



COUNCIL
89th session
Agenda item 6

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CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the outcome of the forty-eighth session of the Marine Environment Protection Committee.

Action to be taken: Paragraph 35

Related documents: MEPC 48/21

GENERAL

1 The forty-eighth session of the Marine Environment Protection Committee was held from 7 to 11 October 2002 under the Chairmanship of Mr. M. Julian (Australia). Eighty-six Member States, one Associate Member, two United Nations agencies, six intergovernmental and thirty-five non-governmental organizations participated.

2 The report of the session (MEPC 48/21) is herewith submitted to the Council in accordance with article 39 of the IMO Convention. The principal matters, which may be of interest to the Council, are summarized in the following paragraphs.

ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

3 The Committee adopted, by resolution MEPC.99(48), the proposed amendments to the Condition Assessment Scheme (CAS) to include the Model Survey Plan and Guidance Note for the Safe Conduct of CAS in accordance with the provisions of Article 16 of MARPOL 73/78.

4 The Committee adopted, by resolution MEPC.100(48), the proposed amendments to the List of Substances annexed to the 1973 Intervention Protocol to use a simple reference to the criteria and relevant instruments to ensure the most expeditious means of maintaining information on chemicals covered by the Protocol in accordance with the provisions of Article III of the Protocol.

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

5 The Committee continued its consideration of the draft International Convention for the Control and Management of Ships' Ballast Water and Sediments, taking into account the report of an intersessional meeting of the Ballast Water Working Group which was held from 30 September to 4 October 2002 with the approval of the eighty-eighth session of the Council.

6 The Committee considered a number of principal areas of concern including the objectives of the Convention, the concept of acceptable ballast water, Tier Two requirements and ballast water treatment standards, and developed a revised draft text of the Convention.

7 The Committee recognised that substantial progress had been made by the Ballast Water Working Group in formulating the revised draft Convention which provides a sound framework for discussion at the Diplomatic Conference; however the Committee considered that the draft Convention should be further reviewed by the Committee at its next session in July 2003 and the draft text of the Convention should be circulated six months before the Diplomatic Conference.

8 Based on the above, the Committee agreed to request the Council to:

- .1 approve the holding of a second intersessional meeting of the Ballast Water Working Group, without interpretation and translation, at IMO Headquarters in the spring of 2003 to refine the draft Convention; and
- .2 approve the convening of the Diplomatic Conference on Ballast Water Management in early 2004 instead of October 2003.

RECYCLING OF SHIPS

9 The Committee continued to consider the matters relating to ship recycling. The Committee confirmed IMO's overall responsibility associated with ship recycling and agreed that IMO, for the time being, should develop guidelines to be adopted by an Assembly resolution, while recognizing the need for continued co-operation with ILO and the Basel Convention Secretariat.

10 The Committee considered the draft IMO guidelines prepared by the Working Group on Ship Recycling and agreed that the draft guidelines needed further development before submission to the twenty-second session of the Assembly for adoption. The Committee requested inputs from the DE, BLG and FSI Sub-Committees and decided to establish an intersessional correspondence group on the matter and to reconvene the Working Group on Ship Recycling during MEPC 49 with a view to finalizing the draft text of IMO guidelines.

PREVENTION OF AIR POLLUTION FROM SHIPS

11 The Committee, through the Working Group on Air Pollution, continued to develop an IMO strategy on greenhouse gas reduction to be adopted by an Assembly resolution. The Committee noted that the Working Group had made significant progress with regard to the proposed future IMO measures for controlling greenhouse gas emissions from ships engaged in international shipping. However, the Committee agreed that, before further action was taken on the draft Assembly resolution, the policy issues on greenhouse gas emission in the context of Article 2.2 of the Kyoto Protocol must be resolved, and agreed to consider this point further at its next session.

12 In order to make further progress on the development of the IMO strategy on greenhouse gas reduction, the Committee agreed to establish an intersessional correspondence group on the matter and to reconvene the Working Group on Air Pollution during MEPC 49 with a view to finalizing the IMO strategy.

Expected entry into force of MARPOL Annex VI

13 The Committee noted statements of delegations on their intentions to ratify MARPOL Annex VI on prevention of air pollution from ships in the near future. The Committee, recalling Conference resolution 1 of the 1997 Air Pollution Conference which requested the Committee to identify the impediment to entry into force of the Annex if the entry into force conditions had not been met by 31 December 2002, agreed to review the situation at MEPC 49.

IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC-HNS PROTOCOL AND RELEVANT OPRC CONFERENCE RESOLUTIONS

14 The Committee, appreciating the achievements made by the OPRC Working Group over a period of three years, approved the revised Manual on Oil Pollution: Section IV on Combating Oil Spills.

15 The Committee approved, in principle, the revised work programme for the early entry into force and implementation of the OPRC-HNS Protocol, and agreed that the proposed timetable for the work programme would be further considered at MEPC 49.

16 The Committee noted the report of the Third Research and Development Forum on High-density Oil Response, Brest, France, 11 to 13 March 2002, and agreed to request the Secretariat to develop an action plan to promote the recommendations of the Forum for consideration by MEPC 49.

Future arrangements for the work of the OPRC Convention and the OPRC-HNS Protocol

17 The Committee recalled that Article 12 of the OPRC Convention and Article 10 of the OPRC-HNS Protocol designate the Organization to carry out several functions and activities relating to the implementation of these two instruments. The functions requested of the Organization have been largely carried out through the OPRC Working Group. During the discussion of the matter, the Committee recognized that, because of the increasing workload and more urgent work programme items of the Committee, the OPRC Working Group had not always been able to meet during the MEPC sessions due to the restriction on the number of working groups.

18 The Committee, having considered the proposal by delegations, agreed to establish a Technical Group on the OPRC Convention and the OPRC-HNS Protocol, which would be a subsidiary body of the Committee to meet in the week prior to the Committee and to report to the Committee at its subsequent session. The Committee requested Australia to submit draft Terms of Reference for the Technical Group to MEPC 49 for consideration.

IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS (PSSA)

19 With a view to assisting Member Governments in formulating their PSSA proposals for consideration by the Committee, the Committee approved the Guidance Document for Submission of PSSA Proposals, which would be issued as MEPC/Circ.398.

20 The Committee designated the Wadden Sea of Denmark, Germany and the Netherlands as a new PSSA by resolution MEPC.101(48).

21 The Committee approved, in principle, the designation of the Paracas National Reserve of Peru as a new PSSA, pending consideration of the proposal for an “Area to be Avoided” by the NAV Sub-Committee.

22 The Committee approved the proposed amendments to regulation 10 of MARPOL Annex I for designating the Oman area of the Arabian Sea as a Special Area under MARPOL Annex I, and requested the Secretary-General to circulate the proposed amendments in accordance with the provisions of Article 16 of MARPOL 73/78 for consideration at MEPC 49 with a view to adoption.

HARMFUL EFFECTS OF THE USE OF ANTI-FOULING SYSTEMS FOR SHIPS

23 The Committee noted that, as a follow-up action to the adoption of the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention), the Guidelines on Surveys of Anti-fouling Systems, the Guidelines for Brief Sampling of Ships’ Anti-fouling Systems and the Guidelines for Inspection of Ships’ Anti-fouling Systems must be developed.

24 The Committee considered and adopted, by resolution MEPC.102(48), the Guidelines for Survey and Certification of Anti-fouling Systems on Ships, which was prepared by the FSI Sub-Committee. Furthermore, the Committee requested the FSI Sub-Committee to develop the other two Guidelines as soon as possible.

IMO MODEL AUDIT SCHEME

25 The Committee noted that the Council, at its eighty-eighth session, had requested the MSC and MEPC to consider how the details of an IMO Model Audit Scheme could be developed; to advise on those safety and environmentally-critical areas to be covered by the Scheme; and to consider the matter further, at MEPC 49, and prepare a report for submission to the twenty-second extraordinary session of the Council.

26 The Committee considered three submissions on the issue: MEPC 48/10/5 (15 countries), MEPC 48/10/6 (Belize) and MEPC 48/10/7 (India). The Committee noted that all three submissions supported the idea of an Audit Scheme whilst recognizing that India was proposing a system to facilitate self-auditing by Member States. The delegation of Bahamas questioned the need for further flag State auditing schemes and identified a number of problems, which might arise should the model audit scheme be developed. After discussion, the Committee expressed its preference for the proposal in MEPC 48/10/5 whilst recognizing that there were elements in MEPC 48/10/6 and MEPC 48/10/7 which should also be explored and that the concerns expressed by Bahamas should be taken into account. The Committee agreed that, whatever approach is taken, it should not incur any costs to IMO.

27 The Committee agreed to endorse the proposal to hold a Joint MSC/MEPC/TCC Working Group during MSC 77 and requested MEPC delegations to participate in the Joint Working Group in order to provide contributions to the Group to address MARPOL-related issues (MEPC 48/10/5, annex 2) in the discussions of the Model Audit Scheme.

WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

28 The Committee approved the substantive items to be included in the agendas for MEPC 49, MEPC 50 and MEPC 51.

29 The Committee considered and approved the work programmes and provisional agendas for the forthcoming sessions of the FSI and BLG Sub-Committees.

30 The Committee approved the items on the work programmes of the DSC, NAV, DE, SLF and STW Sub-Committees which relate to environmental issues and, in particular, the Committee agreed to request the DSC Sub-Committee to develop appropriate criteria for the definition of Marine Pollutants in packaged form and any consequential amendments to MARPOL Annex III and decided to amend the item on the work programme of the DSC Sub-Committee from "Implementation of MARPOL Annex III" to "Review of MARPOL Annex III". The Committee also decided to designate the item on the work programme of the DE Sub-Committee on "Protection of pump rooms of tankers and access to shore-based computer programmes for salvage operations" as a high priority item and to include this item on the agenda on its forthcoming session.

Intersessional meeting of the ESPH Working Group

31 The Committee agreed to request the Council to approve, subject to MSC's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group of the BLG Sub-Committee in 2003.

Meeting weeks of the Committees and their subsidiary bodies for 2004-2005

32 The Committee, having considered the Committees' and Sub-Committees' activities and priorities during the biennium 2004-2005, approved, subject to concurrent decision by MSC 76, the proposed plan of 25.5 meeting weeks of the MSC and MEPC and their subsidiary bodies for the biennium 2004-2005 for inclusion in the Secretary-General's relevant budget proposals. The Committee considered that the above meeting week requirements represent the minimum required to maintain the efficiency and effectiveness of the Organization's technical bodies.

ELECTION OF THE CHAIRMAN AND VICE CHAIRMAN FOR 2003

33 The Committee elected Mr. A. Chrysostomou (Cyprus) as Chairman and re-elected Mr. G. Fernandez (Panama) as Vice Chairman for 2003.

EXPRESSION OF APPRECIATION

34 The Committee expressed its deep appreciation to the outgoing Chairman, Mr. M. Julian (Australia), for his outstanding leadership and contribution to the work of the Committee during his five years of chairmanship.

ACTION REQUESTED OF THE COUNCIL

35 The Council is invited to:

- .1 consider the report of the forty-eighth session of the Marine Environment Protection Committee (MEPC 48/21) and, in accordance with article 21(b) of the IMO Convention, transmit the report with its comments and recommendations to the Assembly;
- .2 note that the Committee adopted the amendments to the Condition Assessment Scheme by resolution MEPC.99(48) and the amendments to the 1973 Intervention Protocol by resolution MEPC.100(48) (paragraphs 3 and 4);

- .3 note the significant progress made by the Committee in the development of the draft International Convention for the Control and Management of Ships' Ballast Water and Sediments; approve the holding of a second intersessional meeting of one-week duration of the Ballast Water Working Group in the spring of 2003; and approve the convening of the Diplomatic Conference on Ballast Water Management in early 2004 instead of October 2003 (paragraphs 5 to 8);
 - .4 note the progress made by the Committee in dealing with matters relating to ship recycling, prevention of air pollution from ships, OPRC-related matters, protection of Special Areas and Particularly Sensitive Sea Areas, and harmful anti-fouling systems on ships (paragraphs 9 to 24);
 - .5 note the outcome of the Committee's initial discussion on the proposed IMO Model Audit Scheme (paragraph 25 to 27), which will be considered under item 13 of the Council's agenda;
 - .6 approve the holding of an intersessional meeting of the ESPH Working Group of the BLG Sub-Committee in 2003, subject to MSC's concurrent decision (paragraph 31); and
 - .7 note the Committee's approval, subject to concurrent decision by MSC 76, of the proposed plan of 25.5 meeting weeks of the MSC and MEPC and their subsidiary bodies for the biennium 2004-2005 for inclusion in the Secretary-General's work programme and budget proposals (paragraph 32).
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