

COUNCIL
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Agenda item 8

C 114/8
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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-eighth 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 31
<i>Related documents:</i>	MEPC 68/21 and MEPC 68/21/Add.1

Introduction

1 The report of the sixty-eighth session of the Marine Environment Protection Committee (MEPC 68/21 and MEPC 68/21/Add.1) is submitted to the 114th session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The sixty-eighth session of the Committee was held from 11 to 15 May 2015. It was attended by 99 Member States, two Associate Members; one United Nations system organization, five intergovernmental organizations and 52 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 68/21.

Harmful aquatic organisms in ballast water

4 The Committee made significant progress on the item (MEPC 68/21, section 2), including decisions to grant Basic Approval to five and Final Approval to one ballast water management systems that make use of Active Substances. In addition, the Committee was informed of six

further type approvals of ballast water management systems (BWMS), bringing the total number of reported type-approved systems to 57. The Committee approved the revised *Methodology for information gathering and conduct of work of the GESAMP-BWWG* (BWM.2/Circ.13/Rev.3) and agreed that it should be applied to all submissions for Basic Approval to MEPC 71 and onwards, and subsequent submissions for Final Approval of those systems. The Committee encouraged all States that have not yet ratified the BWM Convention to do so at their earliest opportunity.

5 Furthermore, the Committee:

- .1 followed up 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*, adopted at MEPC 67, including the agreed review of the *Guidelines for approval of ballast water management systems (G8)*, and considered an interim report of the Correspondence Group on the review of the Guidelines. The correspondence group was re-established to continue working on the review and submit a report to MEPC 69;
- .2 agreed to a "Roadmap for the implementation of the BWM Convention", which emphasizes that early movers, i.e. ships which install ballast water management systems approved in accordance with the current Guidelines (G8), should not be penalized and invites the Committee to develop guidance on contingency measures and to expand the trial period associated with the *Guidance on ballast water sampling and analysis* (BWM.2/Circ.42) into an experience-building phase;
- .3 considered a progress report on the "Study on the implementation of the ballast water performance standard described in regulation D-2 of the BWM Convention", initiated by MEPC 67 and executed by the Secretariat in partnership with the World Maritime University (WMU), and noted that an online survey has been launched and that the final study report will be submitted to MEPC 69;
- .4 developed draft amendments to regulation B-3 of the BWM Convention to reflect Assembly resolution A.1088(28) on application of the Convention, with a view to approval at MEPC 69 and consideration for adoption once the treaty enters into force. The draft amendments will provide an appropriate timeline for ships to comply with the ballast water performance standard prescribed in regulation D-2 of the Convention;
- .5 approved the *Revised Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42/Rev.1), developed by PPR 2; and
- .6 having noted PPR 2's deliberation on the application of regulations A-3 and A-4 and Guidelines (G7) in the context of exceptions and exemptions under the BWM Convention, agreed to consider the matter further at MEPC 69 and invited relevant submissions to that session.

Air pollution and energy efficiency

6 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 68/21, section 3) and, in particular, adopted:

- .1 by resolution MEPC.259(68), the *2015 Guidelines for exhaust gas cleaning systems*, updating the *2009 Guidelines for exhaust gas cleaning systems* (resolution MEPC.184(59));
- .2 by resolution MEPC.260(68), amendments to the *2011 Guidelines addressing additional aspects to the NO_x Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with Selective Catalytic Reduction (SCR) Systems* (resolution MEPC.198(62));
- .3 by resolution MEPC.261(68), amendments to the *2014 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI)* (resolution MEPC.254(67)), and endorsed their application from 1 September 2015, at the same time encouraging earlier application;
- .4 by resolution MEPC.262(68), amendments to the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.232(65)), for the level-1 minimum power lines assessment for bulk carriers and tankers, and agreed on a phase-in period of six months for their application; and
- .5 by resolution MEPC.263(68), amendments to update the *2014 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships* (resolution MEPC.245(66)).

7 The Committee also approved:

- .1 draft amendments to the NO_x Technical Code 2008 regarding testing of gas-fuelled and dual fuel engines for NO_x Tier III strategy, with a view to adoption at MEPC 69;
- .2 draft amendments to MARPOL Annex VI regarding record requirements for operational compliance with NO_x Tier III emission control areas, with a view to adoption at MEPC 69; and
- .3 MEPC.1/Circ.854 on *Guidance on the application of regulation 13 of MARPOL Annex VI Tier III requirements to dual fuel and gas-fuelled engines*.

8 The Committee also considered a progress report of the correspondence group established to review the status of technological developments relevant to implementing phase 2 of the EEDI regulations, as required under regulation 21.6 of MARPOL Annex VI and re-established the group to further the work and submit an interim report to MEPC 69.

9 The Committee agreed to terms of reference for the review of the availability of compliant fuel oil to meet the global requirements that the sulphur content of fuel oil used on board ships shall not exceed 0.50% m/m on and after 1 January 2020, required under regulation 14 of MARPOL Annex VI; requesting the Secretariat to initiate the review by 1 September 2015, with a view to the final report being submitted to MEPC 70, as the appropriate information to inform the decision to be taken by the Parties to MARPOL Annex VI.

A Steering Committee consisting of 13 Member Governments, one intergovernmental organization and six non-governmental organizations was established, as the de facto "group of experts" required by regulation 14.9 of MARPOL Annex VI to oversee the review.

10 The Committee considered the report of the correspondence group established to consider possible quality control measures prior to fuel oil being delivered to a ship and, having noted that there was a need to further examine the adequacy of the current legal framework in MARPOL Annex VI and the draft guidance prepared by the group, re-established it to further develop draft guidance on best practice for assuring the quality of fuel oil delivered for use on board ships; further examine the adequacy of the current legal framework in MARPOL Annex VI for assuring the quality of fuel oil for use on board ships; and submit a report to MEPC 69.

11 The Committee also agreed to a definition for Black Carbon emissions from international shipping, prepared by PPR 2 (Bond et al. definition), which describes Black Carbon as a distinct type of carbonaceous material, formed only in flames during combustion of carbon-based fuel, distinguishable from other forms of carbon and carbon compounds contained in atmospheric aerosol because of its unique physical properties.

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

12 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 (EG-TT), the Committee noted another progress report by the Chairman of the Group, Mr. D. Ntuli of South Africa, on the work carried out to date by the group (MEPC 68/21, paragraphs 3.3 to 3.7) and:

- .1 requested the Secretariat to forward the scoping document on the establishment of an inventory of energy efficiency technologies for ship to the IMO-GEF-UNDP Project entitled "Transforming the global maritime transport industry towards a low carbon future through improved energy efficiency" (GloMEEP), for inclusion in its activities, as the project has now been approved;
- .2 noted the group's plan of work for the intersessional period until MEPC 69, including the holding of its fourth meeting, tentatively scheduled for the end of September 2015; and
- .3 invited input from Member States, non-governmental organizations, industry and intergovernmental organizations, to be made directly to the group ahead of its next meeting.

13 In this regard, the Committee noted information by the delegation of Singapore on a forthcoming International Conference on Maritime Technology Transfer and Capacity Building, to be held in Singapore on 28 and 29 September 2015, organized in direct support of the work carried out by the Committee and the TT-EG.

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

14 The Committee made progress in the matter (MEPC 68/21, section 4) and agreed to text (MEPC 68/WP.10, annex) for its further development as the full language for the data collection system for fuel consumption of ships, which can be readily used for voluntary or mandatory application of the system. In this regard, the Committee noted that a purpose of the

data collection system was to analyse energy efficiency and for this analysis to be effective some transport work data needs to be included, but that at this stage the appropriate parameters have not been identified. To further progress the work, the Committee agreed to recommend to the Council the holding of an intersessional working group to: further consider transport work and/or proxies for inclusion in the data collection system; further consider the issue of confidentiality; consider the development of related guidelines; and to submit a report to MEPC 69 (see paragraph 28).

Reduction of GHG emissions from international shipping

15 The Committee (MEPC 68/21, section 5) considered a submission from the Marshall Islands, calling for a quantifiable reduction target for greenhouse gas emissions from international shipping. During the discussion, the Member States that spoke acknowledged and recognized the importance of the issues raised by the Marshall Islands, also recognizing that, despite the measures already taken by the Organization regarding the reduction of GHG emissions from ships, more could be done. Whilst expressing gratitude to the Marshall Islands for the proposal, the Committee took the view that the priority at this stage should be to continue the current work, in particular to focus on further reduction of emissions from ships through the finalization of a data collection system (see paragraph 14) and that the proposal could then be further addressed at an appropriate future session of the Committee, also taking into account the outcome of the next United Nations climate change conference (UNFCCC COP 21) in Paris later this year.

Adoption of a new mandatory instrument and amendments to mandatory instruments

16 The Committee considered and adopted (MEPC 68/21, section 6):

- .1 by resolution MEPC.264(68), the Introduction and parts II-A and II-B of the International Code for ships operating in polar waters (Polar Code);
- .2 by resolution MEPC.265(68), amendments to MARPOL Annexes I, II, IV and V to make the use of the environment-related provisions of the Polar Code mandatory; and
- .3 by resolution MEPC.266(68), amendments to regulation 12 of MARPOL Annex I, concerning tanks for oil residues (sludge).

17 The amendments listed in paragraphs 16.2 and 16.3 above are expected to enter into force on 1 January 2017, upon their deemed acceptance on 1 July 2016. The Polar Code will take effect upon entry into force of the associated MARPOL amendments.

18 Consequential to the adoption of the Polar Code and the amendments to MARPOL Annexes I, II, IV and V to make the Code mandatory, the Committee approved MEPC.1/Circ.856 on *Guidance for issuing revised MARPOL certificates, manuals and record books for compliance with environment-related requirements of the Polar Code*.

Extension of Great Barrier Reef and Torres Strait PSSA

19 The Committee (MEPC 68/21, paragraphs 10.5 to 10.13) adopted resolution MEPC.268(68) on *Designating the south-west part of the Coral Sea as an extension to the Great Barrier Reef and Torres Strait PSSA*. Proposed associated protective measures in the form of new shipping routes and an area to be avoided, aimed at reducing the risk of ship collisions and groundings by separating opposing traffic streams, whilst ensuring ships keep clear of reefs, shoals and islets, have already been agreed by NCSR 2, for adoption by MSC 95.

Collective arrangement adopted by NEAFC and the OSPAR Commission

20 The Committee (MEPC 68/21, paragraphs 10.24 to 10.28) considered document MEPC 67/10/1 (France and Norway) concerning a collective arrangement between competent international organizations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic, noting that the annex to the document contains a collective arrangement adopted by the North-East Atlantic Fisheries Commission (NEAFC) and the OSPAR Commission for the protection of the marine environment of the North-East Atlantic, and an invitation to the Organization to join the arrangement. Following consideration, the Committee agreed that entering into the arrangement was a policy decision for Member States to take and, having noted that, under Article 25(a) of the IMO Convention, the proposal would first need to go to the Council before it could be approved by the Assembly, invited the proponents to submit a relevant proposal to the Council.

Reports of sub-committees

Outcome of PPR 2

21 The Committee (MEPC 68/21, paragraphs 12.1 to 12.16) approved in general the report of PPR 2 and took action as follows (see also paragraphs 5.5, 5.6 and 11):

- .1 with regard to the annual MEPC.2/Circular on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code*:
 - .1 endorsed modifications to the issue date of the circular and to the expiry dates for tripartite agreements and agreed that these changes would be implemented in December 2015;
 - .2 endorsed the establishment of a generic entry for Used cooking oil in list 1, with validity for all countries, without an expiry date;
 - .3 endorsed the evaluation of trade-named mixtures presenting safety hazards, for inclusion in list 3, with validity for all countries and no expiry date; and
 - .4 endorsed the evaluation of cleaning additives, for inclusion in annex 10;
- .2 approved draft consequential amendments to MARPOL Annex II, emanating from the revision of chapter 21 of the IBC Code, and requested the Secretary-General to circulate them in accordance with article 16(2) of MARPOL, with a view to adoption at MEPC 69;
- .3 approved, subject to concurrent approval by MSC 95, unified interpretations of paragraph 15.13.5 of the IBC Code for products requiring oxygen-dependent inhibitors, and requested the Secretariat to issue them as an MSC-MEPC circular;
- .4 approved MEPC.1/Circ.857 on *Revised PPR Product Data Reporting Form and related guidance notes*;
- .5 adopted resolution MEPC.269(68) on *2015 Guidelines for the development of the Inventory of Hazardous Materials*;
- .6 approved the *Guidelines on international offers of assistance in response to a marine oil pollution incident* and requested the Secretariat to carry out final editing and publish the guidelines through the IMO Publishing Service;

- .7 approved part III of the *Guidelines for the use of dispersants for combatting oil pollution at sea* and requested the Secretariat to carry out final editing and publish part III, together with parts I and II approved by MEPC 65, through the IMO Publishing Service;
- .8 approved MEPC.1/Circ.858 on *Guidance for issuing a revised Certificate of Type Approval for oil content meters intended for monitoring the discharge of oil-contaminated water from the cargo tank areas of oil tankers*;
- .9 noted that PPR 2 did not reach agreement on a unified interpretation pertaining to MARPOL Annex V concerning the disposal of used cooking oil, but had agreed, nevertheless, that such disposal should comply with the requirements of MARPOL Annex V; and
- .10 instructed the Sub-Committee to develop guidance for MARPOL Annex I petroleum-based products submitted for assessment under MARPOL Annex II, to ensure the products are shipped under the correct Annex of MARPOL.

Outcome of HTW 2

22 The Committee considered matters of relevance to its work emanating from HTW 2 (MEPC 68/21, paragraphs 12.17 to 12.20) and took action as indicated hereunder, subject to concurrent action by MSC 95:

- .1 approved MSC-MEPC.2/Circ.15 on *Guidelines for the development, review and validation of model courses*; and
- .2 agreed to forward the draft *Guidelines for port State control officers on the ISM Code*, as amended by HTW 2, to III 2, for review and finalization, with a view to subsequent approval by the Committees.

Outcome of III 1

23 The Committee (MEPC 68/21, paragraphs 12.21 to 12.24) considered a draft MEPC circular on *Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention*, prepared by III 1, consideration of which MEPC 67 had deferred to MEPC 68. Following discussion, the Committee instructed III 2 to further consider, with a view to finalization, draft amendments to MARPOL concerning the exemption of UNSP barges from survey and certification requirements and to finalize the associated draft guidelines, ensuring consistency with the draft MARPOL amendments.

Outcome of CCC 1

24 The Committee (MEPC 68/21, paragraphs 12.25 to 12.36) approved in general the report of CCC 1 and took action as follows:

- .1 noted the discussion of CCC 1 regarding the current practice on method of work of the E&T Group and the ESPH Working Group, in particular concerning the processing of submissions and meeting arrangements and that the Sub-Committee had invited Member Governments to submit relevant proposals to the Committees;

- .2 concurred with the recommendation of CCC 1 not to prepare any indicative lists of HME (harmful to the marine environment) substances, taking into account the Sub-Committee's views regarding their lack of practical value and the difficulties that would be encountered in developing such lists;
- .3 approved the draft amendments to the IMSBC Code related to HME substances prepared by CCC 1, subject to removal of the duplicated text of MARPOL Annex V regulations from the draft new section 14 and revision of the introductory part of that section accordingly, and invited MSC 95 to concur with the action taken before adopting the amendments; and
- .4 noted the decision of CCC 1 to issue revisions to DSC circulars and future circulars as CCC circulars, where appropriate.

Outcome of C 113

25 The Committee (MEPC 68/21, paragraphs 13.3 to 13.9), in considering the requests of C 113:

- .1 to consider the eighth consolidated audit summary report, decided to refer it to III 2 for consideration and analysis and advice to the Committee as appropriate; and
- .2 to review administrative requirements under their purview and to consider how to proceed with the outcome of the Ad Hoc Steering Group on Reducing Administrative Requirements (SG-RAR) during their meetings in 2015, with a view to developing appropriate outputs to be included in the High-level Action Plan (HLAP) for 2016-2017:
 - .1 having noted that the Secretariat had compiled the relevant requirements in environment-related IMO instruments considered to be administrative burdens by the SG-RAR in the annex to document MEPC 68/13/2, requested the Secretariat to analyse the information and to report the outcome to MEPC 69; and
 - .2 included a planned output on "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments as identified by the SG-RAR" in the 2016-2017 HLAP, with a target completion year of 2017.

Notification and circulation through GISIS

26 The Committee (MEPC 68/21, paragraphs 14.2 to 14.4), in accordance with the decisions of A 28, concurred to urge Member States to use GISIS for notification purposes and agreed that separate circulars would only be issued in exceptional circumstances, if and when requested by Member States; and requested the Secretariat to review all reporting requirements under MARPOL and the availability of relevant GISIS modules in connection with the ongoing work concerning reporting requirements identified by the Council as administrative burdens (see paragraph 25.2 above).

Work programme of the Committee and subsidiary bodies

Status of planned outputs

27 The Committee (MEPC 68/21, paragraph 17.22) invited the Council to note the biennial status report of the planned outputs of the MEPC for the 2014-2015 biennium.

Proposals for inclusion in the HLAP and priorities for the 2016-2017 biennium

28 The Committee (MEPC 68/21, paragraphs 17.23 to 17.26) approved the proposals for inclusion in the HLAP of the Organization and priorities for the 2016-2017 biennium in respect of MEPC; and instructed the Secretariat to undertake a holistic review of the outputs to ensure consistency across the work of the Organization and to submit any further changes to the proposals emanating from III 2 and CCC 2 to CWGSP 14 and/or C/ES.28, as appropriate.

Intersessional meeting

29 The Committee (MEPC 68/21, paragraph 17.31) approved, for the Council's endorsement, an intersessional meeting of the Working Group on Further technical and operational measures for enhancing the energy efficiency of international shipping, during the week preceding CCC 2.

Application of the Committees' Guidelines

30 The Committee (MEPC 68/21, section 18):

- .1 concurrently approved the *Guidelines for considering and reviewing the outcome of FSA studies*, for inclusion in the Committees' Guidelines as a new annex 6, and associated amendments to section 4, for circulation of the revised Guidelines as MSC-MEPC.1/Circ.4/Rev.4;
- .2 concurrently approved the draft amendments to paragraph 9.3.3 of the FSA Guidelines, for circulation of the revised Guidelines as MSC-MEPC.2/Circ.12/Rev.1; and
- .3 requested the Secretariat to make any editorial corrections that may be identified when preparing the aforementioned circulars for dissemination and refer the revised Committees' Guidelines to the Council's Correspondence Group on the GAP as requested by C 113.

Action requested of the Council

31 The Council is invited to:

- .1 consider the report of the sixty-eighth 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 and 5);
- .3 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 (paragraphs 6 to 13);
- .4 note the action taken by the Committee on issues related to further technical and operational measures for enhancing energy efficiency of international shipping (paragraph 14);

- .5 note the action taken by the Committee on issues related to the reduction of GHG emissions from international shipping (paragraph 15);
- .6 note that the Committee adopted the Introduction and parts II-A and II-B of the International Code for ships operating in polar waters (Polar Code), together with associated amendments to MARPOL Annexes I, II, IV and VI; and amendments to regulation 12 of MARPOL Annex I (paragraphs 16 to 18);
- .7 note that the Committee adopted an extension to the Great Barrier Reef and Torres Strait PSSA (paragraph 19);
- .8 note that the submitters of a proposal for the Organization to join a collective arrangement adopted by the North-East Atlantic Fisheries Commission (NEAFC) and the OSPAR Commission for the protection of the marine environment of the North-East Atlantic were advised to submit that proposal to the Council (paragraph 20);
- .9 note the action taken by the Committee on the reports of relevant sub-committees (paragraphs 21 to 24);
- .10 note that the Committee considered the request of C 113 to review administrative requirements under its purview; requested the Secretariat to analyse such requirements (MEPC 68/13/2) and to report the outcome to MEPC 69; and included an output on "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments as identified by the SG-RAR" in the 2016-2017 HLAP, with a target completion year of 2017 (paragraph 25);
- .11 note that the Committee, in accordance with the decisions of A 28 (resolution A.1074(28)), urged Member States to use GISIS for notification purposes and agreed that separate circulars would only be issued in exceptional circumstances, if and when requested by Member States (paragraph 26);
- .12 note the biennial status report of the planned outputs of the MEPC for the 2014-2015 biennium (paragraph 27);
- .13 endorse the proposals for inclusion in the HLAP of the Organization and priorities for the 2016-2017 biennium in respect of MEPC (paragraph 28);
- .14 endorse the holding of an intersessional meeting of the Working Group on Further Technical and Operational Measures for Enhancing the Energy Efficiency of International Shipping, during the week preceding CCC 2 (paragraph 29); and
- .15 note the action taken by the Committee with regard to the application of the Committees' Guidelines, in particular the approval of the revised *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.4) and refer them to the Council's Correspondence Group on the GAP as requested by C 113 (paragraph 30).