

Circular From GARD

Date: 8 May 2021

Charting the 2021 Maritime Regulatory Landscape

2021 ushers in a new cyber era for the shipping industry with the introduction of the requirement to address cyber risks in a vessel's safety management system. This is just one of the many regulations that enter into force this year. Below, we look at a number of the more important international regulations that enter into force in 2021, as well as some key domestic regulatory changes in relation to ship recycling and other environmental issues such as air emissions.

Numerous regulations were implemented [during](#) 2020, among them the 0.5% global sulphur cap, use of electronic record books and amendments to the Maritime Labour Convention 2006 and 2021 is no different. We summarize below upcoming regulations by date of implementation and encourage Members and clients to ensure that their crew and shore staff are familiar with the upcoming changes prior to their entry into force. We cover the period from January until July 2021 in this article. If there are any regulations coming into force in the months after July 2021 we will update this Insight accordingly.

1 JANUARY 2021

[Resolution MSC.428\(98\): Maritime Cyber Risk Management](#)

Across the global maritime community, ports, ships and offshore units are increasingly connected to and dependent on systems that makes use of a cyberspace (internet). Failure to anticipate and prepare for a cyber incident onboard a ship or offshore unit may have significant consequences. The IMO encourages Administrations to ensure that cyber risks are appropriately addressed in existing safety management systems (SMS) no later than the first annual verification of the company's Document of Compliance (DOC) after 1 January 2021. USCG's Vessel Cyber Risk Management Work Instruction ([CVC-WI-027\(1\)](#)) provides useful guidance on the key points port state control (PSC) inspectors are likely to look at when assessing cyber hygiene onboard.

IMO circular(s)

- [MSC-FAL.1/Circ.3](#)

Gard published material on cyber security

- [Cyber security awareness information package](#)

- Insights and alerts
 - [It is time to strengthen your onboard cyber security procedures](#)
 - [Denmark identifies cyber threats in its maritime sector](#)
 - [Ship operators cannot afford to turn a blind eye to cyber security](#)
 - [Maritime industry targeted by cyber criminals](#)
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Resolution MEPC.315(74): Amendments to MARPOL Annex II

A new term ‘persistent floater’ has been added to the definitions under cargo residues and tank washings. Also, the discharge requirements for cargo residues and tank washings containing persistent floating products with a high viscosity and/or a high melting point that can solidify under certain conditions have been strengthened in some sea areas. Vessels must pre-wash and discharge residue generated during prewash to a shore reception facility at the discharge port. The relevant sea areas are North West European Waters, Baltic Sea, Western European Waters and Norwegian Sea. Owners and managers will need to revise their Procedures and Arrangements manual to incorporate the changes.

Resolution MEPC.318(74) & Resolution MSC.460(101): Amendments to IBC Code

There are extensive changes to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code). Some chapters have been amended whilst some have been replaced. Vessels carrying bulk liquid prone to the formation of hydrogen sulphide (H₂S) will have to carry H₂S detection equipment. Chapter 21 has a revised criterion for assigning carriage requirements for products subject to the IBC Code. For many ships it might be necessary to update their Noxious Liquid Substances (NLS) certificate or Certificate of Fitness to reflect the changes. Similar changes have also been implemented in the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code), which applies to chemical tankers which have a keel laying date on or before 30 Jun 1986, pursuant to Resolution MEPC.319(74). Intertanko has published an implementation tool as guidance, which can be accessed [here](#) (note: access is restricted to Intertanko members).

Resolution MSC.462(101): IMSBC Code amendments

Amendment 05-19 to the International Maritime Solid Bulk Cargoes (IMSBC) Code introduces several changes as highlighted below as a result of which some vessels may require their certificate of fitness to be amended. Changes introduced are:

- Inclusion of test procedure for determining Transportable Moisture Limit (TML) for bauxite fines
- Reclassification of Group B cargoes
- Amendments to ‘characteristics’ table
- New schedules added to Appendix 1. Most notable entries being bauxite fines (Group A) and seed cakes (Group B)

Resolution MEPC.248(66): Approved stability instrument for oil tankers

Oil tankers constructed before 1 January 2016 should have a document of approval for the stability instrument. The International Oil Pollution Prevention (IOPP) Certificate to be amended accordingly. If the vessel already has one capable of verifying compliance with intact and damage stability to the satisfaction of the Administration, then it need not be replaced.

Resolution MSC.377(93): Approved stability instrument for gas carriers

Gas carriers to which the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code) applies should have a document of approval for the stability instrument and this should be reflected in the certificate of fitness. If the vessel already has one capable of verifying compliance with intact and damage stability to the satisfaction of the Administration, then it need not be replaced.

Resolution MEPC.250(66) and MSC.369(93): Approved stability instrument for chemical tankers

Chemical tankers with a keel laying date between 01 July 1986 and 31 December 2015 should have a document of approval for the stability instrument and this should be reflected in the certificate of fitness. If the vessel already has one capable of verifying compliance with intact and damage stability to the satisfaction of the Administration, then it need not be replaced. For chemical tankers with a keel laying date on or before 30 June 1986 the requirements are the same and reference should be made to [MEPC.249\(66\)](#) and [MSC.376\(93\)](#).

Resolution MEPC.286(71): Designation of the Baltic Sea and the North Sea Emission Control Areas for NOX Tier III control

In addition to the current NOx Tier III emission control areas (United States Caribbean Sea area and North American area), Baltic Sea and North Sea areas will be added to the list. It affects ships constructed on or after 1 January 2021 or existing ships which install an additional engine or replace an engine with non-identical engine. Refer to Regulation 1.11.2 of MARPOL Annex I for the boundaries of the Baltic Sea and North Sea areas.

Resolution MSC.461(101): Amendments to the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code)

The adopted amendments include the following:

- Replacement of non-compulsory word “should” by compulsory word “shall” to indicate the text’s mandatory nature
- New definitions for a few terms such as ‘edge corrosion’, ‘Administration’, ‘grooving corrosion’ etc.

- New requirements for overall and close up surveys
- New Annex for recommended thickness programme for Common Structural Rules (CSR) single-side bulk carriers and CSR double-side bulk carriers
- Figures used in the Code have been revised
- New requirements of the acceptance criteria for corrosion
- New requirements of the rescue and emergency response equipment

Resolution MSC.434(98): GMDSS Performance Standards

Every ship earth station forming part of the GMDSS and designed to operate as part of a mobile satellite service recognized on or after 1 January 2021, should comply with the relevant requirements of [resolution A.1001\(25\)](#). Alternately, if designed to operate on a mobile satellite service recognized before 1 January 2021 it should conform with the relevant requirements of resolution A.1001(25); or to performance standards not inferior to those specified in the annex to resolution MSC.130(75) if installed after 1 February 1999, or resolution A.808(19) if installed on or after 23 November 1996 and before 1 February 1999, or resolution A.698(17) if installed before 23 November 1996.

EU Regulation 1257/2013: Ship recycling regulation

From 31 December 2020, non-EU flagged ships or an EU flagged existing ships should have onboard an approved inventory of hazardous materials (IHM) when visiting an EU port or anchorage. From 1 January 2021, UK flagged ships will be classes as foreign flagged ships as per MCA's [Marine Information Note 645](#). For the benefit of owners, managers and masters EU has prepared a guidance document on inspections of ships by the port States in accordance with Regulation (EU) 1257/2013 on ship recycling which can be accessed [here](#).

The European Commission had received reports from industry stakeholders that Covid-19 restrictions have led to significant difficulties in surveying ships and producing certified IHMs. This prompted the EC to publish guidelines ([2020/C 349/01](#)) on an harmonized approach by PSC authorities for a limited period until 20 June 2021. It is to be note that where a vessel does not have an IHM, the burden of proof is on the owner/master to provide evidence (such as service contract) that all possible measures were taken to undertake the work and obtain the certification required.

California: Submission Requirement for the Marine Invasive Species Program Annual Vessel Reporting Form

Web based platform [MISP.IO](#) is to be used to submit the Marine Invasive Species Program Annual Vessel Reporting Form (AVRF). The new requirement does not affect the timing of the submission, which is still once each calendar year and at least 24 hours prior to a vessel's first arrival at a Californian port.

California: Increased criminal penalties for oil spill related offences

New fines under California's Lempert-Keene-Seastrand Oil Spill Prevention and Response Act will be applicable from 1st January 2021 for ship sourced oil pollution damage in Californian State waters. These

finer will result in:

- A doubling of certain existing fines up to a maximum of USD 1,000,000 for each violation, with each day or partial day of a violation being considered a separate violation, and
- The courts being empowered to impose a new additional fine of up to USD 1,000 per gallon of oil spilled in excess of 1,000 gallons.

In each case a fine may be imposed if the violator knowingly caused, or reasonably should have known that their actions would lead to, an oil spill into Californian State waters. Gard's circular on this topic can be found [here](#).

China: At berth shore power requirements for cruise ships

Shore power shall be used if a cruise gets alongside berth with onshore power supply capacity for more than three hours in the emission control areas. Our correspondent, Huatai's circular covering the local requirements for Emissions Control Areas can be accessed [here](#).

12 APRIL 2021

Argentina: SENASA Resolution 764/2020 on Asian Gypsy Moth

Through disposition 001/2021, Argentinean National Health and Agri-Food Quality Service (SENASA) has postponed the implementation of the regulation on *Lymantria dispar* Plague (Gypsy Moth) from 12 January 2021 to 12 April 2021. From this date onward vessels that have visited certain ports in Asia Pacific between May and September in the previous 24 months must document that they have been inspected and "certified free of Asian Gypsy Moth" prior to arriving in Argentina. Our Gard Alert on this topic can be accessed [here](#).

1 JUNE 2021

Resolution MEPC.274(69): Regulations for the Prevention of Pollution by Sewage from Passenger Ships

Depending on the building contract or the keel laid date of passenger ships, discharge of sewage is prohibited in the newly introduced special area, the [Baltic Sea](#). Ships that have an approved sewage treatment plant (STP) that is type approved as per [MEPC.227\(64\)](#) are exempted from prohibition on sewage discharge.

1 JULY 2021

Resolution MSC.370(93): Approved stability instrument for gas carriers

Gas carriers with a keel laying date between 1 January 1986 and 30 June 2016 should have a document of approval for the stability instrument and this should be reflected in the certificate of fitness. If the vessel already has one capable of verifying compliance with intact and damage stability to the satisfaction of the

Administration, then it need not be replaced.

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信息来源：The Gard P&I Club

Source of Information: The Gard P&I Club

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