



BERMUDA

MERCHANT SHIPPING (PREVENTION OF AIR POLLUTION FROM SHIPS)
AMENDMENT REGULATIONS 2019

BR 15 / 2019

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	SCHEDULE 1A
	Bermuda International Energy Efficiency Certificate

The Minister responsible for Maritime Administration, in exercise of the powers conferred by section 122 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Prevention of Air Pollution from Ships) Amendment Regulations 2019.

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Amends Regulation 2

2 Regulation 2 of the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2015 (in these Regulations referred to as “the principal Regulations”) is amended in paragraph (1)—

- (a) in definition of “Annex VI” by deleting “Minister” and substituting “Chief Marine Surveyor”;
- (b) in the definition of “appropriate certificate” by inserting the words “or IEE” next after the word “IAPP”;
- (c) in the definition of “the Convention” by deleting “Minister” and substituting “Chief Marine Surveyor”;
- (d) in the definition of “fuel oil” by deleting “Minister” and substituting “Chief Marine Surveyor”;
- (e) by inserting the following definition in its proper alphabetical position—
 - “ IEE Certificate” means a certificate entitled “International Energy Efficiency Certificate” issued in accordance with the Convention;”;
- (f) by deleting the definition of “Marine Guidance Note” and substituting the following definition—
 - “ Marine Guidance Note” means a Note described as such and issued by the Chief Marine Surveyor, or the equivalent UK Marine Guidance Note, as applicable;”;
- (g) by deleting the definition of “MCA”;
- (h) by deleting the definition of “Merchant Shipping Notice” and substituting the following definition—
 - “ Merchant Shipping Notice” means a Notice described as such and issued by the Chief Marine Surveyor, or the equivalent UK Merchant Shipping Notice, as applicable;”;
- (i) in the definition of “North Sea sulphur oxide emission control area” by deleting “Minister” and substituting “Chief Marine Surveyor”; and
- (j) in the definition of “sulphur oxide emission control area” by deleting “Minister” and substituting “Chief Marine Surveyor”.

Amends Regulation 11

3 Regulation 11 of the principal Regulations is amended—

- (a) in paragraph (2)(a) by inserting the words “or IEE” next after the word “IAPP”;
- (b) in paragraph (4) by inserting the words “or IEE” next after the word “IAPP”; and

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(c) by inserting the following paragraphs next after paragraph (5)—

“(6) A UK IEE or Bermuda Certificate issued under this Regulation must be in the form set out in Annex VI of Appendix VIII of the Convention as prescribed in Schedule 1A.

(7) An IEE Certificate ceases to be valid—

- (a) if the ship is withdrawn from service or if a new certificate is issued following a major conversion of the ship; or
- (b) when a ship changes flag.”.

Substitutes Regulations 12 and 13

4 The principal Regulations are amended by deleting Regulations 12 and 13 and substituting the following Regulations—

“Issue of IAPP or IEE Certificates by another Government in respect of Bermuda ships

12 (1) The Minister may request a Contracting Government to—

- (a) survey a ship to which this Regulation applies; and
- (b) issue, or authorise the issue of; or endorse, or authorise the endorsement of,

an IAPP or IEE Certificate, in accordance with the requirements of Annex VI, in respect of that ship, if the Contracting Government is satisfied that the ship complies with the requirements of Annex VI.

(2) Where an IAPP or IEE Certificate is issued pursuant to paragraph (1)—

- (a) the Minister is to be treated as the Certifying Authority in relation to it; and
- (b) any reference in these Regulations, to the Certifying Authority that issued the certificate is to be treated as a reference to the Minister.

Issue of IAPP or IEE Certificates in respect of ships which are not Bermuda ships

13 (1) When requested to do so by a Contracting Government, the Minister—

- (a) may cause a survey to be carried out in respect of a ship to which this Regulation applies; and
- (b) must, subject to the payment of any fee due under the Merchant Shipping (Fees) Regulations 2012, issue in respect of that ship, an IAPP or IEE certificate, or endorse the IAPP or IEE Certificate, in accordance with the requirements of Annex VI, if the Minister is satisfied that the requirements of Annex VI are complied with.

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- (2) An IAPP or IEE Certificate issued pursuant to paragraph (1), must—
 - (a) be in English in the form set out in Appendix 1 to Annex VI;
 - (b) contain a statement that it has been so issued; and
 - (c) have the same effect as if it had been issued by the Contracting Government which made the request referred to in paragraph (1), and not by the Minister.
- (3) The Minister shall send as soon as possible, to the Contracting Government which made the request referred to in paragraph (1), a copy of—
 - (a) the IAPP or IEE Certificate issued pursuant to that paragraph; and
 - (b) the survey report.
- (4) The Minister shall not issue an IAPP or IEE Certificate in respect of a ship which—
 - (a) is registered in a country whose government is not a Contracting Government; or
 - (b) is not registered, but is entitled to fly the flag of a country whose government is not a Contracting Government.”.”

Amends Regulation 14

5 Regulation 14 of the principal Regulations is amended in paragraph (4)(a) by inserting the words “or IEE” next after the word “IAPP”.

Substitutes Regulation 19

6 Regulation 19 of the principal Regulations is deleted and the following Regulation is substituted—

“Prohibition on non-Bermuda ships proceeding to sea without an IAPP or IEE Certificate

- 19 (1) A ship to which this paragraph applies, must not proceed to sea from a port in Bermuda unless—
- (a) an IAPP or IEE certificate has been issued pursuant to Annex VI in respect of that ship and is still valid;
 - (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
 - (c) a person having power to detain the ship has permitted the ship to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

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(2) A ship to which this paragraph applies, must not proceed to sea from a port in Bermuda unless documentation has been issued in respect of that ship, which is still valid and shows that—

- (a) a survey has been carried out in respect of the ship, as if Regulation 5 applied to the ship; and
- (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.”.

Amends Regulation 25

7 Regulation 25 of the principal Regulations is amended—

(a) by inserting the following paragraphs next after paragraph (3)—

“(3A) The master of a relevant ship must notify Bermuda and the Bermuda Shipping and Maritime Authority, of the relevant port of destination, when it cannot purchase fuel oil for combustion purposes, to be used on board a ship that meets the requirements of paragraph (4) or (5).

(3B) The master of a relevant ship which has on board fuel oil for combustion purposes which does not meet the requirements of paragraph (4) or (5), must comply with any requirement of the Minister, as notified in a Merchant Shipping Notice.”; and”

(b) by deleting paragraph (6) and substituting the following paragraph—

“(6) For the purposes of paragraph (5), the appropriate sulphur content limit means—

- (a) subject to sub-paragraph (c), in the case of fuel oil used or intended to be used in a sulphur oxide emission control area, not more than 0.10 per cent by mass;
- (b) subject to sub-paragraph (c), in the case of fuel oil not intended to be used in a sulphur oxide emission control area, not more than—
 - (i) 3.50 per cent by mass until 31st December 2019; and
 - (ii) 0.50 per cent by mass from 1st January 2020; and
- (c) in the case of marine fuel used or intended to be used by a ship while paragraph 4(3) of Schedule 3 applies to that ship, not more than 0.10 per cent by mass.”.

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Amends Regulation 33

8 Regulation 33 of the principal Regulations is amended by deleting paragraph (4) and substituting the following paragraph—

“(4) Where a ship uses an emission abatement method which is not—

- (a) permitted in accordance with paragraph 6 or 7 of Schedule 3; or
- (b) authorised for the purposes of Annex VI, by a Contracting Government other than Bermuda,

the owner and master commit an offence and are punishable on summary conviction, by a fine not exceeding \$50,000 or on conviction on indictment, to an unlimited fine.”.

Inserts Schedule 1A

9 The principal Regulations are amended by inserting the Schedule to these Regulations as Schedule 1A, next after Schedule 1.

Amends Schedule 3

10 Schedule 3 of the principal Regulations is amended—

- (a) in paragraph 1 by deleting the definition of “emission abatement technology” and substituting the following definition—

“ “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 that is verifiable, quantifiable and enforceable;”

- (b) in paragraph 2 by deleting sub-paragraphs (1) to (4) and substituting the following—

“(1) This paragraph applies to any ship, unless paragraph 4(3) or a permission granted under paragraph 6 or 7 applies to it.

(2) While a ship to which this paragraph applies, is within a sulphur oxide emission control area, it must comply with at least one of the following conditions—

- (a) the sulphur content of any fuel oil used on board the ship must not exceed 1.0 per cent by mass, reducing to 0.10 per cent by mass;
- (b) the sulphur content of any fuel used on board the ship exceeds 3.5 per cent by mass and the ship is using an emission abatement method operating in closed mode;

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- (c) an approved exhaust gas cleaning system must be applied to ensure that the total emission of sulphur oxide from the ship, including both auxiliary and main propulsion engines, do not exceed the relevant amounts specified in paragraph 4 of Schedule 3 to UK Merchant Shipping Notice 1819(M+F); and
- (d) any other technological method to limit sulphur oxide emissions must be used that has been—
 - (i) approved for the purposes of these Regulations by the Chief Marine Surveyor in a Merchant Shipping Notice; or
 - (ii) authorised for the purposes of Annex VI, by a contracting government other than Bermuda.

(3) While a ship to which this paragraph applies is not within a sulphur oxide emission control area, it must not use fuel oil which has a sulphur content exceeding 3.5 per cent by mass, or as the case may be 0.50 per cent by mass, unless the ship is using an emission abatement method operating in closed mode.

(4) The master of any ship using separate fuel oils to comply with sub-paragraph (2)(a) must—

- (a) allow sufficient time for the fuel oil service system to be fully flushed of all fuels containing sulphur exceeding 1.0 per cent, or as the case may be 0.10 per cent, by mass prior to entry into a sulphur oxide emission control zone; and
- (b) record in accordance with paragraph 5, the details of any fuel changeover operation.”;

(c) in paragraph 3—

- (i) by deleting sub-paragraph (2)(d) and substituting the following—

“(d) using an emission abatement method that has been—

- (i) permitted in accordance with paragraph 6 or 7; or
- (ii) authorised for the purposes of the Convention by a Government other than Bermuda.”; and”

- (ii) by deleting sub-paragraph (3) and substituting the following—

“(3) A ship to which this paragraph applies must not, in the sea areas described in sub-paragraph (4)—

- (a) until 31st December 2019, use marine fuel which has a sulphur content exceeding 1.5 per cent by mass; and
- (b) on or after 1st January 2020, marine fuel which has a sulphur content exceeding 0.50 per cent by mass.”;

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(d) in paragraph 4 by deleting sub-paragraph (2)(c) and substituting the following—

“(c) a ship using an emission abatement method that has been—

- (i) permitted in accordance with paragraph 6 or 7; or
- (ii) authorised for the purpose by another Party to the Convention.”;

(e) by deleting paragraph 5 and substituting the following—

“Records in ship’s logbook

5 (1) A record made pursuant to paragraph 2(4)(b) or 3(5), of a fuel changeover operation consisting of a change from fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state—

- (a) the time, date and position of the ship when the operation is completed; and
- (b) the amount, in each tank at that time, of fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass.

(2) A record made pursuant to paragraph 2(4)(b) or 3(5) of a fuel changeover operation consisting of a change from fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state—

- (a) the time, date and position of the ship when the operation commenced; and
- (b) the amount, in each tank at that time, of fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass.

(3) A record made pursuant to paragraph 4(4), of a fuel changeover operation consisting of a change from fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to a fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state—

- (a) the time and date when the operation commenced and is completed; and
- (b) the amount in each tank at that time, of fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass.

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(4) A record made pursuant to paragraph 4(4) of a fuel changeover operation consisting of a change from fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, to fuel oil having a sulphur content exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass, must state—

- (a) the time and date when the operation commenced and is completed; and
- (b) the amount, in each tank at that time, of fuel oil having a sulphur content not exceeding 1.0 per cent by mass, or as the case may be 0.10 per cent by mass.

(5) The master of a ship making a record referred to in sub-paragraph (1), (2), (3) or (4) must make it—

- (a) in the case of a Bermuda ship, in a log book in the format prescribed in Appendix 6 to the UK Merchant Shipping Notice 1819 (M+F); and
- (b) in the case of any other ship, in a ship's log book.”;

(f) by deleting paragraph 7 and substituting the following paragraph—

“Permission to use emission abatement methods

7 (1) The Minister may on application in writing by the owner of a ship, grant permission for the ship to use emission abatement methods while paragraph 3 applies to it.

(2) A permission under sub-paragraph (1) is valid only if it is in writing.

(3) Subject to sub-paragraph (4), a permission under sub-paragraph (1) may—

- (a) include such conditions as the Minister, believes appropriate; and
- (b) be varied or revoked at any time by the Minister giving written notice to the owner.

(4) Any permission granted under sub-paragraph (1), is subject to the following conditions—

- (a) emission reductions must be continuously achieved which are at least equivalent to those which would have been achieved by the use of fuel oil which complied with paragraph 2(2)(a), 3(3) or 4(3), as applicable;
- (b) the ship must be fitted with continuous emission monitoring equipment; and
- (c) there must be a record that thoroughly documents that any waste streams discharged into enclosed ports, harbours and estuaries have no impact on the ecosystems of those ports, harbours and

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estuaries based on any criteria communicated by the authorities of port States, to the IMO.”; and”

(g) in paragraph 9—

- (i) in sub-paragraph (1), by deleting “to (4)” and substituting “and (3)”; and
- (ii) by deleting sub-paragraphs (2), (3) and (4) and substituting the following—

“(2) The reference method adopted for determining the sulphur content must be ISO method 8754 (2003).

(3) In order to determine whether marine fuel delivered to and used on board ships is compliant with the sulphur limits required by the Convention, the fuel verification procedure set out in Appendix VI to Annex VI must be used.”.

Revocation

11 The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2005 are revoked.

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SCHEDULE 1A

(Regulation 11)

BERMUDA INTERNATIONAL ENERGY EFFICIENCY CERTIFICATE

Bermuda International Energy Efficiency (IEE) Certificate

INTERNATIONAL ENERGY EFFICIENCY CERTIFICATE

Issued under the Protocol of 1997, as amended by resolution MEPC.203(62), to amend the International Convention for the Prevention of Pollution by Ships, 1973 related thereto (hereafter referred to as "the Convention") under the authority of the Government of Bermuda, by the Bermuda Shipping and Maritime Authority, Hamilton, Bermuda.

Particulars of ship

Name of Ship

Distinctive number or letters

Port of registry

Gross tonnage

IMO Number

THIS IS TO CERTIFY:

1 That the ship has been surveyed in accordance with Regulation 5.4 of Annex VI of the Convention; and

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2 That the survey shows that the ship complies with the applicable requirements in Regulations 20, 21 and 22.

Completion date of survey on which this Certificate is based: _____ (dd/mm/yyyy)

(Place of issue of certificate)

(dd/mm/yyyy): _____

(Date of issue) (Signature of duly authorised official issuing the certificate Seal or stamp of the authority, as appropriate)

Supplement to the International Energy Efficiency Certificate (IEE Certificate)

RECORD OF CONSTRUCTION RELATING TO ENERGY EFFICIENCY

Notes:

1 This Record shall be permanently attached to the IEE Certificate. The IEE Certificate shall be available on board the ship at all times.

2 The Record shall be in English.

3 Entries in boxes shall be made by inserting either: a cross (x) for the answers "yes" and "applicable"; or a dash (-) for the answers "no" and "not applicable", as appropriate.

4 Unless otherwise stated, Regulations mentioned in this Record refer to Regulations in Annex VI of the Convention, and resolutions or circulars refer to those adopted by the Organisation.

1. Particulars of ship

1.1 Name of ship

1.2 IMO number

1.3 Date of building contract

1.4 Gross tonnage

1.5 Deadweight

1.6 Type of ship

2. Propulsion system

2.1 Diesel propulsion

2.2 Diesel-electric propulsion

2.3 Turbine propulsion

2.4 Hybrid propulsion

2.5 Propulsion system other than any of the above

3. Attained Energy Efficiency Design Index (EEDI)

3.1 The Attained EEDI in accordance with Regulation 20.1 is calculated based on the information contained in the EEDI technical file which also shows the process of calculation

The Attained EEDI is:..... grams-CO₂/tonne-mile

3.2 The Attained EEDI is not calculated as:

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- 3.2.1 the ship is exempt under Regulation 20.1 as it is not a new ship as defined in Regulation 2.23
 - 3.2.2 the type of propulsion system is exempt in accordance with Regulation 19.3
 - 3.2.3 the requirement of Regulation 20 is waived by the ship's Administration in accordance with Regulation 19.4
 - 3.2.4 the type of ship is exempt in accordance with Regulation 20.1
 - 4. Required EEDI
 - 4.1 Required EEDI is:..... grams-CO2/tonne-mile
 - 4.2 The required EEDI is not applicable as:
 - 4.2.1 the ship is exempt under Regulation 21.1 as it is not a new ship as defined in Regulation 2.23
 - 4.2.2 the type of propulsion system is exempt in accordance with Regulation 19.3
 - 4.2.3 the requirement of Regulation 21 is waived by the ship's Administration in accordance with Regulation 19.4
 - 4.2.4 the type of ship is exempt in accordance with Regulation 21.1
 - 4.2.5 the ship's capacity is below the minimum capacity threshold in Table 1 of Regulation 21.2
 - 5. Ship Energy Efficiency Management Plan
 - 5.1 The ship is provided with a Ship Energy Efficiency Management Plan (SEEMP) in compliance with Regulation 22
 - 6. EEDI technical file
 - 6.1 The IEE Certificate is accompanied by the EEDI technical file in compliance with Regulation 20.1
 - 6.2 The EEDI technical file identification/verification number
 - 6.3 The EEDI technical file verification date
- THIS IS TO CERTIFY that this Record is correct in all respects.
Issued at _____
(Place of issue of the Record)
(dd/mm/yyyy): _____
(Date of issue) (Signature of duly authorised official)"

Made this 14th day of February 2019

Minister of Tourism and Transport

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[Operative Date: 18 February 2019]