



MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 6

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**INTERPRETATIONS AND AMENDMENTS OF MARPOL 73/78
AND RELATED INSTRUMENTS**

Applicability of article 2(4) of the MARPOL Convention to FPSOs and FSUs

Submitted by the Confederation of Free Trade Unions (ICFTU)

SUMMARY

Executive summary: This document requests a clarification on the applicability of MARPOL Article 2 definition of a ship to FPSOs and FSUs designed to be released from their moorings

Action to be taken: Paragraph 7

Related documents: BLG 11/7/2; resolutions MEPC.139(53) and MEPC.142(54); 2005 Amendments to Unified Interpretations to MARPOL Annex I; ISM Code

Introduction

1 Since 2001, the Marine Environmental Protection Committee has worked on amendments to MARPOL Annex I to exempt Floating Production, Storage and Offloading Facilities (FPSOs) and Floating Storage Units (FSUs) from many of the requirements of an oil tanker as defined in Chapter I, regulation I.

2 In the Annex to resolution MEPC.139(53), adopted on 22 July 2005, in introducing the Guidelines, the following was recorded:

- MEPC 49 noted the complex issues involved in applying the requirements of MARPOL Annex I to FPSOs and FSUs, whose arrangements, functions and operations fall under the overriding control of coastal States;
- FPSOs and FSUs are a form of floating platform and do not lie within the definition of oil tanker in regulation 1.5 of revised MARPOL Annex I; and
- the Committee noted that the environmental hazards associated with the quantities of produced oil stored on board operational FPSOs and FSUs are similar to some of the hazards related to oil tankers.

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3 At BLG 11, Australia submitted document BLG 11/7/2 with respect to oil transfer operations between ships at sea, and noted that:

- FPSOs and FSUs are included in the definition of ‘ship’ in article 2 of the MARPOL Convention; and
- no further explicit reference is required as the relevant conventions (ISM Code Chapter 7) apply.

Discussion

4 In the subsequent debate at BLG 11, the status of the FPSOs and FSUs as a ship was unclear and therefore the application of other IMO Conventions, e.g. the STCW, SOLAS and ISM Code, was questionable. This is particularly relevant where these vessels have the provision to disconnect their moorings in an emergency, or extreme weather conditions, and operate under their own power.

5 It appears that whilst extensive work has been done to identify which provisions of MARPOL Annex I these vessels can be excluded from, there have yet to be discussions to clarify to what extent the requirements of a ship, within other conventions, are applicable. This is particularly problematic where the interface between production and maritime requirements are not easily defined and maritime crew, without being part of the vessel management, are expected to assume full responsibility with little notice.

6 Recent incidents have exposed the dangers that this lack of clarity permits and, in one case, it came close to allowing 12,000 tonnes of crude oil to pollute the shoreline.

7 We are of the view that any FPSO or FSU, capable and required to operate as a ship, is a ship under article 2 and, with exception of the amendments to Unified Interpretations adopted in 2005 to MARPOL Annex I, should at all times be able to show compliance with the relevant IMO Conventions.

Action requested of the Committee

8 The Committee is invited to confirm that article 2 of the MARPOL Convention on the definition of a ship is entirely applicable to FPSOs and FSUs at all times, whether moored or detached from the mooring and under their own power.