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MEPC.1/Circ.637
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FUEL OIL AVAILABILITY AND QUALITY

1 The Marine Environment Protection Committee, at its fifty-eighth session (6 to 10 October 2008), adopted, by resolution MEPC.176(58), the revised MARPOL Annex VI, which includes, in regulation 18.2, details of actions a Party might take if a ship is not in compliance with the standards for compliant fuel.

2 The Committee agreed to invite Member States to consider applying the principles in regulation 18.2 of revised MARPOL Annex VI, as set forth below, where ships are not in compliance with the standards for compliant fuels set out in the current MARPOL Annex VI (1997 Protocol to MARPOL):

- .1 If a ship is found by a Party not to be in compliance with the standards for compliant fuel oils set forth in the current MARPOL Annex VI (1997 Protocol to MARPOL), the competent authority of the Party is entitled to require the ship to:
 - .1.1 present a record of the actions taken to attempt to achieve compliance; and
 - .1.2 provide evidence that it attempted to purchase compliant fuel oil in accordance with its voyage plan and, if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.
- .2 The ship should not be required to deviate from its intended voyage or to delay unduly the voyage in order to achieve compliance.
- .3 If a ship provides the information set forth in paragraph 1.1 above, a Party shall take into account all relevant circumstances and the evidence presented to determine the appropriate action to take, including not taking control measures.
- .4 A ship shall notify its Administration and the competent authority of the relevant port of destination when it cannot purchase compliant fuel oil.
- .5 A Party shall notify the Organization when a ship has presented evidence of the non-availability of compliant fuel oil.

3 Member Governments are invited to disseminate this circular to interested parties, including maritime authorities and port State control officers.