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## **No. S 113**

### **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.

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(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.”;

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(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.

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\* 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.

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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.

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\* 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<sup>†</sup>.

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\* 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.

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