



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-2/2009/1

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FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies

SUBJECT: MATERIAL SAFETY DATA SHEETS (MSDS) FOR OIL & OIL FUEL

DEFINITIONS:

The following abbreviations stand for:

- “IMO” – International Maritime Organization
- “ITC 69” – International Convention on the Tonnage Measurement of Ships, 1969
- “MARPOL” – International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978
- “MODU” – Mobile Offshore Drilling Units
- “MOU” – Mobile Offshore Units
- “MSC” – IMO Maritime Safety Committee
- “MSDS” – Material Safety Data Sheets
- “OLB” – Ship’s Official Log Book
- “PSC” – Port State Control
- “SOLAS” – International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

The term “Administration” shall mean the Tuvalu Ship Registry.

PURPOSE:

The purpose of this marine circular is to provide ship owners, operators and managers with clarifications to the international requirements for ships that carry oil or oil fuel to be provided with MSDS prior to the loading of such oil as cargo in bulk or bunkering of oil fuel.

REFERENCES:

- (a) SOLAS, as amended
- (b) MARPOL
- (c) IMO Resolution MSC.239(83) – Adoption of Amendments to SOLAS (new Regulation VI/5-1)
- (d) IMO Circular MSC.1/Circ.1303 – Guidance on the Provision for MSDS When Carrying Oil or Oil Fuel, in accordance with SOLAS Regulation VI/5-1
- (e) Resolution MSC.282(86) – Adoption of Amendments to SOLAS (revised Regulation VI/5-1)
- (f) Resolution MSC.286(86) – Recommendations for MSDS for MARPOL Annex I Oil Cargo and Oil Fuel

APPLICATION:

This circular applies to all vessels, including MOUs and MODUs, subject to SOLAS, when carrying oil or oil fuel as defined under Annex I Regulation 1 of MARPOL.

CONTENTS:

1. Introduction

- 1.1. A new SOLAS Regulation VI/5-1 came into force on 1 July 2009 making it mandatory for the provision of MSDS to all vessels that carry oil or oil fuel, as defined in MARPOL Annex I Regulation 1, prior to loading such oil as cargo in bulk or bunkering of oil fuel as set forth under IMO Resolution MSC.239(83).
- 1.2. IMO has developed guidance on this issue in conjunction with editorial amendments to SOLAS Regulation VI/5-1 in order to ensure uniform understanding by all Member States.
- 1.3. The guidance is set out under IMO Circular MSC.1/Circ.1303 while the editorial amendments to SOLAS Regulation VI/5-1, set forth under Resolution MSC.282(86), took effect as of 1 January 2011 and do not constitute a substantive change to the intent of the regulation as previously worded.
- 1.4. However, the subject regulation has a very broad application, and affects all vessels to which SOLAS applies that use oil fuel for propulsion and auxiliary machinery, as well as all vessels carrying oil. Therefore, vessels to which this new regulation applies shall anticipate verification for compliance while at ports or terminals within territories that are a party to SOLAS.

2. Requirements

- 2.1. This Administration recognizes the MSDS format recommendations set forth under Resolution MSC.286(86) as appropriate for demonstrating compliance with SOLAS Regulation VI/5-1. The IMO has urged Member Governments to accept the MSDS format meeting these recommendations to be applied from 1 July 2009.
- 2.2. The MSDS is to be issued by the supplier of the product or oil fuel and shall be maintained onboard the vessel such that the information provided therein is readily accessible by the crew for the duration that the product or oil fuel is onboard. In any case, the MSDS shall be kept on board for a period of not less than 12 months from the date of loading or bunkering.
- 2.3. If a MSDS is not provided despite the best efforts of the operator/Master to request in advance or obtain such documentation, then the details shall be recorded in the ship's OLB and this Administration shall be notified as soon as practicable of such instances through a report to: technical@tvship.com
- 2.4. As SOLAS Regulation VI/5-1 does not provide a specific protocol for resolving incidents of non-compliance on the part of the supplier (such as failing to provide a MSDS, or providing a MSDS not in accordance with IMO guidelines), it is crucial for operators/Masters to ensure the MSDS is in place prior to loading/bunkering to avoid any unwanted action by PSC authorities against the vessel.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry