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Agenda item 6

C/ES.29/6
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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 seventy-first session of the Marine Environment Protection Committee
<i>Strategic direction:</i>	1, 2, 5, 7, 10, 12 and 13
<i>High-level action:</i>	1.1.2, 2.0.1, 2.0.2, 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>	1.1.2.3, 2.0.1.2, 2.0.2.1, 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, 7.2.3.1, 7.2.3.2, 7.3.1.1 to 7.3.1.11, 7.3.2.1 to 7.3.2.6, 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 24
<i>Related documents:</i>	MEPC 71/17, MEPC 71/17/Add.1 and MEPC 71/17/Add.2

Introduction

1 The report of the seventy-first session of the Marine Environment Protection Committee (MEPC 71/17, MEPC 71/17/Add.1 and MEPC 71/17/Add.2) is submitted to the twenty-ninth extraordinary session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The seventy-first session of the Committee was held from 3 to 7 July 2017 and was attended by delegations from 101 Member States, 2 Associate Members and 2 United Nations and specialized agencies, and observers from 8 intergovernmental and 51 non-governmental organizations. The Chair was Mr. A. Dominguez (Panama) and the Vice-Chair was Mr. H. 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 71 (MEPC 71/17).

Outcome of C 117

4 The Committee noted the outcome of C 117, in particular, that the Council had requested the Secretary-General to prepare a first draft of the alignment of the outputs to the new strategic framework for the sub-committees' and committees' consideration; endorsed the request of MEPC 70 for additional human resources in the Secretariat to develop and maintain the IMO Ship Fuel Oil Consumption Database; and endorsed the holding of two intersessional meetings of the Working Group on Reduction of GHG emissions from ships in 2017 and, in principle, the holding of further intersessional meetings on the matter during the next biennium (MEPC 71/17, section 2).

Adoption of amendments to mandatory instruments

5 The Committee (MEPC 71/17, section 3 and annex 1) considered and adopted, by resolution MEPC.286(71), amendments to MARPOL Annex VI, related to the designation of the Baltic Sea and the North Sea ECAs for NO_x Tier III control and to the information to be included in the bunker delivery note, which are expected to enter into force on 1 January 2019, upon their deemed acceptance on 1 July 2018.

Harmful aquatic organisms in ballast water

6 The Committee, bearing in mind that the BWM Convention will enter into force on 8 September 2017, made significant progress on the agenda item (MEPC 71/17, section 4 and annexes 2 to 12), and in particular:

- .1 approved draft amendments to regulation B-3 of the Convention and a draft MEPC resolution on *Determination of the date referred to in regulation B-3, as amended, of the BWM Convention*, with a view to adoption of both at MEPC 72, thereby agreeing to a practical and pragmatic implementation schedule for ships to comply with the Convention;
- .2 having agreed on the need for a resolution on implementation of the BWM Convention with a view to facilitating the smooth and uniform implementation of the approved amendments to regulation B-3, adopted resolution MEPC.287(71) on *Implementation of the BWM Convention*;
- .3 invited A 30 to note the amendment to regulation B-3 and the adoption of resolution MEPC.287(71) on *Implementation of the BWM Convention*, and consequently to revoke resolution A.1088(28) on the *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, which has been superseded by the aforementioned resolution;
- .4 approved the draft *Code for approval of ballast water management systems* (BWMS Code) and related draft amendments to regulations A-1 and D-3 of the Convention making the Code mandatory, with a view to adoption of both at MEPC 72;
- .5 approved draft amendments to regulations E-1.1.5, E-5.8 and E-5.9.1 of the Convention concerning survey and certification requirements, for consideration with a view to adoption at MEPC 72, together with a related unified interpretation of Appendix I (Form of the International Ballast Water Management Certificate) for final approval at that session;

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- .6 approved a number of guidelines and recommendations concerning the Convention, as follows:
- .1 resolution MEPC.288(71) on *2017 Guidelines for ballast water exchange (G6)*;
 - .2 resolution MEPC.289(71) on *2017 Guidelines for risk assessment under regulation A-4 of the BWM Convention (G7)*;
 - .3 *BWM.2/Circ.52/Rev.1 on Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party*;
 - .4 *BWM.2/Circ.61 on Guidance on methodologies that may be used for enumerating viable organisms for type approval of ballast* and instructed PPR 5 to consider proposals for the inclusion of additional methodologies in the Guidance;
 - .5 *BWM.2/Circ.62 on Guidance on contingency measures under the BWM Convention*; and
 - .6 *BWM.2/Circ.63 on Application of the BWM Convention to ships operating in sea areas where Ballast Water Exchange in accordance with regulations B-4.1 and D-1 is not possible*;
- .7 approved the Manual on *Ballast Water Management – How to do it*;
- .8 adopted resolution MEPC.290(71) on *The experience-building phase associated with the BWM Convention*;
- .9 having considered the report of the Eighth Stocktaking Workshop on the activity of the GESAMP-BWWG:
- .1 agreed that in all cases where ballast water management involves the addition of an Active Substance to drinking water on board, there should be a submission to the Group for approval under the *Procedure for approval of ballast water management systems that make use of Active Substances (G9)*; and
 - .2 approved *BWM.2/Circ.13/Rev.4 on Methodology for information gathering and conduct of work of the GESAMP-BWWG*; and
- .10 granted Basic Approval to two and Final Approval to one BWMS that make use of Active Substances; and noted information regarding type-approved BWMS provided by Member Governments.

Air pollution from ships

7 The Committee (MEPC 71/17, paragraphs 5.2 to 5.25 and annex 13) progressed the work on the issue, and in particular:

- .1 having considered the action requested of it by PPR 4:
 - .1 noted the progress made on the consideration of the impact on the Arctic of emissions of Black Carbon from international shipping;

- .2 instructed PPR 5 to reconsider and finalize the draft 2017 Guidelines for the discharge of exhaust gas recirculation (EGR) bleed-off water; and
 - .3 adopted resolution MEPC.291(71) on *2017 Guidelines addressing additional aspects of the NO_x Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with selective catalytic reduction (SCR) systems*;
- .2 having considered the report of the Correspondence Group on Fuel oil quality:
- .1 invited interested Member Governments and international organizations to further consider the draft best practice for fuel oil purchasers/users and submit comments and proposals to MEPC 72, with a view to finalization of the best practice at that session;
 - .2 re-established the Correspondence Group on Fuel oil quality to finalize the draft guidance on best practice for Member States/coastal States; and
 - .3 encouraged the fuel oil supply industry to develop draft best practice for fuel oil providers and submit pertinent proposals to MEPC 72;
- .3 noted updated information on the decision by the Parties to the Montreal Protocol on the treatment of ozone-depleting substances (ODS) and requested the Secretariat to continue liaising with the Ozone Secretariat and to provide an update on the work of the Montreal Protocol to MEPC 72; and
- .4 noted the outcome of the monitoring of the worldwide average sulphur content of marine fuel oils supplied for use on board ships for 2016 which identifies the worldwide average sulphur content (i.e. three-year rolling average) of residual fuel oil as 2.50% and of distillate fuel oil as 0.10%; and requested the Secretariat to continue providing information on this matter annually to the Committee.

Energy efficiency of ships

8 The Committee (MEPC 71/17, paragraphs 5.26 to 5.63 and annexes 14 and 15), progressed the work on the issue, and in particular:

- .1 approved draft amendments to regulation 21 of MARPOL Annex VI regarding EEDI requirements for ro-ro cargo and ro-ro passenger ships, with a view to adoption at MEPC 72;
- .2 considered and decided on several operational issues concerning the EEDI database, including clarifications and options to ensure anonymity and consistency of reporting, and requested the Secretariat to continue submitting EEDI information to the Committee;
- .3 established a Correspondence Group on EEDI review beyond phase 2 and instructed it to consider, collate and analyse information and data pertinent to the review, consider possible future EEDI reduction rates; and make relevant recommendations to the Committee;

- .4 regarding EEDI reduction requirements and correction factors for ice class ships, instructed the aforementioned Correspondence Group to consider the matter further;
- .5 regarding the ongoing revision of the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.262(68), as amended by resolutions MEPC.255(67) and MEPC.262(68)), agreed to:
 - .1 extend the Guidelines to EEDI phase 2 and requested the Secretariat to revise MEPC.1/Circ.850/Rev.1 accordingly;
 - .2 continue the discussion on this matter at the next session and invited interested Member Governments and international organizations to submit proposals to MEPC 72; and
 - .3 keep MSC informed of the ongoing work; and
- .6 invited A 30 to recall resolution A.229(22) on *Entry into force of Annex VI to MARPOL 73/78* and to note that the issues the resolution seeks to address remain valid, in particular the need for the provision of technical assistance to support Member State accession, including preparation of national legislation, and effective implementation and enforcement of the provisions of MARPOL Annex VI.

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

9 The Committee (MEPC 71/17, section 6 and annexes 16 and 17), having considered information by the Secretariat on the development of the IMO Ship Fuel Oil Consumption Database as a module within the GISIS platform, together with the report of the Correspondence Group on the Data collection system, took action as follows:

- .1 requested the Secretariat to further develop the IMO Ship Fuel Oil Consumption Database as a module within the GISIS platform, taking into account the comments and decisions made, and to provide a status report to MEPC 72;
- .2 adopted resolution MEPC.292(71) on *2017 Guidelines for Administration verification of ship fuel oil consumption data*;
- .3 adopted resolution MEPC.293(71) on *2017 Guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database*;
- .4 approved MEPC.1/Circ.871 on *Submission of data to the IMO data collection system of fuel oil consumption of ships from a State not Party to MARPOL Annex VI*;
- .5 invited interested Member Governments and international organizations, in cooperation with IMCA, to submit proposals for guidance on how to deal with offshore and marine contracting vessels under the IMO data collection system; and
- .6 agreed to consider the matter of a proxy for transport work for cruise passenger ships at a future session.

Reduction of GHG emissions from international shipping

10 The Committee (MEPC 71/17, section 7), having noted information by the IMO and UNFCCC Secretariats regarding the ongoing work to address climate change, requested the Secretariat to continue its well-established cooperation with the UNFCCC Secretariat and its attendance at relevant UNFCCC meetings, and to continue to bring the outcome of the Organization's work to the attention of appropriate UNFCCC bodies and meetings.

11 The Committee, in considering the report of the first meeting of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 1), continued to build on the work the Organization has undertaken to address GHG emissions from international shipping, in accordance with the *Roadmap for developing a comprehensive IMO Strategy on the reduction of GHG emissions from ships* approved at MEPC 70, and took action as follows:

- .1 noted a draft outline for the structure of the initial IMO GHG Strategy;
- .2 approved terms of reference for ISWG-GHG 2 and agreed that it would meet from 23 to 27 October 2017, at IMO Headquarters;
- .3 approved terms of reference for ISWG-GHG 3 and agreed, subject to endorsement by Council (see also paragraph 21.2), that it would meet from 3 to 6 April 2018, back-to-back with MEPC 72, at IMO Headquarters.

Designation of PSSAs

12 The Committee (MEPC 71/17, section 8 and annex 18) adopted resolution MEPC.294(71) on *Designation of the Tubbataha Reefs Natural Park as a Particularly Sensitive Sea Area*.

Reports of sub-committees

Outcome of PPR 4

13 The Committee (MEPC 71/17, section 9 and annexes 19 and 20) approved, in general, the report of PPR 4 (PPR 4/21, PPR 4/21/Add.1, PPR 4/21/Add.2 and PPR 4/21/Add.3) and took action on matters other than those considered under the agenda items on "Harmful aquatic organisms in ballast water" (MEPC 71/17, section 4), "Air pollution and energy efficiency of ships" (MEPC 71/17, section 5) and "Work programme of the Committee and subsidiary bodies" (MEPC 71/17, section 14), as follows:

- .1 endorsed, with regard to the categorization of liquid substances (MEPC.2/Circ.22 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 and 3 of MEPC.2/Circ.22, with validity for all countries and no expiry date; and
 - .2 the evaluation of cleaning additives and their inclusion in MEPC.2/Circ.22 and its successor MEPC.2/Circ.23;
- .3 having noted the concurrent decision of MSC 98, approved, in principle, the draft revised chapter 21 of the IBC Code, pending finalization of the revision of chapters 17 and 18 of the Code, for subsequent circulation of all three revised chapters, with a view to adoption;

- .4 approved the draft Assembly resolution on the Code for the transport and handling of hazardous and noxious liquid substances in bulk on offshore support vessels (OSV Chemical Code), for submission to A 30, with a view to adoption;
- .5 approved OPRC model training courses and requested the Secretariat to carry out final editing and publish the courses through the IMO Publishing Service; and
- .6 approved a unified interpretation of regulation 36.2.10 of MARPOL Annex I concerning the appropriate cargo/ballast operation category of offshore terminal line flush seawater, for dissemination as MEPC.1/Circ.872.

Outcome of CCC 3

14 The Committee (MEPC 71/17, paragraphs 10.1 to 10.5 and annex 21) approved, in general, the report of CCC 3 (CCC 3/15) and adopted resolution MEPC.295(71) on *2017 Guidelines for the implementation of MARPOL Annex V*.

Outcome of SDC 4

15 The Committee (MEPC 71/17, paragraphs 10.6 and 10.7 and annex 20) approved a unified interpretation of regulation 1.23 of MARPOL Annex I, regarding the use of even-keel hydrostatics for determination of the regulatory deadweight to be entered on relevant statutory certificates, for dissemination as MEPC.1/Circ.872 (see also paragraph 13.6).

Technical cooperation activities for the protection of the marine environment

16 The Committee (MEPC 71/17, section 11):

- .1 approved the five thematic priorities for the Organization's Integrated Technical Cooperation Programme (ITCP) related to the protection of the marine environment for the 2018-2019 biennium; and
- .2 noted information on the Organization's technical cooperation activities related to the protection of the marine environment implemented between 23 July 2016 and 31 March 2017, including those executed through a number of projects financed by external sources.

Application of the Committees' Guidelines

Revised Rules of Procedure of the MEPC

17 The Committee (MEPC 71/17, section 13 and annex 22) revised the *Rules of Procedure of the MEPC* approved at MEPC 70, in line with decisions taken by LEG 104 and MSC 98, taking into account the request of the Council to harmonize the Rules of Procedure of the committees. In this regard, the Committee also agreed, again in line with the decisions of LEG 104 and MSC 98, that the holding of an extraordinary session with budgetary implications should be subject to the approval of the Council.

Work programme of the Committee

Approval of new outputs

18 The Committee (MEPC 71/17, paragraphs 14.1 to 14.28) approved the following new outputs for inclusion in its biennial agenda for 2018-2019 or its post-biennial agenda, respectively:

- .1 consideration of the initial proposal to amend Annex 1 to the AFS Convention to include controls on cybutryne;
- .2 amendments to the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants* (resolution MEPC.227(64)) to address inconsistencies in their application;
- .3 development of measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters;
- .4 development of amendments to regulation 19 of MARPOL Annex VI and an associated Exemption Certificate for the exemption of ships not normally engaged on international voyages; and
- .5 consistent implementation of regulation 14.1.3 of MARPOL Annex VI.

Status of outputs

19 The Committee (MEPC 71/17, paragraph 14.38 and annex 25) invited the Council to note the biennial status report of the outputs of MEPC for the 2016-2017 biennium.

Items to be included in the agendas of MEPC 72 and MEPC 73

20 The Committee (MEPC 71/17, paragraph 14.39 and 14.41 and annex 26) approved the items to be included in the agendas of MEPC 72 and MEPC 73 which have been scheduled to take place from 9 to 13 April 2018 and from 22 to 26 October 2018, respectively.

Intersessional meetings

21 The Committee (MEPC 71/17, paragraph 14.44) approved, for the Council's endorsement, the holding of three intersessional meetings as follows:

- .1 a meeting of the ESPH Working Group, in 2018;
- .2 the third meeting of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 3), from 3 to 6 April 2018, taking into account that C 117 already endorsed, in principle, the holding of further intersessional meetings of the Group (see paragraph 11.3); and
- .3 a meeting on consistent implementation of regulation 14.1.3 of MARPOL Annex VI, in the second half of 2018.

Election of officers

22 The Committee (MEPC 71/17, section 15) elected Mr. H. Saito (Japan) as Chair and Mr. H. Conway (Liberia) as Vice-Chair, both for 2018.

Any other business

23 The Committee (MEPC 71/17, section 16 and annexes 27 and 28) concurrently approved *Guidance on completing the Certificate of Fitness under the IBC, BCH, IGC, GC and EGC Codes* (MSC-MEPC.5/Circ.14), together with draft amendments to the IBC and BCH Codes; and discussed, inter alia, matters pertaining to the Hong Kong Convention, the reduction of underwater noise from shipping and marine mammals avoidance.

Action requested of the Council

24* The Council is invited to:

- .1 consider the report of the seventy-first 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 117 (paragraph 2.3);
- .3 note that the Committee adopted amendments to MARPOL Annex VI (section 3 and annex 1);
- .4 note the action taken by the Committee on issues related to ballast water management, in particular the agreement on a practical and pragmatic implementation schedule for ships to comply with the BWM Convention, which will enter into force on 8 September 2017, and the approval of pertinent draft amendments to the Convention, expected to be adopted at MEPC 72 (section 4 and annexes 2 to 12);
- .5 note in particular that the Committee invited A 30 to note the amendment to regulation B-3 and the adoption of resolution MEPC.287(71) on *Implementation of the BWM Convention*, and consequently to revoke resolution A.1088(28) on the *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, which has been superseded by the aforementioned resolution (paragraph 4.25);
- .6 note the action taken by the Committee on issues related to air pollution and energy efficiency of ships, in particular the work related to the implementation of the mandatory energy efficiency measures in MARPOL Annex VI, (section 5 and annexes 13 to 15);
- .7 note in particular that the Committee invited A 30 to recall resolution A.229(22) on *Entry into force of Annex VI to MARPOL 73/78* and to note that the issues the resolution seeks to address remain valid, in particular the need for the provision of technical assistance to support Member State accession, including preparation of national legislation, and effective implementation and enforcement of the provisions of MARPOL Annex VI (paragraph 5.55);

* References in this paragraph are to paragraphs and annexes of the report of MEPC 71 (MEPC 71/17 and addenda).

- .8 note the action taken by the Committee on issues related to implementation of the data collection system for fuel oil consumption of ships (section 6 and annexes 16 and 17);
- .9 note the progress made by the Committee on issues related to the reduction of GHG emissions from ships, in particular the agreement on a draft outline for the structure of the initial IMO GHG Strategy (section 7);
- .10 note that the Committee approved terms of reference for the second and third meetings of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG), in particular that the second intersessional meeting, scheduled to take place from 23 to 27 October 2017, has been instructed to further develop the structure and identify core elements of the draft initial IMO GHG Strategy (paragraph 7.26);
- .11 note that the Committee designated the Tubbataha Reefs Natural Park (Philippines) as a PSSA (paragraph 8.15 and annex 18);
- .12 note the action taken by the Committee on the outcome of PPR 4, in particular the approval of a draft Assembly resolution on the Code for the transport and handling of hazardous and noxious liquid substances in bulk on offshore support vessels (OSV Chemical Code) (section 9 and annex 19);
- .13 note the action taken by the Committee on the outcome of CCC 3 and SDC 4 (section 10 and annexes 20 and 21);
- .14 note the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment, in particular the approval of the five thematic priorities for the ITCP related to the protection of the marine environment for the 2018-2019 biennium (section 11);
- .15 note that the Committee revised its Rules of Procedure, in line with the decisions of LEG 104 and MSC 98; and in this connection agreed that the holding of an extraordinary session with budgetary implications should be subject to the approval of the Council (paragraph 13.1 to 13.3 and annex 22);
- .16 note that the Committee approved five new outputs for inclusion in its biennial agenda for 2018-2019 or its post-biennial agenda, respectively (paragraphs 14.1 to 14.28);
- .17 note the status report of the outputs of the MEPC for the 2016-2017 biennium (paragraph 14.38 and annex 25);
- .18 note that the Committee approved the items to be included in the agendas of MEPC 72 and MEPC 73 which have been scheduled to take place from 9 to 13 April 2018 and from 22 to 26 October 2018, respectively (paragraphs 14.39 and 14.41 and annex 26);
- .19 endorse the holding of three intersessional meetings: of the ESPH Working Group, in 2018; of ISWG-GHG 3, from 3 to 6 April 2018; and on consistent implementation of regulation 14.1.3 of MARPOL Annex VI, in the second half of 2018 (paragraph 14.44);

- .20 note that the Committee elected Mr. H. Saito (Japan) as Chair and Mr. H. Conway (Liberia) as Vice-Chair, both for 2018 (paragraph 15.1); and
- .21 note that the Committee concurrently approved *Guidance on completing the Certificate of Fitness under the IBC, BCH, IGC, GC and EGC Codes* (MSC-MEPC.5/Circ.14), together with draft amendments to the IBC and BCH Codes; and discussed, inter alia, matters pertaining to the Hong Kong Convention, the reduction of underwater noise from shipping and marine mammals avoidance (section 16 and annexes 27 and 28).
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