole confirmation of the ship master or agent will not be sufficient.

- **Relevant Contact Information (Master, Company, Operator, Agent):**

*Please complete the provided data with appropriate documents or other written records (e.g. email correspondence) to proof your statements – if possible.*