



| Adv. Yoav Harris |

Sulphur is one of the basic elements found in nature in all living organisms. Fuel which is mined or pumped is derived from plants and living species and for this reason includes Sulphur. The use of fuel releases Sulphur dioxide into the atmosphere which returns to the earth as "acid precipitation" while is harmful to health.

Accordingly, in 1999 the European Union issued Directive 1999/32 in order to limit the emission of Sulphur Dioxide caused by the use liquid fuels, the object being to reduce the harmful effect of such emissions on persons and the environment (article 1, Clause 1, of the Directive). Article 1, Clause 2 of the Directive states that the above objective is to be achieved by reducing in the emissions of Sulphur dioxide resulting from the combustion of certain petroleum derived liquid fuels by limiting their Sulphur content in Member States, Territory, Territorial Seas, Exclusive Economic Zones and Pollution Control Zones.

In June 2012 the International Agency for The Research of Cancer (IARC) being part of The World Health Organization determined that diesel engine emissions as being the foremost cause of cancer as a result of continual exposure to emissions from diesel powered engines.

in 6 September 2015 a Government Directive was adopted in Israel (Directive No. 529.) entitled "the establishment of a national plan to reduce air pollution and for the diminution of environment danger in Haifa Bay area." In relation to the reduction of the emission of Sulphur Dioxide, the object was to reduce the quantity of the emissions from 1200 tons by 75% until 2018 and also to establish a "clean air" environment in Haifa.

IMO in 1973 had already adopted the Convention for the prevention of emissions from ships which had already been promulgated in 1978, better known as MARPOL. The sixth Annexure to MARPOL, relates to the prevention of pollution from ships which came into effect in 2005.

Against the above the Israeli Shipping Authority (Raspan) promulgated the Regulations for the prevention of pollution in 2016 which confirmed the

provisions of the sixth Annexure to Marpol and the above Government Directive of 2015.

On 26.10.2018 the Marine Environment Protection Committee, which functions under the aegis of the International Maritime Organization (IMO), adopted the maximum limit of Sulphur of 0.5% in fuel oil for ships which became effectual on 1.1.2020

in addition to the limit of 0.5% mentioned above, and before it's coming into effect IMO determined that certain areas being, The Baltic Sea, The North Sea and the Caribbean area of the U.S.A would be limited to a Sulphur of only 0.1% and any other area determined by the Minister of transport, for example, Israel's territorial waters and contiguous waters, where the adjacent countries are empowered to promulgate regulations, including those governing Customs and the marine environment.

Prior to the entry of a ship to a "monitored" emissions area, it will be obliged to have Sulphur limited fuel and to have records confirming this. A ship which is "tied up" to a dock or quay or is in any other manner is "tied up" for loading or discharge or in preparation therefor will be obliged to have fuel with a Sulphur content not exceeding 0.1%.

Ships which have an external source of energy (such as an electric power line) or which are "tied up" for less than two hours during their stays in a port will be exempted from the above limit.

The Regulations also provide that ships which have the technical means approved by IMO to reduce Sulphur emissions to 0.1% will be exempted from carrying fuel with a Sulphur content in excess of 0.1%

The suppliers of marine fuel oil will be obliged under the Regulations to have a "fuel delivery certificate" in both the Hebrew and English languages under which undertakings are given as to the Sulphur content of the fuel supplied and further undertakings relating to the components and quality of such fuel-all as stated in the Regulations.

The ship is obliged to retain these certificates, for inspection as requested. The ship is also obliged to keep examples of the fuel supplied for a period of one year from the supply. At the time of fueling samples of the fuel supplied have to be taken from the supplier to

be kept on the ship for a period of one year from the supply for an examination of the samples.

A supplier which does not supply fuel complying with the Regulations will be subject to sanctions such as deletion from the list of approved suppliers for a period of 30 days or the continued conditioning of the inclusion in the list of approved suppliers, by the provision of a guarantee or a monetary deposit and also the payment of fine.

Ships which do not comply with the regulations both in relation to the required quality of the fuel consumed or in relation to the maintaining of records and the reporting required by the Regulations will be subject to criminal proceedings including, at the request of foreign State. The owner of such a ship can be requested to provide a guarantee by the Port Management to secure the presence of the owner at the ensuing trial.

Accordingly, as from the date of the entering into force it will not be possible, in Israel ports and in the areas declared as "designated emission areas" to use fuel having a Sulphur content in excess of more than 0.1%. The obligation is territorial without a distinction between Israeli or "foreign" ships and is applicable to all ships calling at Israel ports.

Over and above the use of "low level" fuel, there are considerations relating to the production and refining of compliant fuel for use by ships, on ships equipment for the treatment of fuel oil, on the supply of the fuel, on the use of alternative energy sources whilst ships are in port and on the infrastructure required for the supply of such alternatives. The aforesaid will, in addition to operational considerations of ship owners and the economic operational considerations of agents and charterers in complying with the new requirements for emissions in excess of the now permitted limit may also lead to criminal proceedings, fines and delays.

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