
Government Notice No. 299 of 2020

THE MERCHANT SHIPPING ACT

**Regulations made by the Minister under section 228 of
the Merchant Shipping Act**

PART I – PRELIMINARY

1. These regulations may be cited as the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2020.

2. Interpretation

(1) In these regulations –

“Act” means the Merchant Shipping Act;

“Annex VI” means Annex VI to MARPOL, as may be amended from time to time;

“anniversary date” means the day and month of each year which will correspond to the date of expiry of the latest appropriate certificate which has been issued and which is still valid in respect of the ship in question;

“appropriate certificate” means –

(a) an IAPP Certificate issued in accordance with Appendix I of Annex VI; or

(b) an IEE Certificate issued in accordance with Appendix VIII of Annex VI; or

(c) both,

as the case may be;

“Chapter 4” means chapter 4 of Annex VI;

“collection system” means a system for the collection of volatile organic compounds approved by the Director in accordance with the relevant safety standards issued by IMO;

“continuous feed” in relation to a shipboard incinerator, means the process whereby waste is fed into a combustion chamber without human assistance while the incinerator is in normal operating conditions with the combustion chamber operative temperatures within the range of 850 degrees Celsius and 1,200 degrees Celsius;

“Contracting Government” for the purpose of these regulations means the Government of a State which is party to MARPOL Annex VI;

“date of expiry”, in relation to an appropriate certificate held in respect of a ship, means the last day of the period specified in that appropriate certificate as the period for which the certificate is valid;

“emission” means any release of a substance subject to control by these regulations from a ship into the atmosphere or sea;

“Flag State” in relation to a ship, means the State whose flag the ship is entitled to fly;

“fuel oil” means any fuel delivered or intended to be delivered for combustion purposes, for propulsion or operation on board a ship, including gas, distillates and residual fuels;

“gross tonnage” has the same meaning as under the Merchant Shipping (Tonnage) Regulations;

“IAPP Certificate” means the International Air Pollution Prevention Certificate issued in accordance with these regulations and regulation 6 of Annex VI of MARPOL;

“IEE Certificate” means the International Energy Efficiency Certificate issued under these regulations and regulation 6 of Annex VI of MARPOL;

“IMO” means the International Maritime Organisation;

“innocent passage” has the same meaning as under the United Nations Convention on the Law of the Sea;

“installation” means –

- (a) a system or equipment (including a portable fire extinguishing unit), insulation or other material that contains ozone-depleting substances (other than hydrochlorofluorocarbons) which is installed on a ship but does not include –
 - (i) any repair or recharge of such system, equipment, insulation or other material which is installed before 19 May 2005;
 - (ii) any recharge of a portable fire-extinguishing unit which is installed before 19 May 2005; and
 - (iii) a permanently sealed equipment referred to in regulation 12 of Annex VI; and
- (b) a system or equipment (including a portable fire extinguishing unit), insulation or other material that contains hydrochlorofluorocarbons but no other ozone-depleting substances which is installed on a ship but does not include –

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- (i) any repair or recharge of such system, equipment, insulation or other material which is installed before 1 January 2020;
 - (ii) any recharge of a portable fire-extinguishing unit which is installed before 1 January 2020; and
 - (iii) a permanently sealed equipment referred to in regulation 12 of Annex VI;

“management company” has the same meaning as under the Merchant Shipping (ISM Code) Regulations;

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 (including its protocols, annexes and appendices thereto, as amended by the Protocols of 1978 and 1997, and as may subsequently be amended from time to time;

“Mauritius ship” means a ship which is registered in Mauritius;

“maximum continuous rating of the engine” means the rated power in kW as given in the Engine International Air Pollution Prevention Certificate issued in accordance with the NO_x Technical Code;

“Merchant Shipping Notice” means a Merchant Shipping Notice issued by the Director;

“new installation” means the installation of systems, equipment, including new portable fire extinguishing units, insulation, or other material on a ship, but excludes repair or recharge of previously installed systems, equipment, insulation, or other material, and excludes recharge of portable fire extinguishing units;

“new ship” means a ship –

- (a) for which the building contract is placed on or after 1 January 2013; or
- (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 July 2013; or
- (c) the delivery of which is on or after 1 July 2015;

“non-Chapter 4 ship” means –

- (a) a ship that is not propelled by mechanical means; or
- (b) a platform, including –
 - (i) a floating production storage and offloading facility;
 - (ii) a floating storage unit; and
 - (iii) a drilling rig;

“NO_x Technical Code” means the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines;

“noxious liquid substance” has the meaning given in Annex II of MARPOL;

“offshore terminal” means an installation situated away from the shore, where bulk, fluid or gas cargo (or more than one of these) is –

- (a) transferred between ships;
- (b) loaded onto a ship after having been transported from the shoreline; or
- (c) unloaded from a ship for transporting to the shoreline;

“ozone-depleting substance” has the same meaning as under Annex VI;

“Polar Code” means the International Code for Ships Operating in Polar waters;

“port” has the same meaning as in the Ports Act;

“port limit” has the same meaning as in the Ports Act;

“Port State Control Regulations” means the Merchant Shipping (Port State Control) Regulations 2018;

“shipboard incineration” means the incineration on board a ship of wastes or other matter generated during the normal operation of the ship;

“shipboard incinerator” means a shipboard facility designed for the primary purpose of incineration;

“similar stage of construction” means the stage at which –

- (a) construction identifiable with a specific ship has begun; and
- (b) assembly of that ship has incorporated at least 50 tonnes of structural material or one per cent of the estimated mass of all structural material, whichever is less;

“sludge oil” means sludge from fuel or lubricating oil separators, waste lubricating oil from main or auxiliary machinery, or waste oil from bilge water separators, oil filtering equipment or drip trays;

“special ship” means –

- (a) a specified non-conventional propulsion ship; or
- (b) Category A ships as defined under the polar code;

“tanker” for the purpose of these regulations means –

- (a) an oil tanker as defined under Annex I of MARPOL;
or
- (b) a chemical tanker as defined under Annex II of MARPOL;

“territorial sea” in case of –

- (a) Mauritius, has the same meaning as under the Act;
and
- (b) for any other State, has the same meaning as under the United Nations Convention on the Law of the Sea.

(2) Any reference in Part II to a survey, so far as it concerns a survey of engines and equipment means a survey in accordance with the NOx Technical Code.

3. MARPOL Annex VI to have force of law

Annex VI of MARPOL as may be amended from time to time shall have force of law in Mauritius.

4. Application and exemptions

- (1) Unless otherwise provided these regulations shall apply to –
 - (a) a Mauritius ship wherever it may be; or
 - (b) any other ship while it is within the territorial sea of Mauritius.
- (2) These regulations shall not apply to –
 - (a) any warship or naval auxiliary; or
 - (b) any other ship owned or operated by a State for non-commercial purpose.

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- (3) These regulations shall not apply to fuel oil –
 - (a) intended for the purpose of research and testing;
 - (b) intended for processing prior to final combustion; or
 - (c) to be processed in the refining industry.
 - (4) These regulations shall not apply to any emission –
 - (a) necessary for the purpose of securing the safety of a ship or saving life at sea;
 - (b) resulting from damage to a ship or its equipment, except to the extent that the emission is due to –
 - (i) a failure to take all reasonable precautions after the occurrence of the damage or discovery of the emission for the purpose of preventing or minimising the emission; or
 - (ii) damage caused in consequence of the owner or master either intending to cause damage, or recklessly and with knowledge that damage would probably result;
 - (c) from any platform resulting from the incineration of substances that are solely and directly the result of exploration, exploitation and associated offshore processing of sea-bed mineral resources, including but not limited to –
 - (i) the flaring of hydrocarbons and the burning of cuttings, muds and stimulation fluids during well completion and testing operations;
 - (ii) flaring arising from upset conditions; and
 - (iii) the release of gases and volatile compounds entrained in drilling fluids and cuttings;

- (d) associated solely and directly with the treatment, handling or storage of a sea-bed mineral resources; or
- (e) from a diesel engine that is solely dedicated to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

5. Equivalents

The Director may permit any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by these regulations if that fitting, material, appliance or apparatus is at least as effective as that required by these regulations.

PART II – SURVEYS AND CERTIFICATION OF SHIPS

6. Surveys

- (1) Every –
 - (a) ship of 400 gross tonnage or above; and
 - (b) every fixed and floating drilling rig and other platforms,

to which these regulations apply shall not be put or continue in service unless the requirements for survey in accordance with regulation 5 of Annex VI are met.

- (2) The surveys referred under paragraph (1) shall include –
 - (a) the initial survey;
 - (b) the renewal survey;
 - (c) the intermediate survey;
 - (d) the annual survey; and
 - (e) any additional survey.

7. Responsibilities of the owner and master of a ship

(1) The owner and the master of every Mauritius ship to which these regulations apply shall ensure that the condition of the ship and its equipment are maintained to conform with the provisions of Part III so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The owner and the master of every Mauritius ship to which these regulations apply shall ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the equipment, systems, fittings, arrangements and materials of that ship covered by the survey without the approval of the Director.

(3) Whenever –

- (a) an accident occurs to a ship; or
- (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Part III, the owner and the master of the ship shall ensure that the requirements of paragraph (4) are complied with.

(4) (a) In case of a Mauritius ship the accident or defect, as the case may be, shall be reported at the earliest opportunity to –

- (i) the Director;
- (ii) the Classification Society that issued the appropriate certificate in respect of the ship; and

- (iii) where a Mauritius ship in a port outside of Mauritius, to the appropriate maritime authorities in the country in which the ship is situated.

(b) In case of a foreign ship within the port or navigating through the territorial sea of Mauritius, the accident or defect, as the case may be, shall be reported to –

- (i) the Director; and
- (ii) its Flag State.

(5) Whenever an accident or defect is reported to the Director in accordance with paragraph (4)(a), the Director may –

- (a) enquire into the matter; and
- (b) where he considers that an additional survey is necessary, shall cause that survey to be carried out.

(6) In paragraph (2), “direct replacement” means the direct replacement of equipment and fittings with equipment and fittings that conform with the provisions of Annex VI.

8. Issue of appropriate certificate to a Mauritius ship by an approved Classification Society

Where a survey has been carried out under regulation 6 on a Mauritius ship and the approved Classification Society is satisfied at the date of the survey that the equipment, systems, fittings, arrangements and materials fully comply with the requirements of Part III or an alternative that has been permitted pursuant to regulation 5, the approved Classification Society shall issue –

- (a) a IAPP Certificate; and
- (b) an IEE Certificate,

in respect of that ship.

9. Issue of IAPP and IEE Certificates by another Government in respect of Mauritius ships

The Director may request a Contracting Government –

- (a) to survey a Mauritius ship to which these regulations apply; and
- (b) (i) issue, or authorise the issue of; or
- (ii) endorse, or authorise the endorsement of,

an IAPP Certificate or an IEE Certificate, or both, as the case may be, in respect of that ship if the Contracting Government is satisfied that the ship complies with the requirements of Annex VI.

10. Issue of IAPP or IEE Certificate in respect of ships which are not Mauritius ships

(1) Subject to paragraph (4), the Director on request from a Contracting Government –

- (a) may cause a survey to be carried out in respect of a ship to which these regulations apply; and
- (b) shall issue in respect of that ship an appropriate certificate, or endorse the appropriate Certificate, in accordance with the requirements of Annex VI, where the Director is satisfied that the requirements of Annex VI are complied with.

(2) An appropriate certificate issued pursuant to paragraph (1) shall –

- (a) be in English in the form set out in Appendix 1 to Annex VI;

- (b) contain a statement that it has been so issued; and
- (c) have the same effect as if it had been issued by the Contracting Government who made the request referred to in paragraph (1).

(3) The Director shall send as soon as possible to the Contracting Government who made the request referred to in paragraph (1) a copy of –

- (a) the appropriate Certificate issued pursuant to that paragraph; and
- (b) the survey report.

(4) The Director shall not issue any certificate in respect of a ship which is registered in a State which is not a Contracting Government.

11. Duration and validity of appropriate certificates

(1) Subject to the following paragraphs and to regulation 13 an appropriate certificate issued in respect of a Mauritius ship to under these regulations shall be valid for such period as is specified in the certificate, not exceeding 5 years beginning with the date of completion of the relevant initial or renewal survey.

(2) Subject to paragraphs (3) and (4) and regulation 12, where a renewal survey is completed –

- (a) within the final three-month period; or
- (b) after the date of expiry of the latest appropriate certificate,

the new appropriate certificate shall be valid for such period as is specified in the certificate, beginning with the date of the completion

of the renewal survey and ending with a date not exceeding 5 years from the date of expiry of the latest appropriate certificate.

(3) An IAPP certificate issued in respect of a ship shall cease to be valid –

- (a) upon the ship being transferred to the flag of another State;
- (b) where a survey under regulation 6 is not completed in accordance with the requirements of these regulations; or
- (c) if an appropriate certificate is not endorsed in accordance with the requirements of these regulations.

(4) An International Energy Efficiency Certificate issued in respect of a Mauritius ship shall cease to be valid where –

- (a) the ship is withdrawn from service and a notice to that effect has been given to the Director by the owner or the master of the ship;
- (b) the ship has undergone a major modification and a new International Energy Efficiency Certificate is issued in respect of the ship after the major modification; or
- (c) the ship is transferred to another registry.

12. Extension of periods of validity of appropriate certificates for Mauritius ships

The approved Classification Society may, upon approval of the Director, extend the validity period of an existing appropriate certificate issued in respect of a ship in accordance with regulation 9 of Annex VI where –

- (a) the certificate is valid for a period of less than 5 years;

- (b) the new specified certificate cannot be issued or placed on board the ship before the expiry of the certificate;
- (c) the ship is not in the port in which it is to be surveyed when the certificate expires; or
- (d) the ship is engaged in short voyages.

13. Procedure to be adopted when a Mauritius ship is deficient

(1) Where a surveyor determines that the condition of a Mauritius ship, or its equipment does not correspond substantially with the particulars of the appropriate certificate (if any) issued in respect of the ship he shall –

- (a) inform the owner or master of the corrective action which in the opinion of the surveyor is required; and
- (b) where an appropriate certificate has been issued in respect of the ship and is still valid, notify –
 - (i) the Director; and
 - (ii) the approved Classification Society that issued the appropriate certificate.

(2) Where an appropriate certificate has been issued in respect of the ship and is still valid, the Director may instruct the approved Classification Society to suspend the validity of that certificate until the corrective action has been taken.

(3) Where the approved Classification Society suspends the validity of an appropriate certificate issued in respect of a ship, it shall immediately give notice of such suspension –

- (a) to the owner of the ship; and

- (b) where the ship is in a port outside of Mauritius, to the appropriate maritime authorities of the country of the port where the ship is situated.

PART III – CONTROL OF EMISSIONS FROM SHIPS

14. Ozone-depleting substances

(1) No ship shall engage in the deliberate emission of an ozone-depleting substance.

- (2) For the purposes of this regulation “deliberate emission” –
 - (a) includes an emission occurring in the course of maintaining, servicing, repairing or disposing of systems or equipment; but
 - (b) does not include minimal releases associated with the recapture or recycling of an ozone-depleting substance.

(3) Any new installation which contains ozone-depleting substances, including hydro-chlorofluorocarbons, shall be prohibited on a ship referred to in regulation 12 of Annex VI.

(4) Where any ozone-depleting substances or an equipment containing such substances is removed from a ship while it is within the territorial sea of Mauritius, the substances and the equipment shall be delivered to a reception facility approved by the Mauritius Ports Authority.

(5) Every ship of 400 gross tonnage or above shall maintain a list of the systems and equipment –

- (a) which contain ozone-depleting substances; and
- (b) which are listed in the supplement to the International Air Pollution Prevention Certificate.

15. Nitrogen oxides

- (1) Subject to paragraph (2), these regulations shall apply to –
 - (a) every diesel engine with a power output of more than 130 kW which is installed on a ship constructed on or after 1 January 2000; and
 - (b) every diesel engine with a power output of more than 130 kW which is installed on a ship and which undergoes or has undergone a major conversion on or after 1 January 2000.

- (2) These regulations shall not apply to any –
 - (a) equipment or other device intended to be used solely in case of an emergency, including any emergency diesel engine and any diesel engine installed in a lifeboat; or
 - (b) diesel engine installed on a ship solely engaged in voyages within the territorial sea of Mauritius provided that the engine is subject to an alternative nitrogen oxide control measure that has been approved by the Director.

(3) Where a diesel engine is installed on a Mauritius ship engaged solely in voyages to ports or offshore terminals within the port limits, and –

- (a) that ship was constructed; or
- (b) the engine underwent a major conversion,

before 19 May 2005, the Director may on application by the owner of the ship direct that these regulations shall not apply to that engine.

(4) Every ship to which these regulations apply shall comply with –

- (a) the Tier I requirements of MARPOL regulation 13 by 1 January 2020;
- (b) the Tier II requirements of MARPOL regulation 13 by 1 January 2022; and
- (c) the Tier III requirements of MARPOL regulation 13 by 1 January 2025.

(5) When assessing under paragraph (4), the emission of nitrogen oxide from a diesel engine using fuel composed of blends of hydrocarbons derived from petroleum refining, the test procedure and measurement methods shall be in accordance with the NOx Technical Code.

16. Sulphur oxides

(1) Subject to paragraph (5), every ship intending to come to a port in Mauritius shall, upon entering the territorial sea of Mauritius, use on board –

- (a) fuel with a sulphur content not exceeding 0.50% m/m; or
- (b) (i) an approved closed loop exhaust gas cleaning system; or
- (ii) an approved hybrid exhaust gas cleaning system in closed loop mode.

(2) A Mauritius ship navigating within a sulphur oxide emission control area shall comply with the requirements of regulation 14 of MARPOL.

(3) The Master of every Mauritius ship using separate fuel oils to comply with paragraph (2) shall –

- (a) allow sufficient time for the fuel oil service system on the ship to be fully flushed of all oil the sulphur content of which exceeds the limit set out in regulation 14.4 of Annex VI;
- (b) ensure that there is on board a written procedure showing how the change-over of the fuel oil is to be done; and
- (c) keep a record of –
 - (i) the volume of low sulphur oils in each tank; and
 - (ii) the date, time and position of the ship,

when any fuel oil changeover operation is completed prior to the entry into an emission control area or commenced after exit from such an area.

(4) No fuel oil shall be carried on board for use for combustion purposes as from 1 March 2020 unless the requirements of paragraph (1) are met.

(5) The requirements of paragraph (1) shall not apply to ships engaged in innocent passage.

(6) Where a ship is found not to be in compliance with the standards for compliant fuel oils, the Director shall require the ship to –

- (a) present a record of the actions taken to attempt to achieve compliance; and

- (b) provide evidence that it attempted to purchase compliant fuel oil in accordance with its voyage plan; and
 - (c) if it was not made available where planned, that attempts were made to locate alternative sources for such fuel oil and that despite best efforts to obtain compliant fuel oil, no such fuel oil was made available for purchase.
- (7) The master of every ship shall –
- (a) notify the Director when he cannot purchase compliant fuel oil prior to entering the territorial sea of Mauritius; and
 - (b) submit a Fuel Oil Non Availability Report as required under the relevant Merchant Shipping Notice issued by the Director.

17. Volatile organic compounds

(1) Subject to paragraph (2), a Mauritius tanker within a designated port or terminal shall –

- (a) be equipped with a collection system; and
- (b) use the system during the loading of the cargoes the types of which are specified in the notification of the designation of the port or the terminal submitted to IMO.

(2) In case of a gas carrier, paragraph (1) shall only apply where the type of loading and containment systems of the tanker allow the safe retention of non-methane volatile organic compounds on board or the safe return of such compounds ashore.

(3) A tanker carrying crude oil shall have on board, and implement, a Volatile Organic Compounds Management Plan which is specific to the ship and which is approved by –

- (a) the Director for Mauritius ship; or
- (b) the Flag State for foreign ships,

in accordance with the guidelines issued by IMO.

18. Requirements on shipboard incineration for ships within the territorial sea of Mauritius

(1) Subject to paragraph (10), no shipboard incineration shall take place on board a ship which is within the territorial sea of Mauritius unless the requirements set out in this regulation and regulation 16 of Annex VI are complied with.

(2) Subject to paragraph (6), the incineration shall be conducted in an approved incinerator.

(3) Where an approved incinerator is a post-2000 incinerator –

- (a) it shall operate within the limits set out in Appendix IV to Annex VI; and
- (b) the additional requirements in regulation 19 shall be complied with;
- (c) an operating manual referred to in paragraph (4) in relation to the incinerator shall be kept on board the ship; and
- (d) the operator of the incinerator shall be trained in such a way as to be capable of implementing the guidance provided in the operating manual.

(4) The operating manual shall be the one which –

- (a) is issued by the manufacturer of the incinerator; and
- (b) provides guidance on how the incinerator may be operated within the limits set out in Appendix IV to Annex VI.

(5) The substance for incineration shall not be a substance which is listed in regulation 16.2 of Annex VI.

(6) Where the substance for shipboard incineration is sewage sludge, or sludge oil, generated during the normal operation of the ship, the incineration may take place in the main or auxiliary power plant or boilers of the ship while outside the port limits, where the ship is in Mauritius.

(7) Where the substance for shipboard incineration is polyvinyl chlorides, the incineration shall be conducted in an approved incinerator.

(8) In case of a Mauritius ship outside Mauritius the limits referred to under paragraph (4)(b) shall be as set by the port authorities of that country.

(9) The provisions of paragraph (1) shall not apply to a ship engaged in innocent passage.

19. Additional requirements for post-2000 incinerators

(1) This regulation shall apply to a post-2000 incinerator under regulation 19.

(2) The temperature of the combustion chamber gas outlet of the incinerator during combustion shall be monitored at all times.

(3) Where the incinerator is a batch-loaded shipboard incinerator, it shall not be put into operation unless by its design the following requirements are met –

- (a) the temperature of its combustion chamber gas outlet reaches 600 degrees Celsius within 5 minutes after it is started up; and
- (b) the temperature stabilises at not less than 850 degrees Celsius after 5 minutes.

(4) Where the incinerator is a continuous-feed shipboard incinerator, waste shall not be fed into it when the combustion chamber gas outlet temperature is below 850 degrees Celsius.

(5) In these regulations, the incinerator is deemed to be –

- (a) a batch-loaded shipboard incinerator where the loading of waste is carried out in separate batches as may be required; and
- (b) a continuous-feed shipboard incinerator where the process during which waste is fed into the combustion chamber of the incinerator without human assistance is carried out while the incinerator is in normal operating conditions and the combustion chamber operative temperature is kept between 850 degrees Celsius and 1,200 degrees Celsius.

20. Fuel oil quality

(1) These regulations shall not apply to –

- (a) coal in its solid form; or
- (b) nuclear fuels.

(2) A fuel oil supplier shall ensure that fuel oil for combustion purposes delivered to a relevant ship for use on board that ship meets the requirements in paragraph (4) or (5) as applicable.

(3) The master of a relevant ship shall ensure that fuel oil for combustion purposes used on board that ship meets the requirements of paragraph (4) or (5) as applicable.

(4) Where the fuel oil comprises blends of hydrocarbons derived from petroleum refining, it shall not –

- (a) incorporate more than a small amount of additives intended to improve some aspects of performance;
- (b) contain inorganic acid;
- (c) include any added substance or chemical waste which –
 - (i) jeopardises the safety of the relevant ship;
 - (ii) adversely affects the performance of the machinery;
 - (iii) is harmful to personnel; or
 - (iv) causes increased air pollution.

(5) Fuel oil for combustion purposes derived by methods other than petroleum refining shall not –

- (a) exceed the appropriate sulphur content limit as per regulation 16(1) and regulation 14 of Annex VI;
- (b) cause an engine to exceed the nitrogen oxide emission limits in regulation 15(4);
- (c) contain any inorganic acid;
- (d) jeopardise the safety of the relevant ship or adversely affect the performance of the machinery;
- (e) be harmful to personnel; or

- (f) include any added substance or chemical which causes additional air pollution.

(6) A fuel oil supplier for combustion purposes delivered to and used on board a relevant ship shall –

- (a) provide the master of the relevant ship with a bunker delivery note containing the information set out under Appendix V of Annex VI and under any relevant Merchant Shipping Notice issued by the Director;
- (b) provide a declaration in the bunker delivery note that is signed by the fuel oil supplier's representative that the fuel oil supplied conforms with these regulations and regulation 18(1) of Annex VI;
- (c) retain a copy of the bunker delivery note for 3 years from the date of delivery; and
- (d) not contaminate or blend the fuel so that it no longer conforms with the declaration required by subparagraph (c).

(7) The master of a relevant ship shall –

- (a) ensure that the bunker delivery note is kept on board the ship in a place so as to be readily available for inspection at all reasonable times;
- (b) when requested by a surveyor, certify whether any copy of the bunker delivery note is a true copy of the original; and
- (c) ensure that the bunker delivery note is retained for a period of 3 years from the day on which the fuel oil has been delivered on board.

(8) The fuel oil supplier's representative shall provide a representative sample of the fuel oil delivered to accompany the bunker delivery note, and that sample shall –

- (a) be collected in accordance with the relevant Merchant Shipping Notice;
- (b) on completion of bunkering operations, be sealed and signed by the local supplier's representative and the master or officer in charge of the bunkering operation; and
- (c) be retained under the control of the master or owner of the ship for not less than 12 months starting with the day of delivery or until the fuel oil is substantially consumed if the fuel oil is not consumed in less than 12 months.

(9) The bunker delivery note and the sample of fuel oil required under paragraphs (7), (8) and (9) shall be available for inspection and verification at all reasonable times.

(10) In this regulation –

- (a) “fuel oil supplier”, means a person who receives fuel oil with a view to its delivery to and use on board a ship whilst it is within the port limits; and
- (b) “fuel oil supplier's representative”, means a person appointed by a fuel oil supplier to provide a declaration on the bunker delivery note that the fuel supplied complies with these regulations and regulation 18(1) of Annex VI;
- (c) “relevant ship” means –
 - (i) a platform; or

- (ii) a ship, other than a platform, of 400 GT or above.

21. Energy Efficiency Design Index

(1) Subject to paragraph (2) these regulations shall apply to a ship –

- (a) which is of 400 gross tonnage or above; and
- (b) which belongs to one of the categories of ship referred to in regulation 20 of Annex VI.

(2) These regulations shall not apply to –

- (a) a non-Chapter 4 ship; or
- (b) a special ship.

(3) An attained EEDI shall be calculated for –

- (a) a new ship before it is put into service;
- (b) a new ship after it has undergone a major modification; and
- (c) a modified existing ship after the major modification.

(4) Where a ship belongs to a type of ship the reference line values and the reduction factors of which are set out in Annex VI, the attained EEDI of the ship shall be less than or equal to the required EEDI of the ship calculated according to the reference line values and the reduction factors that are applicable to the ship as specified in Annex VI.

22. Ship Energy Efficiency Management Plan

(1) Subject to paragraph (3), every ship of 400 gross tonnage or above, other than a non-Chapter 4 ship, shall keep on board a

Ship Energy Efficiency Management Plan that complies with the requirement in paragraph (2) in respect of the ship.

(2) The plan shall be prepared in accordance with the guidelines that is issued by IMO in relation to the development of a Ship Energy Efficiency Management Plan.

(3) For an existing ship, the plan shall be placed on board the ship no later than whichever is the earlier of the following –

- (a) the date of the first intermediate survey of the ship for the endorsement of the IAPP Certificate issued in respect of the ship; or
- (b) the date of the first renewal survey of the ship for the issue of an IAPP Certificate in respect of the ship.

23. Collecting and Reporting Consumption Data

(1) These regulations shall apply to a Mauritius ship –

- (a) that is of 5,000 gross tonnage or above; and
- (b) that is not a non-Chapter 4 ship.

(2) The consumption data of a ship shall be collected in accordance with the methodology specified in the Ship Energy Efficiency Management Plan and Appendix IX of Annex VI.

(3) Subject to paragraph (3), the owner of every Mauritius ship –

- (a) registered in Mauritius throughout a calendar year after 2018; or
- (b) that becomes registered in Mauritius on a day in a calendar year after 2018 and remains so on 31 December of the year,

shall –

- (i) aggregate by item the consumption data of the ship collected for a calendar year;
- (ii) report the data aggregated under subparagraph (i), together with the identification data of the ship, to the Director and an approved Classification Society by electronic means in the form specified in Appendix IX to Annex VI by 31 March of the next calendar year;
- (iii) keep the consumption data of the ship collected for a calendar year until the expiry of 31 December of the next calendar year; and
- (iv) report the data mentioned in paragraph (c) to the Director or a recognised organisation at the Director's or the organisation's request made during the period the data is required to be kept under that paragraph.

(4) These regulations shall not apply to a ship where paragraph (4) or (5) applies in relation to the ship.

(5) Where a ship ceases to be registered in Mauritius the owner of the ship shall –

- (a) aggregate by item the consumption data of the ship collected for the part of the year during which the ship is registered in Mauritius;
- (b) report the data aggregated under paragraph (a), together with the identification data of the ship, to the Director and an approved Classification Society by electronic means in the form specified in Appendix IX to Annex VI within 30 days beginning on the transfer day;

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- (c) keep the consumption data of the ship collected for the registered period until the expiry of 12 months after the transfer day; and
 - (d) report the data mentioned in paragraph (c) to the Director and to an approved Classification Society for the period the data is required to be kept under that paragraph.
- (6) Where there is a change in ownership during a calendar year –
- (a) the original owner shall –
 - (i) aggregate by item the consumption data of the ship collected for the part of the year during which he was the owner of the ship;
 - (ii) report the data aggregated under subparagraph (i), together with the identification data of the ship, to the Director and an approved Classification Society by electronic means in the form specified in Appendix IX to Annex VI within 30 days beginning on the date of the transfer of ownership;
 - (iii) keep the consumption data of the ship collected under subparagraph (i) until the expiry of 12 months after date of transfer of ownership; and
 - (iv) report the data mentioned in paragraph (c) to the Director or a recognised organisation at the Director's or the organisation's request made during the period the data is required to be kept under that paragraph.
 - (b) The new owner shall –

- (i) aggregate by item the consumption data of the ship collected for the part of the year as from the date of the transfer of ownership; and
- (ii) report the data aggregated under subparagraph (i), together with the identification data of the ship, to the Director and an approved Classification Society by electronic means in the form specified in Appendix IX to Annex VI;
- (iii) upon a subsequent change of ownership, report the information under subparagraph (b)(ii) –
 - (A) within 30 days beginning on the date of the subsequent change of ownership; or
 - (B) by 31 March of the next calendar year;
- (iv) keep the consumption data of the ship collected under subparagraph (b)(i) –
 - (A) where the new owner is subsequently replaced by another person as the owner of the ship on a day in the year, until the expiry of 12 months after that day; or
 - (B) until the expiry of 31 December of the next calendar year; and
- (v) report the data mentioned in subparagraph (iv) to the Director and an approved Classification Society for the period the data is required to be kept under that subparagraph.

(7) Where there is a change in management company during a calendar year –

- (a) the original management company shall –

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- (i) aggregate by item the consumption data of the ship collected for the part of the year during which he was the owner of the ship;
 - (ii) report the data aggregated under subparagraph (i), together with the identification data of the ship, to the Director and an approved Classification Society by electronic means in the form specified in Appendix IX to Annex VI within 30 days beginning on the date of the transfer of ownership;
 - (iii) keep the consumption data of the ship collected under subparagraph (i) until the expiry of 12 months after date of transfer of ownership; and
 - (iv) report the data mentioned in paragraph (c) to the Director or a recognised organisation at the Director's or the organisation's request made during the period the data is required to be kept under that paragraph;
- (b) the new management company shall –
- (i) aggregate by item the consumption data of the ship collected for the part of the year as from the date of the transfer of ownership; and
 - (ii) report the data aggregated under subparagraph (i), together with the identification data of the ship, to the Director and an approved Classification Society by electronic means in the form specified in Appendix IX to Annex VI;
 - (iii) upon a subsequent change of ownership, report the information under subparagraph (b)(ii) –

- (A) within 30 days beginning on the date of the subsequent change of ownership; or
- (B) by 31 March of the next calendar year;
- (iv) keep the consumption data of the ship collected under subparagraph (b)(i) –
 - (A) where the new owner is subsequently replaced by another person as the owner of the ship on a day in the year, until the expiry of 12 months after that day; or
 - (B) until the expiry of 31 December of the next calendar year; and
- (v) report the data mentioned in subparagraph (iv) to the Director and an approved Classification Society for the period the data is required to be kept under that subparagraph.

24. Duty to keep records

(1) The Master of every ship of 400 gross tonnage and above to which these regulations apply and which has a rechargeable system that contains ozone-depleting substances shall –

- (a) maintain an ozone-depleting substances record book; and
- (b) make an entry in the record book in accordance with regulation 12 of MARPOL.

(2) The Master of every Mauritius ship shall, in accordance with regulation 13 of MARPOL keep a record showing information required in relation to a marine diesel engine whenever –

- (a) the ship enters a NO_x Tier III emission control area;

- (b) the ship leaves a NOx Tier III emission control area; or
- (c) the on/off status of the regulated diesel engine of the ship changes within an NOx Tier III emission control area.

25. Certain alterations subject to approval of Director

The owner and the master of a Mauritius ship of 400 gross tonnage or above shall obtain the prior approval of the Director if any alteration is to be made to the equipment, systems, fittings, arrangements or material of the ship which are covered by the survey leading to the issue or endorsement of a specified certificate.

26. Certificates and documents to be kept on board

In addition to the appropriate certificates issued under regulation 6 the owner and the master of a ship of 5,000 gross tonnage and above, other than a non-Chapter 4 ship shall –

- (a) keep on board a Fuel Oil Consumption Reporting Compliance Statement as per Appendix X of Annex VI that is in force in respect of the ship; and
- (b) make the statement available for inspection at all reasonable times.

27. Director may grant exemption

(1) The Director may exempt any ship or class or description of ships from any of the requirements of these regulations on such conditions as the Director may specify.

(2) Any exemption granted under paragraph (1) may be altered or cancelled by the Director for such reason as he may think fit.

PART IV – INSPECTIONS, DETENTIONS AND OFFENCES**28. Inspection of ships**

The relevant provisions of the Port State Control Regulations shall apply with regard to powers to inspect foreign ships and their equipment while in the port in Mauritius for the purposes of checking compliance with these regulations.

29. General provisions on detention

(1) Where a determination is made of the kind mentioned in regulation 13(1) in relation to a ship, or the Director has clear grounds for believing that –

- (a) an appropriate certificate is required to have been issued in respect of a ship but has not been issued, or has been issued and is not valid;
- (b) the condition of a ship or its equipment does not correspond substantially with the particulars of that certificate or other appropriate documentation;
- (c) the master or crew of a ship are not familiar with essential shipboard procedures relating to the prevention of air pollution; or
- (d) an offence under Part III has been committed in respect of the ship,

the ship is liable to be detained until the Director is satisfied that it can proceed to sea without presenting any unreasonable threat of harm to the marine environment.

(2) Notwithstanding paragraph (1), the Director may permit a ship which is liable to be detained under paragraph (1) to proceed

to sea for the purpose of proceeding to the nearest appropriate repair yard available.

30. Offences

The owner and master of any ship who fails to comply with these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment not exceeding 5 years.

31. Commencement

These regulations shall come into operation on 15 December 2020.

Made by the Minister on 8 December 2020.
