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PREVENTION OF POLLUTION OF THE SEA ACT (CHAPTER 243)

PREVENTION OF POLLUTION OF THE SEA (AIR) (AMENDMENT) REGULATIONS 2018

In exercise of the powers conferred by section 34 of the Prevention of Pollution of the Sea Act, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

Citation and commencement

1. These Regulations are the Prevention of Pollution of the Sea (Air) (Amendment) Regulations 2018 and come into operation on 1 March 2018.

Amendment of regulation 5

2. Regulation 5 of the Prevention of Pollution of the Sea (Air) Regulations 2005 (G.N. No. S 134/2005) is amended by deleting paragraphs (1) and (2) and substituting the following paragraphs:

- “(1) Except where otherwise provided in these Regulations —
- (a) a reference in these Regulations to the Administration is a reference to the Director;
 - (b) a reference in these Regulations to an officer of the Administration is a reference to a surveyor of ships; and
 - (c) a reference in these Regulations to any nominated surveyor, recognised organisation, “recognized organization”, or “organization” that is “recognized” by the Administration, is a reference to an authorised organisation.

(2) For the purposes of regulations 6, 9, 20 and 22A of Annex VI, a reference to any person or organisation duly authorised by the Administration, or to an “organization” that is “authorized” or “duly authorized” by the Administration, is a reference to an authorised organisation.”.

Amendment of First Schedule

3. The First Schedule to the Prevention of Pollution of the Sea (Air) Regulations 2005 is amended —

- (a) by deleting “23” in regulation 1 and substituting “22A”;
- (b) by inserting, immediately after paragraph 47 of regulation 2, the following paragraphs:

“48 *Calendar year* means the period from 1 January until 31 December inclusive.

49 *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the *International Management Code for the Safe Operation of Ships and for Pollution Prevention*, as amended.

50 *Distance travelled* means distance travelled over ground.”;

- (c) by inserting, immediately after the words “such technologies or programmes.” in paragraph 2 of regulation 3, the words “A permit issued under this regulation shall not exempt a ship from the reporting requirement under regulation 22A and shall not alter the type and scope of data required to be reported under regulation 22A.”;
- (d) by deleting the words “board; and” at the end of paragraph 4.3 of regulation 5 and substituting the words “board and for a ship to which regulation 22A applies, has been revised appropriately to reflect a major conversion in those cases where the major conversion affects data collection methodology and/or reporting processes.”;

(e) by deleting the full-stop at the end of paragraph 4.4 of regulation 5 and substituting the word “; and”;

(f) by inserting, immediately after sub-paragraph 4 of paragraph 4 of regulation 5, the following sub-paragraph:

“.5 The Administration shall ensure that for each ship to which regulation 22A applies, the SEEMP complies with regulation 22.2 of this Annex. This shall be done prior to collecting data under regulation 22A of this Annex in order to ensure the methodology and processes are in place prior to the beginning of the ship’s first reporting period. Confirmation of compliance shall be provided to and retained on board the ship.”;

(g) by inserting, immediately after the word “*Certificates*” in the regulation headings of regulations 6, 8 and 9, the words “*and Statements of Compliance related to fuel oil consumption reporting*”;

(h) by inserting, immediately after paragraph 5 of regulation 6, the following regulation sub-heading and paragraphs:

“Statement of Compliance — Fuel oil consumption reporting

6 Upon receipt of reported data pursuant to regulation 22A.3 of this Annex, the Administration or any organization duly authorized by it* shall determine whether the data has been reported in accordance with regulation 22A of this Annex and, if so, issue a Statement of Compliance related to fuel oil consumption to the ship no later than 5 months from the beginning of the calendar year. In every case, the Administration assumes full responsibility for this Statement of Compliance.

* Refer to the *Guidelines for the authorization of organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

7 Upon receipt of reported data pursuant to regulation 22A.4, 22A.5 or 22A.6 of this Annex, the Administration or any organization duly authorized by it* shall promptly determine whether the data has been reported in accordance with regulation 22A and, if so, issue a Statement of Compliance related to fuel oil consumption to the ship at that time. In every case, the Administration assumes full responsibility for this Statement of Compliance.

* Refer to the *Guidelines for the authorization of organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.789(19), as may be amended by the Organization.”;

- (i) by inserting, immediately after paragraph 2 of regulation 8, the following regulation sub-heading and paragraph:

“Statement of Compliance — Fuel oil consumption reporting

3 The Statement of Compliance pursuant to regulations 6.6 and 6.7 of this Annex shall be drawn up in a form corresponding to the model given in Appendix X to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing Party is also used, this shall prevail in case of a dispute or discrepancy.”;

- (j) by inserting, immediately after paragraph 11 of regulation 9, the following regulation sub-heading and paragraph:

“Statement of Compliance — Fuel oil consumption reporting

12 The Statement of Compliance pursuant to regulation 6.6 of this Annex shall be valid for the calendar year in which it is issued and for the first 5 months of the following calendar year. The Statement of Compliance pursuant to regulation 6.7 of this Annex shall be valid for the calendar year in which it is issued, for the following calendar year, and for the first 5 months of the subsequent calendar year. All Statements of Compliance shall be kept on board for at least the period of their validity.”;

- (k) by inserting, immediately after the words “there is a valid” in paragraph 5 of regulation 10, the words “Statement of Compliance related to fuel oil consumption reporting and”;

- (l) by deleting paragraph 2 of regulation 22 and substituting the following paragraphs:

“2 On or before 31 December 2018, in the case of a ship of 5,000 gross tonnage and above, the SEEMP shall include a description of the methodology that will be used to collect the data required by regulation 22A.1 of this Annex and the processes that will be used to report the data to the ship’s Administration.

3 The SEEMP shall be developed taking into account guidelines adopted by the Organization.”;

- (m) by inserting, immediately after regulation 22, the following regulation:

“Regulation 22A

Collection and reporting of ship fuel oil consumption data

1 From calendar year 2019, each ship of 5,000 gross tonnage and above shall collect the data specified in Appendix IX to this Annex, for that and each subsequent calendar year or portion thereof, as appropriate, according to the methodology included in the SEEMP.

2 Except as provided for in paragraphs 4, 5 and 6 of this regulation, at the end of each calendar year, the ship shall aggregate the data collected in that calendar year or portion thereof, as appropriate.

3 Except as provided for in paragraphs 4, 5 and 6 of this regulation, within 3 months after the end of each calendar year, the ship shall report to its Administration or any organization duly authorized by it*, the aggregated value for each datum specified in Appendix IX to this Annex, via electronic communication and using a standardized format to be developed by the Organization[†].

* Refer to the *Guidelines for the authorization of organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

[†] Refer to the *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP Guidelines)* (resolution MEPC.282(70)).

4 In the event of the transfer of a ship from one Administration to another, the ship shall on the day of completion of the transfer or as close as practical thereto report to the losing Administration or any organization duly authorized by it*, the aggregated data for the period of the calendar year corresponding to that Administration, as specified in Appendix IX to this Annex and, upon prior request of that Administration, the disaggregated data.

5 In the event of a change from one Company to another, the ship shall on the day of completion of the change or as close as practical thereto report to its Administration or any organization duly authorized by it*, the aggregated data for the portion of the calendar year corresponding to the Company, as specified in Appendix IX to this Annex and, upon request of its Administration, the disaggregated data.

6 In the event of change from one Administration to another and from one Company to another concurrently, paragraph 4 of this regulation shall apply.

7 The data shall be verified according to procedures established by the Administration, taking into account guidelines to be developed by the Organization.

8 Except as provided for in paragraphs 4, 5 and 6 of this regulation, the disaggregated data that underlies the reported data noted in Appendix IX to this Annex for the previous calendar year shall be readily accessible for a period of not less than 12 months from the end of that calendar year and be made available to the Administration upon request.

9 The Administration shall ensure that the reported data noted in Appendix IX to this Annex by its registered ships of 5,000 gross tonnage and above are transferred to the IMO Ship Fuel Oil Consumption Database via electronic communication and using a standardized format to be developed by the Organization not later than one month after issuing the Statements of Compliance of these ships.

* Refer to the *Guidelines for the authorization of organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration*, adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

10 On the basis of the reported data submitted to the IMO Ship Fuel Oil Consumption Database, the Secretary-General of the Organization shall produce an annual report to the Marine Environment Protection Committee summarizing the data collected, the status of missing data, and such other relevant information as may be requested by the Committee.

11 The Secretary-General of the Organization shall maintain an anonymized database such that identification of a specific ship will not be possible. Parties shall have access to the anonymized data strictly for their analysis and consideration.

12 The IMO Ship Fuel Oil Consumption Database shall be undertaken and managed by the Secretary-General of the Organization, pursuant to guidelines to be developed by the Organization.”; and

(n) by inserting, immediately after Appendix VIII, the following Appendices:

“APPENDIX IX
INFORMATION TO BE SUBMITTED TO THE IMO SHIP
FUEL OIL CONSUMPTION DATABASE

Identity of the ship

IMO number

Period of calendar year for which the data is submitted

Start date (dd/mm/yyyy)

End date (dd/mm/yyyy)

Technical characteristics of the ship

Ship type, as defined in regulation 2 of this Annex or other (to be stated)

Gross tonnage (GT)¹

Net tonnage (NT)²

Deadweight tonnage (DWT)³

Power output (rated power⁴) of main and auxiliary reciprocating internal combustion engines over 130 kW (to be stated in kW)

EEDI (if applicable)

Ice class⁵

Fuel oil consumption, by fuel oil type⁶ in metric tonnes and methods used for collecting fuel oil consumption data

Distance travelled

Hours underway

¹ Gross tonnage should be calculated in accordance with the International Convention on Tonnage Measurement of Ships, 1969.

² Net tonnage should be calculated in accordance with the International Convention on Tonnage Measurement of Ships, 1969. If not applicable, note “N/A”.

³ DWT means the difference in tonnes between the displacement of a ship in water of relative density of 1025 kg/m³ at the summer load draught and the lightweight of the ship. The summer load draught should be taken as the maximum summer draught as certified in the stability booklet approved by the Administration or an organization recognized by it.

⁴ Rated power means the maximum continuous rated power as specified on the nameplate of the engine.

⁵ Ice class should be consistent with the definition set out in the *International Code for ships operating in polar waters (Polar Code)*, (resolutions MEPC.264(68) and MSC.385(94)). If not applicable, note “N/A”.

⁶ As defined in the *2014 Guidelines on the method of calculation of the Attained Energy Efficiency Design Index (EEDI) for new ships* (resolution MEPC.245(66), as amended) or other (to be stated).

APPENDIX X

FORM OF STATEMENT OF COMPLIANCE —
FUEL OIL CONSUMPTION REPORTINGSTATEMENT OF COMPLIANCE —
FUEL OIL CONSUMPTION REPORTING

Issued under the provisions of the Protocol of 1997, as amended, to amend the International Convention for the Prevention of Pollution by Ships, 1973, as modified by the Protocol of 1978 related thereto (hereinafter referred to as “the Convention”) under the authority of the Government of:

.....
(full designation of the Party)

by

*(full designation of the competent person or organization
authorized under the provisions of the Convention)*

Particulars of ship¹

Name of ship

Distinctive number or letters

IMO Number²

Port of registry

Gross tonnage

THIS IS TO DECLARE:

1. That the ship has submitted to this Administration the data required by regulation 22A of Annex VI of the Convention, covering ship operations from (dd/mm/yyyy) through (dd/mm/yyyy); and
2. The data was collected and reported in accordance with the methodology and processes set out in the ship’s SEEMP that was in effect over the period from (dd/mm/yyyy) through (dd/mm/yyyy).

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with the *IMO Ship Identification Number Scheme*, adopted by the Organization by resolution A.1078(28).

This Statement of Compliance is valid until (dd/mm/yyyy)

Issued at:

(place of issue of Statement)

Date (dd/mm/yyyy)

(date of issue)

*(signature of duly authorised official
issuing the Statement)*

*(seal or stamp of the authority,
as appropriate)*

”.

*[G.N. Nos. S 620/2006; S 331/2010; S 398/2011;
S 21/2012; S 661/2012; S 467/2013; S 376/2015;
S 799/2015; S 78/2016; S 492/2017]*

Made on 28 February 2018.

NIAM CHIANG MENG

Chairman,

*Maritime and Port Authority of
Singapore.*

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