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Agenda item 10

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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-ninth session of the Marine Environment Protection Committee
<i>Strategic direction:</i>	2, 5, 7, 10,12 and 13
<i>High-level action:</i>	2.0.1, 5.2.1, 5.2.3, 5.3.1, 7.1.1 to 7.1.4, 7.2.1 to 7.2.3, 7.3.1 and 7.3.2, 7.4.1, 10.0.1, 12.1.2, 12.3.1 and 13.0.3
<i>Output:</i>	2.0.1.2, 5.2.1.15, 5.2.1.17, 5.2.1.20, 5.2.3.3, 5.3.1.1, 7.1.1.1, 7.1.2.1 to 7.1.2.8, 7.1.3.1, 7.2.2.1 to 7.2.2.4, 7.2.3.2, 7.3.1.1 to 7.3.1.10, 7.3.2.1 to 7.2.3.6, 10.0.1.2, 12.1.2.1, 12.1.2.2, 12.3.1.1 and 13.0.3.1
<i>Action to be taken:</i>	Paragraph 28
<i>Related documents:</i>	MEPC 69/21 and MEPC 69/21/Add.1

Introduction

1 The report of the sixty-ninth session of the Marine Environment Protection Committee (MEPC 69/21 and MEPC 69/21/Add.1) is submitted to the 116th session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The sixty-ninth session of the Committee was held from 18 to 22 April 2016 and was attended by delegations from 100 Member States, two Associate Members and three United Nations and specialized agencies; and observers from seven intergovernmental and 51 non-governmental organizations. The Chairman was Mr. Arsenio Dominguez (Panama) and the Vice-Chairman Mr. Hideaki Saito (Japan).

3 Decisions of the Committee of interest to the Council are summarized in the ensuing paragraphs with reference to the paragraphs of the report of MEPC 69 (MEPC 69/21).

Outcome of A 29

4 With regard to the action requested of it by the twenty-ninth session of the Assembly (MEPC 69/21, section 2), the Committee:

- .1 having considered the matter of the expiry on 31 December 2015 of MEPC.1/Circ.810 on *Adequate port reception facilities for cargoes declared as harmful to the marine environment under MARPOL Annex V*, did not agree to extend the application of the circular and invited Member Governments to report to the Organization any alleged inadequacies of port reception facilities (MEPC 69/21, paragraphs 11.6 to 11.12);
- .2 having considered possible changes to the *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) as a consequence of the adoption of resolution A.1099(29), deferred the consideration of possible amendments to the Committees' Guidelines to MEPC 70 when the outcome of MSC 96 on the matter would be available (MEPC 69/21, section 18); and
- .3 referred the ninth consolidated audit summary report to III 3 for consideration and analysis under its agenda item on "Analysis of consolidated audit reports" and advice to the Committee, as appropriate (MEPC 69/21, paragraph 2.3.3).

Adoption of amendments to mandatory instruments

5 The Committee (MEPC 69/21, sections 3 and 10) considered and adopted:

- .1 by resolution MEPC.270(69), amendments to MARPOL Annex II related to the revised GESAMP hazard evaluation procedure;
- .2 by resolution MEPC.274(69), amendments to MARPOL Annex IV relating to the Baltic Sea Special Area and the form of the ISPP Certificate; and
- .3 by resolution MEPC.271(69), amendments to MARPOL Annex VI regarding record requirements for operational compliance with NO_x Tier III emission control areas; and
- .4 by resolution MEPC.272(69), amendments to the NO_x Technical Code 2008 to facilitate the testing of gas-fuelled engines and dual fuel engines.

6 The amendments listed in paragraph 5 above are expected to enter into force on 1 September 2017, upon their deemed acceptance on 1 March 2017.

7 In conjunction with the adoption of the amendments to MARPOL Annex IV concerning the Baltic Sea Special Area, the Committee adopted resolution MEPC.275(69) on *Establishment of the date on which regulation 11.3 of MARPOL Annex IV in respect of the Baltic Sea Special Area shall take effect*.

Harmful aquatic organisms in ballast water

8 The Committee noted that the 2004 BWM Convention was very close to reaching its entry-into-force criteria and welcomed the efforts being made by a number of States to ratify the treaty in the near future. To date, 49 States with an aggregate of 34.81% of the world's merchant fleet tonnage have acceded to the Convention, versus the 35 States with 35% of world tonnage required for entry into force. The Committee encouraged all States that have not yet ratified the Convention to do so at their earliest opportunity.

9 The Committee (MEPC 69/21, section 4) made significant progress on the item, including decisions to grant Final Approval to three ballast water management systems (BWMS) that make use of Active Substances. In addition, the Committee was informed of eight further type approvals of BWMS, bringing the total number of reported type-approved systems to 65. The Committee also considered the report of the seventh Stocktaking Workshop of the GESAMP-BWWG, endorsed its recommendations and took action as requested.

10 Furthermore, the Committee:

- .1 continued its work on the review of the *Guidelines for approval of ballast water management systems (G8)* and, having considered the reports of the Correspondence Group on the review of the Guidelines and of the Ballast Water Review Group established at the session, task the correspondence group with the continuation of the review of the Guidelines and agreed, subject to Council's endorsement, to an intersessional working group meeting on the matter (see paragraph 27.1);
- .2 considered the final report on the "Study on the implementation of the ballast water performance standard described in regulation D-2 of the BWM Convention" (MEPC 69/4/4), executed by the Secretariat in partnership with the World Maritime University (WMU), and agreed to take the findings of the Study into account in the review of Guidelines (G8);
- .3 approved draft amendments to regulation B-3 of the BWM Convention and a draft MEPC resolution on *Determination of the date referred to in regulation B-3, as amended, of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, to be kept in abeyance for circulation immediately upon entry into force of the Convention, with a view to adoption; and
- .4 agreed to defer consideration of the matter of exceptions and exemptions under the BWM Convention to MEPC 70.

Air pollution and energy efficiency

Promotion of technical cooperation and transfer of technology

11 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 (MEPC 69/21, paragraphs 5.2 to 5.7), having noted the final report of the group and having agreed that the group had thus completed its work in line with its timetable:

- .1 noted the assessment of the potential implications and impacts of the implementation of the regulations in chapter 4 of MARPOL Annex VI;

- .2 noted also that the scoping document on the establishment of an inventory of energy efficiency technologies for ships had been forwarded to the GEF-UNDP-IMO project "Transforming the global maritime transport industry towards a low carbon future through improved energy efficiency" (GloMEEP), and that an information portal for energy efficiency technologies for ships is expected to be developed by the end of June 2016, as part of the project;
- .3 noted further the identification of barriers to transfer of technology;
- .4 approved MEPC.1/Circ.861 on *Model Agreement between Governments on technological cooperation for the implementation of the regulations in chapter 4 of MARPOL Annex VI*; and
- .5 endorsed a set of recommendations to guide and assist Member States, industry and other entities within States in implementing the regulations in chapter 4 of MARPOL Annex VI.

Fuel oil quality

12 The Committee (MEPC 69/21, paragraphs 5.10 to 5.22), having considered the report of a correspondence group established to consider possible quality-control measures prior to fuel oil being delivered to a ship:

- .1 encouraged the fuel oil supply industry to develop draft best practice for fuel oil providers and submit it to the Committee for consideration at a future session;
- .2 agreed that best practice for fuel oil purchasers/users and Member States/coastal States should be developed and instructed the correspondence group to continue its work on this guidance; and
- .3 decided not to continue its consideration of the adequacy of the current legal framework in MARPOL Annex VI addressing the issue.

Fuel oil availability

13 The Committee (MEPC 69/21, paragraphs 5.23 to 5.26), having considered the progress made with the review of fuel oil availability as required by regulation 14.8 of MARPOL Annex VI:

- .1 noted the progress made by the Steering Committee overseeing the review and reiterated that, in accordance with the agreed terms of reference, the review is expected to be completed in time for reporting to MEPC 70; and
- .2 agreed in principle that a final decision on the date of implementation of the 0.50% sulphur limit for fuel oil should be taken at MEPC 70, so that maritime Administrations and industry can prepare and plan accordingly.

EEDI review

14 The Committee (MEPC 69/21, paragraphs 5.34 to 5.43 and 5.54 to 5.55), having considered an interim report of the correspondence group reviewing the status of technological developments relevant to implementing Phase 2 of the EEDI regulations, in accordance with regulation 21.6 of MARPOL Annex VI, instructed the group to continue considering the status of technological developments for ro-ro cargo ships and ro-ro passenger ships and to make

recommendations to MEPC 70 on whether the time periods, the EEDI reference line parameters for relevant ship types and the reduction rates should be retained or, if proven necessary, amended.

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

15 The Committee considered and approved (MEPC 69/21, section 6), with a view to adoption at MEPC 70, the mandatory data collection system for fuel consumption of ships, i.e. MARPOL Annex VI requirements for ships to record and report data on their fuel consumption together with additional data on proxies for the "transport work" undertaken by the ship. It is envisaged that an IMO Ship Fuel Consumption Database will be developed, to be managed by the Secretariat.

16 The mandatory data collection system is considered to be the first step in a three-step process in which analysis of the data collected (second step) would provide the basis for an objective, transparent and inclusive policy debate in the Committee. This would allow a decision to be made on whether any further measures are needed to enhance energy efficiency and address greenhouse gas emissions from international shipping (third step). If so, proposed policy options would then be considered.

Reduction of GHG emissions from international shipping

17 The Committee (MEPC 69/21, section 7), in the wake of the UNFCCC COP 21 Paris Agreement, considered several submissions concerning a reduction target for greenhouse gas emissions from international shipping. Following a wide-ranging discussion on future work to further address greenhouse gas emissions from ships during which 59 delegations took the floor, the Committee welcomed the Paris Agreement, recognized the role of the Organization in mitigating the impact of GHG emissions from international shipping and agreed to establish a working group at MEPC 70 for an in-depth debate on how to progress the matter.

18 In this regard, several delegations expressed concerns about how the Committee's deliberations under the agenda item had been reported by external sources and that social media had been used to report discussions as they were happening, violating the private nature of IMO meetings.

Designation of the Philippines Tubbataha Reefs Natural Park as a PSSA

19 The Committee (MEPC 69/21, paragraphs 10.1 to 10.12) approved, in principle, the designation of the marine area known as the Tubbataha Reefs Natural Park, located between the islands of the Philippines and North Borneo, as a Particularly Sensitive Sea Area (PSSA), in order to provide special protection from international shipping. The Philippines is expected to submit a proposal for an Area To Be Avoided for all ships of 150 GT and above in the proposed PSSA to NCSR 4, with a view to final approval by MSC 98, which would provide recommendations to the Committee with a view to final designation of the PSSA at MEPC 71 in 2017.

Establishment of effective dates for the Baltic Sea Special Area

20 The Committee (MEPC 69/21, paragraphs 10.13 to 10.32) established effective dates for the Baltic Sea Special Area under MARPOL Annex IV and adopted associated amendments to that Annex (see also paragraphs 5.2 and 7).

Reports of sub-committees

Outcome of III 2

21 The Committee (MEPC 69/21, paragraphs 13.1 to 13.12) approved, in general, the report of III 2 and took action as follows:

- .1 endorsed III 2's conclusion that there was no need to align the *List of certificates and documents required to be carried on board ships* (FAL.2/Circ.127- MEPC.1/Circ.817- MSC.1/Circ.1462) with the *Guide for the use of electronic certificates* (FAL.5/Circ.39/Rev.1) at this time;
- .2 noted the Countries Survey Questionnaire (III 2/16, annex 3);
- .3 noted III 2's decision to post the in-the-field job aid for investigators (III 2/16, annex 4) on the GISIS Marine Casualties and Incidents (MCI) module and to include it as reference material for the delivery of IMO Model Course 3.1, as well as in a future revision of the course;
- .4 having considered the approval of the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* and having noted that the input of the HTW Sub-Committee had not been taken into account in its preparation, requested the Secretariat to provide the relevant outcome of HTW 2 to MEPC 70, so that an informed decision can be taken at that session; and to inform MSC 96 accordingly, for concurrent action;
- .5 having considered that the proposed process for putting forward recommendations resulting from the reports of CICs to relevant IMO bodies should not prejudice the Committees' Guidelines, in particular concerning the submission of proposals for new outputs, agreed that III.2/Circ.1 on *Revised process for putting forward recommendations to the relevant IMO bodies resulting from the reports of Concentrated Inspection Campaigns (CICs)* was not necessary, and consequently did not endorse the issuing of the circular;
- .6 noted that A 29 had adopted, by resolution A.1104(29), the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015* and, by resolution A.1105(29), the *2015 Non-exhaustive list of obligations under instruments relevant to the IMO Instrument Implementation Code (resolution A.1079(28))*; and
- .7 with regard to the draft amendments to MARPOL concerning the exemption of UNSP barges from survey and certification requirements and the associated draft *Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention*, instructed III 3 to finalize the draft MARPOL amendments and the associated draft guidelines, for submission to MEPC 70.

Outcome of CCC 2

22 The Committee (MEPC 69/21, paragraphs 13.13 to 13.20) approved, in general, the report of CCC 2 and took action as follows:

- .1 agreed to make only the criteria for the classification of solid bulk cargoes as HME and the shipper's declaration mandatory under MARPOL Annex V, without specifying the means for making the declaration, and approved relevant amendments to MARPOL Annex V, with a view to adoption at MEPC 70;
- .2 noted the draft amendments to the IMSBC Code related to HME substances prepared by CCC 2 and instructed CCC 3 to finalize them, taking into account the aforementioned approved draft amendments to MARPOL Annex V; and
- .3 instructed CCC 3 to review the draft amendments to the *2012 Guidelines for the implementation of MARPOL Annex V* prepared by CCC 2, with a view to ensuring that they are brought in line with the aforementioned draft amendments to MARPOL Annex V.

Outcome of HTW 3

23 The Committee (MEPC 69/21, paragraph 13.22), having considered the action requested of it emanating from HTW 3, approved, subject to concurrent approval by MSC 96, the draft Assembly resolution on *Revised guidelines on the implementation of the ISM Code by Administrators*, for submission to A 30 with a view to adoption.

Analysis and consideration of recommendations to reduce administrative burdens

24 The Committee (MEPC 69/21, section 17) discussed the analysis of the Secretariat of the relevant requirements in environment-related IMO instruments considered to be administrative burdens (MEPC 69/17) and took action as follows:

- .1 encouraged Member Governments to use GISIS modules to fulfil relevant reporting requirements, taking into consideration resolution A.1074(28);
- .2 requested the Secretariat to extend the GISIS module on "Pollution prevention equipment" to also cover anti-fouling systems and to modify the access specification for the module on "Port reception facilities" to enable Member State self-management;
- .3 deferred the consideration of the issue of use of electronic record books to address administrative burdens to a future session when the Guidance for the use of electronic record books under MARPOL is finalized and approved;
- .4 instructed PPR 4 to consider the feasibility of using electronic documentation and advise the Committee accordingly under its agenda item "Use of electronic record books";
- .5 agreed that no action was necessary with regard to reporting requirements concerning the Condition Assessment Scheme (CAS) and notification or declaration concerning acceptance of or objection to amendments to conventions, for the time being; and

- .6 invited Member Governments and international organizations to submit further comments and proposals on how best to deal with the perceived administrative burdens of the remaining reporting requirements to MEPC 70, whereby the Committee would consider the work on this item as completed in the case that no proposals are received.

Application of the Committees' Guidelines

25 The Committee (MEPC 69/21, section 18), following the request of A 29 for the Council and the committees to review and revise, during the 2016-2017 biennium, their guidelines on the organization and method of work, taking account resolution A.1099(29), as appropriate, noted that the Secretariat had prepared relevant draft amendments to the Committees' Guidelines (MEPC 69/18) for consideration. Having noted that a similar document (MSC 96/22) had been issued for consideration at MSC 96, the Committee deferred the consideration of the matter to MEPC 70 when the outcome of MSC 96 would be available (see also paragraph 4.2).

Work programme of the Committee and subsidiary bodies

Status of outputs

26 The Committee (MEPC 69/21, paragraph 19.13) invited the Council to note the biennial status report of the outputs of MEPC for the 2016-2017 biennium.

Intersessional meetings

27 The Committee (MEPC 69/21, paragraph 19.19) approved, for the Council's endorsement, intersessional meetings of:

- .1 the Working Group on Review of Guidelines (G8) (see paragraph 10.1), to be held during the week preceding MEPC 70 (17 to 21 October 2016); and
- .2 the ESPH Working Group, to be held in 2017.

Action requested of the Council

28 The Council is invited to:

- .1 consider the report of the sixty-ninth session of MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirtieth session of the Assembly;
- .2 note the action taken by the Committee pursuant to the outcome of A 29 (paragraph 4);
- .3 note that the Committee adopted amendments to MARPOL Annexes II, IV and VI and the 2008 NO_x Technical Code (paragraphs 5 to 7);
- .4 note the action taken by the Committee on issues related to ballast water management (paragraphs 8 to 10);

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- .5 note the action taken by the Committee on issues related to air pollution and energy efficiency measures for ships and the completion of the work of the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (paragraphs 11 to 14);
 - .6 note the action taken by the Committee on issues related to further technical and operational measures for enhancing energy efficiency of international shipping, in particular the approval, with a view to adoption at MEPC 70, of the mandatory data collection system for fuel consumption of ships under MARPOL Annex VI (paragraphs 15 and 16);
 - .7 note the action taken by the Committee on issues related to the reduction of GHG emissions from international shipping, in particular the agreement to establish, at MEPC 70, a working group with a view to an in-depth discussion on how to progress the matter (paragraph 17);
 - .8 note the concerns expressed by several delegations about how the Committee's deliberations under the agenda item on "Reduction of GHG emissions from ships" had been reported by external sources and the media (paragraph 18);
 - .9 note that the Committee designated the Tubbataha Reefs Natural Park (Philippines) as a PSSA, in principle, with a view to final designation at MEPC 71, when the outcome of NCSR 4 and MSC 98 with regard to the proposed associated protective measure (APM) would be available (paragraph 19);
 - .10 note that the Committee established effective dates for the Baltic Sea Special Area under MARPOL Annex IV and adopted associated amendments to that Annex (paragraph 20);
 - .11 note the action taken by the Committee on the reports of sub-committees (paragraphs 21 to 23);
 - .12 note the action taken by the Committee with regard to the analysis and consideration of recommendations to reduce administrative burdens in environment-related IMO instruments (paragraph 24);
 - .13 note the action taken by the Committee with regard to the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4), following the request by A 29 to review and revise them, taking into account the *Application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1099(29)) (paragraphs 4.2 and 25);
 - .14 note the biennial status report of the outputs of MEPC for the 2016-2017 biennium (paragraph 26); and
 - .15 endorse the holding of an intersessional meeting of the Working Group on Review of the Guidelines for approval of ballast water management systems (G8), to be held during the week preceding MEPC 70 (17 to 21 October 2016); and of the ESPH Working Group, to be held in 2017 (paragraph 27).