

COUNCIL
117th session
Agenda item 7

C 117/7
16 November 2016
Original: ENGLISH

**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 seventieth 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 34
<i>Related documents:</i>	MEPC 70/18 and MEPC 70/18/Add.1

Introduction

1 The report of the seventieth session of the Marine Environment Protection Committee (MEPC 70/18 and MEPC 70/18/Add.1) is submitted to the 117th session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The seventieth session of the Committee was held from 24 to 28 October 2016 and was attended by delegations from 96 Member States, 2 Associate Members and 2 United Nations and specialized agencies, and observers from 4 intergovernmental and 44 non-governmental organizations. The Chair was Mr. Arsenio Dominguez (Panama) and the Vice-Chair was 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 70 (MEPC 70/18).

Outcome of C 116

- 4 With regard to the requests by C 116 to:
- .1 consider the tenth consolidated audit summary report, the Committee (MEPC 70/18, paragraph 2.5) took action as set out in paragraphs 25.4 and 25.5; and
 - .2 to amend the Rules of Procedure to limit the total term of office of the Chairman and Vice-Chairman and to establish the use of gender-neutral terms, the Committee (MEPC 70/18, paragraphs 14.1 to 14.5) took action as set out in paragraph 27.

Adoption of amendments to mandatory instruments

- 5 The Committee (MEPC 70/18, section 3) considered and adopted:
- .1 by resolution MEPC.276(70), amendments to MARPOL Annex I, appendix II, related to Form B of the Supplement to the International Oil Pollution Prevention (IOPP) Certificate;
 - .2 by resolution MEPC.277(70), amendments to MARPOL Annex V related to HME substances and Form of Garbage Record Book; and
 - .3 by resolution MEPC.278(70), amendments to MARPOL Annex VI related to the data collection system for fuel oil consumption of ships.

6 The amendments listed in paragraph 5 above are expected to enter into force on 1 March 2018, upon their deemed acceptance on 1 September 2017.

Harmful aquatic organisms in ballast water

7 The Committee noted that the entry into force conditions of the BWM Convention had been met on 8 September 2016 and that the Convention will therefore enter into force on 8 September 2017.

8 The Committee (MEPC 70/18, section 4) made significant progress on the agenda item, and in particular:

- .1 recalling the approval of draft amendments to regulation B-3 of the BWM Convention at MEPC 69, included proposed alternate draft amendments to the regulation in the report and invited submissions to MEPC 71 with a view to develop a compromise solution at that session;
- .2 taking into account the outcome of the Intersessional Working Group on the Review of Guidelines (G8), adopted resolution MEPC.279(70) on *2016 Guidelines for approval of ballast water management systems (G8)*, superseding the previous guidelines, and agreed that the Guidelines should be made mandatory after the entry into force of the BWM Convention;
- .3 further discussed the agreed "Roadmap for implementation of the BWM Convention", commenced the development of guidance on contingency measures, and instructed a correspondence group to develop a structured plan for data gathering and analysis of experience gained with the implementation of the BWM Convention;

- .4 agreed to amend the *Guidelines for ballast water exchange* (G6) and instructed the Secretariat to prepare draft revised Guidelines (G6), for consideration and adoption at MEPC 71;
- .5 endorsed the view of the Ballast Water Review Group that the "same risk area" (SRA) concept is in line with the *Guidelines for risk assessment under regulation A-4 of the BWM Convention* (G7), that no further guidance on the matter is necessary and that Administrations may grant exemptions in accordance with regulation A-4 based on the SRA concept, subject to consultation and agreement between States that may be affected by such exemptions;
- .6 invited submissions to MEPC 71 on amendments to the *Guidelines for risk assessment under regulation A-4 of the BWM Convention* (G7) to incorporate the SRA concept;
- .7 instructed PPR 4 to consider a unified interpretation for implementing regulation B-4 (Ballast water exchange) of the BWM Convention as well as proposals concerning sampling, analysis and monitoring of BWMS; and
- .8 granted Final Approval to one ballast water management system (BWMS) that makes use of Active Substances. In addition, the Committee was informed of four further type approvals of BWMS.

Energy efficiency of ships

EEDI review

9 The Committee (MEPC 70/18, paragraphs 5.21 to 5.31 and 5.67), having considered the 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:

- .1 agreed to retain the current reduction rates, time periods and EEDI reference line parameters of phase 2 requirements for ship types other than ro-ro cargo and ro-ro passenger ships; and
- .2 invited interested Member Governments and international organizations to submit concrete proposals for relevant amendments to the EEDI requirements and/or relevant guidelines for ro-ro cargo and ro-ro passenger ships to MEPC 71.

10 The Committee also agreed that it would be necessary to start a thorough review of EEDI phase 3 requirements and their early implementation, as well as the possibility of establishing a phase 4, soon after MEPC 71; and that such review should be finalized in time for adoption of the necessary amendments to MARPOL Annex VI for early implementation of phase 3, with a view to 2022, and if agreed, introduction of phase 4, as soon as possible.

11 The Committee (MEPC 70/18, paragraphs 5.32, 5.33 and 5.68 and annex 8), having recalled that MEPC 69 had agreed that additional information to be included in the EEDI database should be used for the review at the midpoint of phase 2 required by regulation 21.6 of MARPOL Annex VI, considered the matter and endorsed the information to be included in the EEDI database for the next EEDI review.

Amendments to the 2014 Guidelines on the method of calculation of the attained EEDI for new ships

12 The Committee (MEPC 70/18, paragraphs 5.34 to 5.39 and 5.69 and annex 9) adopted resolution MEPC.281(70) on *Amendments to the 2014 Guidelines on the method of calculation of the attained EEDI for new ships* (resolution MEPC.245(66), as amended by resolution MEPC.263(68)) and instructed the Secretariat to issue a consolidated text of the Guidelines, as amended, for dissemination as MEPC.1/Circ.866.

Air pollution from ships***Review of fuel oil availability as required by regulation 14.8 of MARPOL Annex VI***

13 The Committee (MEPC 70/18, paragraphs 5.48 to 5.56 and annex 6), following extensive discussions, agreed that the 0.50% sulphur limit for fuel oil used on board ships, set out in regulation 14.1.3 of MARPOL Annex VI, shall become effective on 1 January 2020 and adopted resolution MEPC.280(70) on *Effective date of implementation of the fuel oil standard in regulation 14.1.3 of MARPOL Annex VI*. Furthermore, the Committee instructed PPR 4 to consider what additional measures may be developed to promote consistent implementation of the 0.50% global sulphur limit, for discussion at MEPC 71.

Designation of additional ECAs for NO_x Tier III control

14 The Committee (MEPC 70/18, paragraphs 5.57 to 5.59 and annex 7) approved draft amendments to regulation 13 of MARPOL Annex VI to designate the North Sea and the Baltic Sea as emission control areas for NO_x Tier III control with an effective date of 1 January 2021, including exemption provisions to allow ships fitted with dual fuel engines or with only Tier II engines to be built, converted, repaired and/or maintained at shipyards located in NO_x Tier III ECAs, with a view to adoption at MEPC 71.

Further technical and operational measures for enhancing energy efficiency of international shipping***Data collection system for fuel oil consumption of ships***

15 The Committee (see paragraph 5.3) adopted amendments to MARPOL Annex VI requiring 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, i.e. the mandatory data collection system for fuel oil consumption of ships. The amendments are expected to enter into force on 1 March 2018 and reporting of data would start in 2020. The implementation of the data collection system will require the establishment of an IMO Ship Fuel Consumption Database, to be managed by the Secretariat.

16 The Committee (MEPC 70/18, paragraphs 6.1 to 6.6 and 6.11), having considered the report of the correspondence group on the data collection system for fuel oil consumption established at MEPC 69, re-established the correspondence group and instructed it to finalize draft guidelines for Administration data verification procedures; further develop draft guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database; develop a draft MEPC circular to address non-Party ships submitting data to the Database; and submit a report to MEPC 71.

17 In this regard, the Committee (MEPC 70/18, paragraph 6.7) noted that, pursuant to the implementation of the aforementioned MARPOL Annex VI requirements, additional resources would be required by the Secretariat to develop and maintain the IMO Ship Fuel Oil

Consumption Database and produce reports for the Committee summarizing the data collected, the status of missing data, and such other information as may be requested by the Committee. Following discussion, the Committee agreed that additional human resources are required by the Secretariat and agreed to forward this matter to the Council for endorsement.

Revision of the 2012 Guidelines for the development of a SEEMP

18 The adoption of the mandatory data collection system necessitated a revision of the *2012 Guidelines for the development of a SEEMP* and the Committee (MEPC 70/18, paragraphs 6.9 and 6.10 and annex 10) consequently adopted resolution MEPC.282(70) on *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)*.

Reduction of GHG emissions from international shipping

19 The Committee (MEPC 70/18, section 7), having welcomed the forthcoming entry into force of the Paris Agreement on 4 November 2016, and following extensive discussions, approved a "Roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships", which foresees an initial GHG reduction strategy to be adopted in 2018. The Roadmap contains a list of activities, including further IMO GHG studies and significant intersessional work, with relevant timelines and provides for alignment of those new activities with the ongoing work by the MEPC on the three-step approach to ship energy efficiency improvements. This alignment provides a way forward to the adoption of a revised strategy in 2023 to include short-, mid-, and long-term further measures, as required, including implementation schedules.

20 The Committee also agreed, subject to Council's endorsement, to hold intersessional working group meetings on reduction of GHG emissions from ships in 2017 and the next biennium, with the possibility of further meetings in the following years, recognizing that, due to the urgency, importance and complexity of this topic, there would be a need for significant intersessional work (see also paragraphs 32 and 33).

Designation of the Jomard Entrance, Papua New Guinea, as a PSSA

21 The Committee (MEPC 70/18, paragraph 8.5) adopted resolution MEPC.283(70) on *Designation of the Jomard Entrance as a Particularly Sensitive Sea Area*. The PSSA includes newly established routeing systems (four two-way routes and a precautionary area) which were adopted at MSC 94 and entered into force on 1 June 2015 (SN.1/Circ.327).

Reports of sub-committees

Outcome of PPR 3

22 The Committee (MEPC 70/18, section 9) approved, in general, the report of PPR 3 (PPR 3/22 and PPR 3/22/Add.1) and took action on matters other than urgent matters, which had been considered at MEPC 69, as follows:

- .1 concurrently approved MSC-MEPC.2/Circ.16 on *Example of a Certificate of Protection for products requiring oxygen-dependent inhibitors* (see also MEPC 70/18, paragraph 2.4);

- .2 endorsed, with regard to the categorization of liquid substances (MEPC.2/Circ.21 on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code*):
 - .1 the evaluation of products and their respective inclusion in lists 1, 2 and 3 of MEPC.2/Circ.21, with validity for all countries and with no expiry date;
 - .2 the addition of four new biofuels to the list of recognized biofuels set out in annex 11 to MEPC.2/Circ.21; and
 - .3 the evaluation of cleaning additives and their inclusion in MEPC.2/Circ.21 and MEPC.2/Circ.22;
- .3 noted that PPR 3 developed a measurement reporting protocol for voluntary data collection of Black Carbon and invited interested Member Governments and international organizations to use the protocol and submit data to PPR 4 (see also MEPC 70/18, paragraphs 5.3 and 5.4);
- .4 approved the modification of the title of output 7.3.1.2 to read "*Standards for shipboard gasification of waste systems and associated amendments to regulation 16 of MARPOL Annex VI*" (see also MEPC 70/18, paragraph 15.17);
- .5 approved draft amendments to appendix V of MARPOL Annex VI and requested the Secretary-General to circulate them in accordance with MARPOL Article 16(2), with a view to adoption at MEPC 71 (see also MEPC 70/18, paragraphs 5.5 to 5.9);
- .6 approved MEPC.1/Circ.864 on *Guidelines for onboard sampling for the verification of the sulphur content of fuel oil used on board ships* (see also MEPC 70/18, paragraphs 5.10 to 5.15);
- .7 approved section II of the "Manual on Oil Pollution – Contingency Planning" and the *Guide on oil spill response in ice and snow conditions* and requested the Secretariat to carry out final editing and publish both through the IMO Publishing Service;
- .8 approved MEPC.1/Circ.865 on *Unified interpretations to the NO_x Technical Code 2008 related to the approval of SCR systems* (see also MEPC 70/18, paragraphs 5.16 and 5.17); and
- .9 agreed to include a new output on "Revision of the 2011 SCR Guidelines" in the biennial agenda of the PPR Sub-Committee and in the provisional agenda for PPR 4 (see also MEPC 70/18, paragraphs 5.13 to 5.15).

Outcome of III 2

23 The Committee (MEPC 78/10, paragraphs 10.1 to 10.3) approved a draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, for concurrent approval by MSC 97.

Outcome of SDC 3

24 The Committee (MEPC 70/18, paragraphs 10.4 to 10.6) approved unified interpretations of regulations 27 and 28 of MARPOL Annex I with regard to the treatment of ventilators fitted with weathertight closing appliances serving machinery spaces and requested the Secretariat to issue them as MEPC.1/Circ.867.

Outcome of III 3

25 The Committee (MEPC 70/18, paragraph 10.7 to 10.23) approved, in general, the report of III 3 (III 3/14) and took action as follows:

- .1 requested the Secretariat to effect consequential changes to the *Standard format of the advance notification form for waste delivery to port reception facilities* (appendix 2 of MEPC.1/Circ.834 on *Consolidated guidance for port reception facility providers and users*) related to electronic waste, with a view to issuing a revision of MEPC.1/Circ.834 following the entry into force of the amendments to MARPOL Annex V, and to amend the structure of the GISIS Port Reception Facility module accordingly (see also MEPC 70/18, paragraph 3.10);
- .2 noted the issuance of III.3/Circ.4 on *Casualty analysis and statistic*, containing observations on the quality of reports of investigations into casualties;
- .3 endorsed the methodology for developing PSC guidelines proposed by the III Sub-Committee, subject to concurrent decision by MSC 97, but agreed that amendments to the *2009 Guidelines for port State control under the revised MARPOL Annex VI* would require a new output (see also MEPC 70/18, paragraphs 5.18 to 5.20);
- .4 regarding the outcome of the analysis of consolidated audit summary reports by III 3, endorsed the five areas of recurrent findings; noted the highest number of non-conformities and areas of root causes; and forwarded the identified areas in need of additional technical assistance to Member States to the Technical Cooperation Committee for consideration;
- .5 requested the III Sub-Committee to consider the reviewing methodology for consolidated audit summary reports in line with the *Framework and procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), and make suggestions for the consideration of the Committee; and invited MSC to take note of this decision;
- .6 noted the progress made by III 3 on the issue of exemption of unmanned non-self-propelled (UNSP) barges from survey and certification requirements under MARPOL and that the matter would be further considered at III 4;
- .7 approved, subject to concurrent approval by MSC 97, the draft MSC-MEPC.5 circular on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2015, for ships operating in polar waters*;
- .8 approved, subject to concurrent approval by MSC 97, the draft MSC-MEPC.5 circular on *Unified interpretation on the expiration date of statutory certificates*;

- .9 authorized the III Sub-Committee, subject to concurrent decision by MSC 97, to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 30; and
- .10 approved, subject to concurrent approval by MSC 97, FAL 41 and LEG 104, the consolidated draft FAL.2-MEPC.1-MSA.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships*.

Analysis and consideration of recommendations to reduce administrative burdens

26 The Committee (MEPC 70/18, section 13) completed its work on the analysis of requirements in environment-related IMO instruments considered to be administrative burdens, following the submission of relevant recommendations to C 116.

Application of the Committees' Guidelines

Revised Rules of Procedure of the MEPC

27 The Committee (MEPC 70/18, paragraph 14.4) approved revised *Rules of Procedure of the MEPC*, taking into account the request of C 116 to limit the total term of office of the Chair and Vice-Chair and to use gender-neutral terms; and the agreement of the Chairs of the MSC and the MEPC to revise and harmonize the Rules of Procedure of the two Committees accordingly, so that the same Rules would apply to both Committees.

Committees' Guidelines

28 In this connection, the Committee (MEPC 70/18, paragraph 14.9) agreed to revise the Committees' Guidelines correspondingly and approved the draft MSC-MEPC.1 circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, for concurrent approval by MSC 97.

Work programme of the Committee and subsidiary bodies

Status of outputs

29 The Committee (MEPC 70/18, paragraph 15.21) invited the Council to note the biennial status report of the outputs of MEPC for the 2016-2017 biennium.

Plan of meeting weeks

30 The Committee (MEPC 70/18, paragraph 15.24) approved, subject to the concurrent decision of MSC 97, the plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the 2018-2019 biennium, for inclusion in the Secretary-General's relevant budget proposals.

Items to be included in the agendas of MEPC 71 and MEPC 72

31 The Committee (MEPC 70/18, paragraph 15.26) approved the items to be included in the agendas of MEPC 71 and MEPC 72 which have been scheduled to take place from 3 to 7 July 2017 and in spring 2018, respectively.

Intersessional meetings

32 The Committee (MEPC 70/18, paragraph 15.32) approved, for the Council's endorsement, two Intersessional Working Groups on Reduction of GHG emissions from ships in 2017, to meet before MEPC 71 and in autumn 2017, respectively (see also paragraph 20).

33 The Committee (MEPC 70/18, paragraph 15.33) also invited the Council to endorse, in principle, the holding of further intersessional meetings on the reduction of GHG emissions from ships during the next biennium and to note that further intersessional meetings for multiple years during the implementation of the "Roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships" may be necessary, recognizing that, due to the urgency, importance and complexity of this topic, there would be a need for significant intersessional work in the coming years (see also paragraph 20).

Action requested of the Council

34 The Council is invited to:

- .1 consider the report of the seventieth session of the 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 C 116 (paragraph 4);
- .3 note that the Committee adopted amendments to MARPOL Annexes I, V and VI (paragraphs 5 and 6);
- .4 note the action taken by the Committee on issues related to ballast water management, in particular the adoption of revised *Guidelines for approval of ballast water management systems (G8)* (paragraphs 7 and 8);
- .5 note the action taken by the Committee on issues related to air pollution and energy efficiency of ships, in particular the determination of the effective date of implementation of the 0.50% sulphur limit for fuel oil used on ships as 1 January 2020 and the designation of the North Sea and the Baltic Sea as emission control areas for NO_x Tier III control with an effective date of 1 January 2021 (paragraphs 9 to 14);
- .6 note the action taken by the Committee on issues related to the implementation of the data collection system for fuel oil consumption of ships, in particular the finalization and adoption of the *2016 SEEMP Guidelines* (paragraphs 15 to 18);
- .7 endorse the request of the Committee for additional human resources in the Secretariat to develop and maintain the IMO Ship Fuel Oil Consumption Database and produce an annual report for the Committee summarizing the data collected, the status of missing data, and such other information as may be requested by the Committee (paragraph 17);
- .8 note the action taken by the Committee on issues related to the reduction of GHG emissions from ships, in particular the approval of the "Roadmap for developing a comprehensive IMO strategy on the reduction of GHG emissions from ships" (paragraphs 19 and 20);

- .9 note that the Committee designated the Jomard Entrance (Papua New Guinea) as a PSSA (paragraph 21);
- .10 note the action taken by the Committee on the outcome of the PPR, SDC and III Sub-Committees (paragraphs 22 to 25);
- .11 note that the Committee completed its work on analysis and consideration of recommendations to reduce administrative burdens in environment-related IMO instruments (paragraph 26);
- .12 note that the Committee revised its Rules of Procedure, taking into account the outcome of C 116 (paragraph 27);
- .13 note that the Committee approved, subject to concurrent approval by MSC 97, amendments to the Committees' Guidelines (paragraph 28);
- .14 note the biennial status report of the planned outputs of the MEPC for the 2016-2017 biennium (paragraph 29);
- .15 note that the Committee approved, subject to the concurrent decision of MSC 97, the plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the 2018-2019 biennium (paragraph 30);
- .16 note that the Committee approved the items to be included in the agendas of MEPC 71 and MEPC 72 which have been scheduled to take place from 3 to 7 July 2017 and in spring 2018, respectively (paragraph 31);
- .17 endorse the holding of two intersessional meetings of the Working Group on Reduction of GHG emissions from ships in 2017, before MEPC 71 and in autumn 2017, respectively (paragraph 32); and
- .18 endorse, in principle, the holding of further intersessional meetings on the reduction of GHG emissions from ships during the next biennium and note that further meetings for multiple years during the implementation of the "Roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships" may be necessary (paragraph 33).
