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Agenda item 7

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**CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT
PROTECTION COMMITTEE**

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the sixty-seventh session of the Marine Environment Protection Committee
<i>Strategic direction:</i>	2 and 7
<i>High-level action:</i>	2.0.1 and 7.1 to 7.4
<i>Planned output:</i>	2.0.1.2, 7.1.2.1 to 7.1.2.13, 7.1.3.1, 7.2.2.1, 7.2.3.2, 7.3.1.1, 7.3.2.1 and 7.3.2.2
<i>Action to be taken:</i>	Paragraph 30
<i>Related document:</i>	MEPC 67/20

Introduction

1 The report of the sixty-seventh session of the Marine Environment Protection Committee (MEPC 67/20) is submitted to the 113th session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The sixty-seventh session of the Committee was held from 13 to 17 October 2014. It was attended by 93 Member States; two Associate Members; three United Nations system organizations; four intergovernmental organizations and 48 non-governmental organizations. The Chairman was Mr. Arsenio Dominguez (Panama) and the Vice-Chairman was Dr. Naomi Parker (New Zealand).

3 Decisions of the Committee of interest to the Council are summarized in the ensuing paragraphs with reference to the paragraphs of document MEPC 67/20.

Harmful aquatic organisms in ballast water

4 The Committee made significant progress on the item (MEPC 67/20, section 2), including decisions to grant Basic Approval to one and Final Approval to three ballast water management systems that make use of Active Substances. In addition, the Committee was informed of nine further type approvals of ballast water management systems (BWMS), bringing

the total number of reported type-approved systems to 51. The Committee encouraged all States that have not yet ratified the BWM Convention to do so at their earliest opportunity.

5 Having considered concerns that the testing system for approval of BWMS needs to be sufficiently robust and consistent so that any systems approved will meet the standards set out in the Convention, the Committee adopted resolution MEPC.253(67) on *Measures to be taken to facilitate entry into force of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*. Through it, the Committee agrees that the technical standards and approval testing procedures in the *Guidelines for approval of ballast water management systems (G8)* will undergo a comprehensive review; that "early movers", i.e. shipowners that have already installed type-approved BWMS, prior to the revision of the Guidelines, should not be penalized; and that port States should refrain from applying criminal sanctions or detaining ships based on sampling during the trial period. A plan of action for the review of the Guidelines was endorsed and a correspondence group, which will report to MEPC 68, was established to carry out the review.

6 The Committee also adopted resolution MEPC.252(67) on *Guidelines for port State control under the BWM Convention*, providing guidance for the conduct of PSC inspections under the Convention while, at the same time, stating that every effort should be made to avoid any undue delays to ships.

7 The Committee further agreed a plan and terms of reference for a study on implementation of the ballast water performance standard described in regulation D-2 of the BWM Convention which specifies the water quality for discharge, related to specified maximum concentrations of viable organisms. The study will include stakeholder surveys and the collection of data on similarities and differences in existing practices relating to type approval and testing of BWMS and practices relating to analysing their performance after installation on board ships. The final study report will be submitted to MEPC 69 in 2016.

Recycling of ships

8 In view of time constraints and the urgent need to finalize the amendments to the *2011 Guidelines for the development of the inventory of hazardous materials* (resolution MEPC.197(62)), the Committee (MEPC 67/20, section 3) referred the issue to PPR 2 and instructed the Sub-Committee to establish a Working Group on Ship recycling at that session, as a priority matter, to finalize the amendments and the draft requisite MEPC resolution, with a view to adoption at MEPC 68.

Air pollution and energy efficiency

9 The Committee continued its work on further developing guidelines to support the uniform implementation of the regulations on energy efficiency for ships and made significant progress on the item (MEPC 67/20, section 4). In particular, it adopted:

- .1 by resolution MEPC.254(67), the *2014 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI)*, updating the previous version to include, e.g. identification of the primary fuel for the calculation of the attained EEDI for ships fitted with dual-fuel engines using LNG and liquid fuel oil; and
- .2 by resolution MEPC.255(67), *Amendments to the 2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.232(65), to make the guidelines applicable to phase 1 (starting 1 January 2015) of the EEDI requirements.

- 10 The Committee approved/endorsed, as appropriate:
- .1 a revised priority list for developing other guidelines and guidance documents under MARPOL Annex VI and the NO_x Technical Code 2008;
 - .2 the application from Viswa Lab of Houston, United States, to become an additional provider of sampling and testing services to the IMO fuel sulphur monitoring programme;
 - .3 MEPC.1/Circ.849 on *Guidance on the supplement to the IAPP Certificate*; and
 - .4 a Unified Interpretation of MARPOL Annex VI on applicability of the requirements for a bunker delivery note.

11 The Committee referred a number of issues to the second session of the Sub-Committee on Pollution Prevention and Response (PPR 2), including:

- .1 further consideration of a clear recommendation for a single definition of Black Carbon;
- .2 amendments to the *2009 Guidelines for exhaust gas cleaning systems* (resolution MEPC.184(59));
- .3 draft amendments to appendix V (Information to be included in the bunker delivery note (BDN)) of MARPOL Annex VI;
- .4 draft amendments to the NO_x Technical Code 2008 to facilitate the testing of gas-fuelled engines;
- .5 draft amendments to MARPOL Annex VI and the NO_x Technical Code 2008 concerning the use of dual-fuel engines;

12 The Committee established correspondence groups on:

- .1 fuel oil quality, to develop draft guidance for assuring the quality of fuel oil delivered for use on board ships and to consider the adequacy of the current legal framework in MARPOL Annex VI in relation to fuel oil quality; and
- .2 review of the status of technological developments relevant to implementing phase 2 of the EEDI regulatory framework, as required under regulation 21.6 of MARPOL Annex VI.

13 The Committee reviewed a progress report of the Correspondence Group on the Assessment of availability of fuel oil required under regulation 14.8 of MARPOL Annex VI, established to develop a draft framework methodology to determine the availability of fuel oil to comply with the fuel oil standard set out in regulation 14.1.3 of MARPOL Annex VI and, having noted the progress made by the group, instructed it to continue its work and to report to MEPC 68, in accordance with its terms of reference.

Promotion of technical cooperation and transfer of technology relating to the improvement of energy efficiency of ships

14 Having recalled that MEPC 66, in pursuance of resolution MEPC.229(65) on *Promotion of technical cooperation and transfer of technology relating to the improvement of energy efficiency of ships*, had established the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (AHEWG-TT), the Committee noted a progress report by the Chairman of the Group, Mr. D. Ntuli of South Africa, following its second session at IMO Headquarters on 9 and 10 October 2014. The Committee noted in particular (MEPC 67/20, paragraphs 4.62 to 4.65) that the AHEWG-TT had:

- .1 made significant progress with the first three of its four tasks, the results of which were expected to be submitted to MEPC 68 in May 2015;
- .2 noted the significant benefits of the regional workshops organized by the Secretariat to support capacity building in relation to technology transfer; and
- .3 noted that the European Commission was in discussion with the Secretariat with a view to developing a three-year global project to promote implementation of the EEDI and SEEMP.

Further technical and operational measures for enhancing energy efficiency of international shipping

15 The Committee made progress on the item (MEPC 67/20, section 5) and agreed, in principle, to develop a data collection system and re-established the intersessional correspondence group to develop full language for a data collection system for fuel consumption which can be readily used for voluntary or mandatory application. The core elements of the data collection system include: data collection by ships, flag State functions in relation to data collection and establishment of a centralized database by the Organization.

Third IMO GHG Study 2014

16 The Committee (MEPC 67/20, section 6) approved the Third IMO GHG Study 2014, providing updated estimates for greenhouse gas emissions from ships. The Study estimates that international shipping emitted 796 million tonnes of carbon dioxide (CO₂) in 2012, against 885 million tonnes in 2007; representing 2.2% of global emissions of CO₂ in 2012, against 2.8% in 2007. At the same time, the Committee noted that the "business as usual" scenarios continue to indicate that those emissions are likely to grow by between 50% and 250% in the period to 2050, depending on future economic and energy developments.

Adoption of amendments to mandatory instruments

- 17 The Committee considered and adopted (MEPC 67/20, section 7):
- .1 by resolution MEPC.256(67), amendments to regulation 43 of MARPOL Annex I to prohibit the carriage of heavy grade oil as ballast in the Antarctic area;
 - .2 by resolution MEPC.257(67), amendments to the Appendix (Criteria for the identification of harmful substances in packaged form) to MARPOL Annex III to exclude radioactive substances; and

- .3 by resolution MEPC.258(67), amendments to regulations 2 and 13 and the Supplement to the IAPP Certificate of MARPOL Annex VI to address gas-fuelled engines.

18 The amendments listed in paragraph 17 above are expected to enter into force on 1 March 2016, upon their deemed acceptance on 1 September 2015.

Review of nitrogen and phosphorus removal standards in the 2012 Guidelines on the implementation of effluent standards and performance tests for sewage treatment plants

19 As agreed at MEPC 64, the Committee (MEPC 67/20, section 8) reviewed the nitrogen and phosphorus removal standard set forth in paragraph 4.2.1 of the *2012 Guidelines on the implementation of effluent standards and performance tests for sewage treatment plants* (resolution MEPC.227(64)), to determine whether the required removal standards for nitrogen and phosphorus are met by type-approved sewage treatment plants, or such systems in development, taking into account the results of onboard and ashore testing in accordance with section 5 of the Guidelines. Following consideration, the Committee agreed that the nitrogen and phosphorus removal standards in the Guidelines should not be amended and that the implementation dates set out in regulation 11.3 of MARPOL Annex IV should be further considered at MEPC 68.

Mandatory Code for ships operating in polar waters

20 The Committee made significant progress on the item (MEPC 67/20, section 9), resulting in the approval of the environmental provisions in the draft International Code for ships operating in polar waters (Polar Code), together with associated draft MARPOL amendments to make the environmental part of the Code mandatory, with a view to adoption by MEPC 68 in May 2015.

21 Approved were the preamble, introduction and part II of the Polar Code, which includes mandatory provisions in chapters covering the prevention of pollution by oil, control of pollution by noxious liquid substances in bulk and prevention of pollution by sewage and garbage from ships. The associated draft MARPOL amendments approved at the session contain draft amendments to MARPOL Annexes I, II, IV and V to bring the introduction and corresponding chapters in part II-A of the Code into force under those annexes. Recommendations in part II-B of the Code were also approved, including a recommendation to refrain from carrying heavy fuel oil as cargo or fuel in the Arctic (regulation 43 of MARPOL Annex I already prohibits the carriage of such fuel in the Antarctic) and a recommendation to apply the standards contained in the 2004 BWM Convention.

Reports of sub-committees

Outcome of PPR 1

22 Having recalled that MEPC 66 took action on urgent matters emanating from PPR 1, the Committee (MEPC 67/20, paragraphs 12.1 to 12.7) approved, in general, the report of PPR 1 and took action on the remaining matter, i.e. approved the *Guidance on the safe operation of oil pollution combating equipment* and requested the Secretariat to carry out final editing and publish the Guidance through the IMO Publishing Service.

Outcome of SSE 1

23 The Committee considered the outcome of SSE 1 with regard to environmental issues (MEPC 67/20, paragraphs 12.8 to 12.10) and took action as follows:

- .1 approved draft amendments to regulation 12 of MARPOL Annex I, and requested the Secretary-General to circulate them in accordance with article 16(2) of MARPOL, with a view to adoption at MEPC 68; and
- .2 having noted that SSE 1 had prepared a draft revised unified interpretation of regulation 12.3.3 of MARPOL Annex I, which is intended to replace the unified interpretation circulated by MEPC.1/Circ.753 when the amendments to regulation 12 of MARPOL Annex I (see paragraph 22.1) enter into force, agreed to keep the unified interpretation in abeyance for approval by MEPC 70, after the deemed acceptance date of the above-mentioned MARPOL amendments.

Outcome of III 1

24 The Committee (MEPC 67/20, paragraphs 12.11 to 12.29) approved, in general, the report of III 1 and took action as follows:

- .1 noted that III 1 considered the *Interim guidelines for use of printed version of electronic certificates* (FAL.5/Circ.39) and reiterated its encouragement to PSC regimes to fully implement the Guidelines without applying additional conditions and for port States and PSC regimes to work toward acceptance of printed versions of electronic certificates as recommended in the Guidelines;
- .2 having noted that the summary reports and analysis of mandatory reports under MARPOL have been deleted from the biennial agenda of the III Sub-Committee and would be issued as an annual circular instead, requested the Secretariat to issue the annual circular on mandatory reports under MARPOL starting with 2013 onwards;
- .3 endorsed the recommendations of III 1 concerning marine safety investigations;
- .4 agreed, subject to the concurrent decision of MSC 94, that the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* prepared by III 1 should, prior to approval, be referred to the HTW Sub-Committee for comments;
- .5 noted the five major areas of recurrent findings in audits and the underlying causes, as identified by audited Member States;
- .6 agreed to invite the Technical Cooperation Committee to review current technical assistance activities in order to establish whether they adequately cover the major areas of recurrent findings in audits;
- .7 deferred consideration of the issue of exemption of unmanned and non-self-propelled barges from the survey and certification requirements under MARPOL to MEPC 68, due to time constraints;

- .8 approved, subject to the concurrent decision of MSC 94, an MSC-MEPC.5 circular on Unified Interpretation on keel laying date for fibre-reinforced plastic (FRP) craft;
- .9 authorized the Sub-Committee, subject to the concurrent decision of MSC 94, to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 29;
- .10 subject to the concurrent decision of MSC 94:
 - .1 approved the holding of the third meeting of the Joint FAO/IMO Ad Hoc Working Group (JWG) on IUU fishing and related matters at IMO Headquarters during 2015;
 - .2 agreed that the Organization should be represented at the meeting by the following nine countries: Argentina, Canada, China, Cook Islands, Denmark, Liberia, Norway, the Republic of Korea and Turkey; and
 - .3 approved the provisional agenda for the third meeting of the JWG.

Technical cooperation activities for the protection of the marine environment

25 The Committee approved the four thematic priorities relating to the protection of the marine environment for inclusion in the ITCP covering the 2016-2017 biennium (MEPC 67/20, paragraph 15.3).

Work programme of the Committee and subsidiary bodies

Status of planned outputs

26 The Committee invited the Council to note the biennial status report of the planned outputs of the MEPC for the 2014-2015 biennium (MEPC 67/20, paragraph 16.12).

Activities, priorities, and plan of the meeting-weeks

27 The Committee approved, subject to the concurrent decision of MSC 94, the plan of meeting-weeks for the MSC and the MEPC and their subsidiary bodies for the 2016-2017 biennium (MEPC 67/20, paragraph 16.14).

Intersessional meetings

28 The Committee approved, for the Council's endorsement, an intersessional meeting of the ESPH Working Group, to be held in September/October 2016 (MEPC 67/20, paragraph 16.19).

Application of the Committees' Guidelines

- 29 The Committee (MEPC 67/20, section 17):
 - .1 concurred with the action taken by the Secretariat regarding the highlighting of documents containing proposed amendments to mandatory IMO instruments in IMODOCS; and

- .2 approved MSC-MEPC.1/Circ.4/Rev.3 on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies.*

Action requested of the Council

30 The Council is invited to:

- .1 consider the report of the sixty-seventh session of the MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the twenty-ninth session of the Assembly (paragraph 1);
- .2 note the action taken by the Committee on issues related to the BWM Convention (paragraphs 4 to 7);
- .3 note the action taken by the Committee on issues related to ship recycling (paragraph 8);
- .4 note the action taken by the Committee on issues related to air pollution and energy efficiency measures for ships and the progress made by the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (AHEWG-TT) (paragraphs 9 to 14);
- .5 note the action taken by the Committee on issues related to further technical and operational measures for enhancing energy efficiency of international shipping (paragraph 15);
- .6 note the action taken by the Committee on issues related to the reduction of GHG emissions from international shipping, in particular the approval of the Third IMO GHG Study 2014 (paragraph 16);
- .7 note that the Committee adopted amendments to MARPOL Annexes I, III and VI (paragraphs 17 and 18);
- .8 note the action taken by the Committee on issues related to the review of nitrogen and phosphorus removal standards in *the 2012 Guidelines on the implementation of effluent standards and performance tests for sewage treatment plants* (paragraph 19);
- .9 note that the Committee approved the environmental provisions in the draft International Code for ships operating in polar waters (Polar Code), together with associated draft MARPOL amendments to make the environmental part of the Code mandatory (paragraphs 20 and 21);
- .10 note the action taken by the Committee on the reports of relevant sub-committees (paragraphs 22 to 24);
- .11 note that the Committee approved the four thematic priorities relating to the protection of the marine environment for inclusion in the ITCP covering the 2016-2017 biennium (paragraph 25);
- .12 note the biennial status report of the planned outputs of the MEPC for the 2014-2015 biennium (paragraph 26);

- .13 note the plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the 2016-2017 biennium (paragraph 27);
 - .14 endorse the holding of an intersessional meeting of the ESPH Working Group in September/October 2016 (paragraph 28); and
 - .15 note the action taken by the Committee with regard to the application of the Committees' Guidelines, in particular the approval of MSC-MEPC.1/Circ.4/Rev.3 on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (paragraph 29).
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