

**MAR INFORMATION BULLETIN N.º 01/2010****COMMISSION RECOMMENDATION of 21st December 2009 on the safe implementation of the use of low sulphur fuel by ships at berth in community ports****Information for Ship-owners, Operators and seafarers****This Bulletin should be read in conjunction with :**

Council Directive 1999/32/EC of 26th April 1999

Council Directive 2005/33/EC of 6th July 2005 (adopted by National Decree-Law n.º 69/2008 of 14th April 2008)

Commission Recommendation 2009/1020/EU of 21st December 2009 (attached)

We wish to bring to your attention the following information transmitted by the Portuguese Maritime Administration (IPTM):

“Directive 2005/33/EC of 6th July 2005, of the European Parliament and of the Council, which establishes the sulphur content of marine fuels, with the aim to reduce the emissions of sulphur dioxide resulting from its combustion and to diminish, therefore, unacceptable impacts of these emissions on human health and the environment.

The Directive has been transposed to the national legislation by the Decree-Law n. 69/2008 of 14th April 2008.

According to article 4-B of the Decree-Law n. 69/2008 of 14th April 2008, all ships at berth¹ in Portuguese Ports cannot use, from 1st January 2010, a marine fuel with a sulphur content exceeding 0,1% by mass.

Considering that the use of light oil and marine fuel by ships not designated for such, or that have not had benefit of the technical adaptation necessary, might raise operational problems and safety risks, the European Commission has adopted, in 21st December 2009, the Recommendation of the Commission n. 2009/1020/EU (attached), which discloses a guideline to Member States and the sector on a possible approach to this issue.

From the recommendations of the Commission we may emphasize the guidelines given to Member States in order for them to demand the vessel proofs, whenever non-complying with article 4-B, of the measures already taken to ensure the compliance of the legal framework in force.

¹ According to point o), n.º 1, article 2.º of Decree-Law n. 69/2008 of 14th April 2008, ships at berth means ships which are securely moored or anchored in a Community port while they are loading, unloading or hotelling, including the time spent when not engaged in cargo operations (point 3i..(d) of article 1 of Council Directive 2005/33/EC of 6 July 2005



In order to ensure the compliance of the legal framework in force, adopted by Council Directive 2005/33/EC of 6th July 2005, and at the same time to contribute for the awareness of ship owners, operators and seafarers for the safety risk related to fuel changeover, in the absence of any necessary technical adaptation to a ship's fuel system, and yet the necessity for training, please find in attached for information, disclosure and to whom it may concern, the Commission Recommendation 2009/1020/EU of 21st December 2009.

Moreover, the above mentioned Recommendation of the Commission does not in any way impair the rights of Member States by applying to ships the sanctions arranged in the corresponding legal frameworks. The existence on board of a further approved plan of equipment may, however, lessen the degree of seriousness of the sanctions to apply to non-compliant vessels.”

Yours faithfully,

THE TECHNICAL COMMISSION
OF THE INTERNATIONAL SHIPPING REGISTER OF MADEIRA -MAR