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PORTS AND YACHTING DIRECTORATE

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Port Notice Number 6 of 2019

To: Ship Owners and Operators
Ship Agents
Ship Masters
Marine Terminals and Marine Facilities

Sulphur Content in Marine Fuels

The Authority for Transport in Malta (Authority) and the Regulator for Energy and Water Services (REWS) hereby remind all of the provisions of the Quality of Fuels Regulations (S.L. 545.18). These Regulations transpose the requirements of various EU Directives relating to, amongst other, the quality of marine fuels, and must be strictly adhered to at all times by all ships, irrespective of flag, port of origin and destination port, to which they apply when such call Maltese ports and internal and territorial waters. The maximum sulphur (SO_x) content in the marine fuels used (by mass - % m/m¹) must be as follows:

	Until 31/12/2019	From 01/01/2020
Ships at berth in ports ²	0,10%	0,10%
Passenger ships ³ on regular services ⁴	1,50%	0,50%
Other ships	3,50% ⁵	0,50%

¹ Concentrations for solutions = grams solute/grams solution x 100%.

² Includes ships moored and anchored; and time spent not engaged in operations.

³ Ships carrying more than 12 passengers, excluding master, crew or other person employed or engaged in any capacity on board, and children under 1 years of age.

⁴ Means a series of passenger ship crossings operated so as to serve traffic between two or more ports, or a series of voyages from and to the same port without intermediate calls either according to a published timetable; or with crossings so regular or frequent that they constitute a recognisable schedule.

⁵ Referred to as the "General Standard" in the applicable Directive. This can only be exceeded by fuels used on ships with approved emission abatement methods (such as scrubbers operating in closed mode).

The above maximum SO_x content is subject to the following exceptions:

- i. The limits shall not apply to:
 - a. Fuels used by warships and other vessels on military service, provided that these vessels shall, as is reasonable and practical, act in a manner consistent with the Regulations;
 - b. Use of fuels in a ship necessary for the specific purpose of securing the safety of a ship or saving life at sea; and
 - c. Any use of fuels in a ship necessitate by damage to it or its equipment:
 - i. Where the owner or master have not acted with intent or recklessly;
 - ii. All reasonable measures are taken after the occurrence of the damage to prevent or minimise excess emissions; and
 - iii. Measures are taken as soon as possible to repair the damage.
- ii. If a ship remains at berth for less than two hours according to a published timetable, or if a ship switches off all engines and uses shore-side electricity whilst at berth, it may exceed the maximum allowed at berth but not the maximum allowed in Maltese internal and territorial waters.
- iii. A ship at berth shall be allowed sufficient time to complete the necessary fuel-changeover operation as soon as possible after arrival at berth and as late as possible before departure. .

This fuel-changeover must take place in the presence of an Independent Surveyor appointed by the ship. Upon completion of the fuel-changeover, a copy of the Bunker Delivery Notes and the Independent Surveyor Timesheet of the operation must be submitted to REWS.
- iv. A ship may be equipped with approved emission abatement methods or use alternative technological abatement methods⁶ which shall be allowed as an alternative to using marine fuels meeting the prescribed maximum sulphur content whilst at berth in a port or in the internal and territorial waters:
 - a. Emission abatement methods must be in compliance with the criteria specified in instruments mentioned in the Regulations, MARPOL Annex VI and IMO Resolution MEPC.259(68); and must be operating in closed mode if the fuel to be used exceeds the general standard of 3,50% by mass.

⁶ *Emission abatement method* means any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel, or compliance method, used as an alternative to low sulphur marine fuel meeting the requirements set out in these regulations, that is verifiable, quantifiable and enforceable. Emission abatement methods and alternative fuels (e.g. exhaust gas cleaning systems, mixtures of marine fuel and boil-off gas, LNG, fuel cells and biofuels) are permitted for ships of all flags accordingly as long as they continuously achieve reductions of SO_x emissions which are at least equivalent to using compliant marine fuels.

- b. Alternative technological abatement methods are permitted for LNG carriers while at berth, allowing sufficient time for the crew to employ a mixture of marine fuel and boil-off gas as soon as possible after arrival at berth and as late as possible before departure.

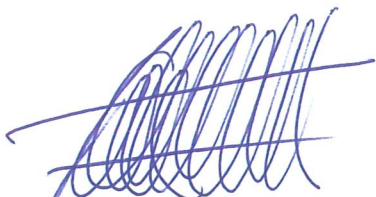
The Authority hereby also advises that in any of the aforementioned cases, the ship must notify both the Authority and REWS accordingly before entering Maltese territorial waters.

The Authority and REWS also notify that, in cooperation with the competent authorities of other Member States, the trials of ship emission abatement methods may be approved. During these trials, the use of marine fuels meeting the aforementioned maximum SOx content shall not be mandatory, provided that all the following conditions are fulfilled:

- i. The European Commission, the Authority and REWS are notified in writing at least six months before trials begin;
- ii. A permit for trials does not exceed eighteen months in duration;
- iii. The ship has tamper-proof equipment for the continuous monitoring of funnel gas emissions and use it throughout the trial period installed;
- iv. Emission reductions which are at least equivalent to those which would be achieved through the sulphur limits for fuels specified in the Regulations are achieved;
- v. There are proper waste management systems in place for any waste generated by the emission abatement methods throughout the trial period;
- vi. There is an assessment of impacts on the marine environment, particularly Ecosystems in enclosed ports and harbours throughout the trial period; and
- vii. Full results are provided to the European Commission, and made publicly available, within six months of the end of the trials.

In the event of any non-compliance, enforcement and legal action will be taken accordingly.

Port Notice 3 of 2018 is hereby being revoked.



Dr Robert Vassallo
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26 December 2019