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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**

*Executive summary:* This document reports on the outcome of the seventy-second session of the Marine Environment Protection Committee

*Strategic direction, if applicable:* Not applicable

*Output:* Not applicable

*Action to be taken:* Paragraph 27

*Related documents:* MEPC 72/17 and MEPC 72/17/Add.1

**Introduction**

1 The report of the seventy-second session of the Marine Environment Protection Committee (MEPC 72/17 and MEPC 72/17/Add.1) is submitted to the 120th session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The seventy-second session of the Committee was held from 9 to 13 April 2018 and was attended by delegations from 105 Member States, three Associate Members and two United Nations and specialized agencies, and observers from eight intergovernmental and 47 non-governmental organizations. The Chair was Mr. H. Saito (Japan) and the Vice-Chair was Mr. H. Conway (Liberia).

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 72 (MEPC 72/17).

**Outcome of MSC 98**

4 The Committee (MEPC 72/17, paragraph 2.3) approved MSC-MEPC.2/Circ.12/Rev.2 on *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process*, noting the concurrent decision by MSC 98.

**Outcome of C/ES.29**

5 The Committee (MEPC 72/17, paragraph 2.4) noted the outcome of C/ES.29, in particular that the Council had endorsed the holding of the intersessional meetings of the twenty-fourth session of the PPR Working Group on the Evaluation of Safety and Pollution Hazards of Chemicals (ESPH 24) in October 2018; the third session of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 3) in April 2018; and the Intersessional Working Group on consistent implementation of regulation 14.1.3 of MARPOL Annex VI in July 2018.

**Outcome of A 30**

6 The Committee (MEPC 72/17, paragraph 2.8) referred the first Consolidated Audit Summary Report (CASR), containing lessons learned from 18 mandatory audits completed in 2016 (Circular Letter No.3772), to III 5 for consideration and analysis under its agenda item on "Analysis of consolidated audit summary reports", and instructed the Sub-Committee to report the outcome of its considerations to the Committee.

**Adoption of amendments to mandatory instruments**

7 The Committee (MEPC 72/17, section 3 and annexes 1 to 9) considered and adopted, by resolutions MEPC.296(72), MEPC.297(72) and MEPC.299(72), amendments to the BWM Convention related to the Code for Approval of Ballast Water Management Systems, the implementation schedule of ballast water management for ships, and endorsements of additional surveys on the International Ballast Water Management Certificate, which are expected to enter into force on 13 October 2019, upon their deemed acceptance on 13 April 2019.

8 The Committee adopted, by resolution MEPC.300(72), the Code for Approval of Ballast Water Management Systems (BWMS Code), which is expected to take effect on 13 October 2019 upon entry into force of the associated amendments to the BWM Convention adopted by resolution MEPC.296(72).

9 In connection with the amendments to the BWM Convention adopted by resolution MEPC.297(72), the Committee adopted resolution MEPC.298(72) related to the determination of the survey referred to in regulation B-3 of the BWM Convention.

10 The Committee considered and adopted, by resolution MEPC.301(72), amendments to MARPOL Annex VI concerning ECAs and the required EEDI for ro-ro cargo ships and ro-ro passenger ships, which are expected to enter into force on 1 September 2019, upon their deemed acceptance on 1 March 2019.

11 The Committee considered and adopted, by resolution MEPC.302(72) and MEPC 303(72), amendments to the IBC Code and BCH Code, respectively, related to the Model form of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, which are expected to enter into force on 1 January 2020, upon their deemed acceptance on 1 July 2019.

**Harmful aquatic organisms in ballast water**

12 The Committee, having noted that the BWM Convention had entered into force on 8 September 2017, made significant progress on the agenda item (MEPC 72/17, section 4), and in particular:

- .1 approved BWM.2/Circ.67 on *Data gathering and analysis plan for the experience-building phase*;

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- .2 requested the Secretariat to initiate the necessary actions for the implementation of the experience-building phase and, noting also that financial contributions were still solicited, to update it at its next session about any pledges for financial support that may be received, so that an informed decision could then be made;
  - .3 approved BWM.2/Circ.33/Rev.1 on revised *Guidance on scaling of ballast water management systems*; and
  - .4 approved BWM.2/Circ.43/Rev.1 on revised *Guidance for Administrations on the type approval process for ballast water management systems*.

### **Air pollution from ships**

13 The Committee (MEPC 72/17, section 5 and annex 10) progressed the work on the issue, and in particular:

- .1 having considered the action requested of it by PPR 5:
  - .1 approved the draft amendments to regulation 14 of MARPOL Annex VI and the form of the Supplement to the IAPP Certificate concerning prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship;
  - .2 authorized the Intersessional Meeting on Consistent implementation of regulation 14.1.3 of MARPOL Annex VI, scheduled for 9 to 13 July 2018, to report its outcome concerning the development of guidance on ship implementation planning for 2020 to MEPC 73, for consideration and action, as appropriate; and
  - .3 reiterated its decision at MEPC 71 that the PPR Sub-Committee should report to MSC any safety issues that might be identified with regard to low-sulphur fuel oil; and
- .2 having considered relevant proposals on the development of guidance on fuel oil quality:
  - .1 approved MEPC.1/Circ.875 on *Guidance on best practice for fuel oil purchasers/users for assuring the quality of fuel oil used on board ships*; and
  - .2 agreed that the draft Best practice guidance for fuel oil suppliers developed by IBIA (MEPC 72/INF.13) could form a basis for the development of IMO guidance and invited Member Governments and international organizations to submit comments on draft guidance to MEPC 73; and
- .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 74; 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 2017 which identifies the worldwide average sulphur content (i.e. three-year rolling average) of residual fuel oil as 2.54% and of distillate fuel oil as 0.08%; and requested the Secretariat to continue providing information on this matter annually to the Committee.

### **Energy efficiency of ships**

14 The Committee (MEPC 72/17, section 5), progressed the work on the issue, and in particular:

- .1 having considered the information provided by the Secretariat (MEPC 72/INF.8) concerning the EEDI database:
- .1 noted a summary of data and graphical representation for the 2,769 ships currently contained in the EEDI database;
  - .2 noted that the Secretariat had posted the aggregated and anonymized data in the MARPOL Annex VI module in GISIS; and
  - .3 requested the Secretariat to continue submitting a summary of EEDI information to its future sessions; and
- .2 having considered the report of the Correspondence Group on EEDI review beyond phase 2 (MEPC 72/5/4, MEPC 72/5/5 and MEPC 72/INF.12):
- .1 noted the progress made by the Correspondence Group and instructed it to submit an interim report to MEPC 73; and
  - .2 instructed the Correspondence Group to consider further how ships ice-strengthened in accordance with ice classes higher than IA Super should be defined and excluded from the EEDI regulations, taking into account comments and suggestions made at this session, and report back to MEPC 73; and
  - .3 reiterated its invitation to interested Member Governments and international organizations to make every effort to further develop the draft revision of the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.232(65), as amended by resolutions MEPC.255(67) and MEPC.262(68)), for submission to MEPC 73.

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

15 The Committee (MEPC 72/17, section 6), having noted that the IMO Ship Fuel Oil Consumption Database had been launched as a new module within the GISIS platform (Circular Letter No.3827):

- .1 requested the Secretariat to update the Database, in particular to incorporate certain communication with Administrations as features in the new GISIS module, and to provide a status report to MEPC 73;

- .2 approved MEPC.1/Circ.876 on *Sample format for the Confirmation of compliance, early submission of the SEEMP part II on the ship fuel oil consumption data collection plan and its timely verification pursuant to regulation 5.4.5 of MARPOL Annex VI*; and
- .3 invited interested Member Governments and international organizations to submit relevant concrete proposals to a future session of the Committee, with a view to developing a comprehensive and uniform approach for identifying ships not engaged in "transport work".

### **Reduction of GHG emissions from international shipping**

16 The Committee (MEPC 72/17, 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.

17 The Committee, having considered the reports of the second and third meetings of the Intersessional Working Group on Reduction of GHG emissions from ships (MEPC 72/7 and MEPC 72/WP.5) and the Working Group on Reduction of GHG emissions from ships established during the session (MEPC 72/WP.7), 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 adopted resolution MEPC.304(72) on *Initial IMO Strategy on reduction of GHG emissions from ships*;
- .2 thanked the members of the Working Group on Reduction of GHG emissions from ships, and in particular, expressed its profound appreciation to the chair, Mr. Sveinung Oftedal of Norway, for his dedication and efforts leading to the adoption of the *Initial IMO Strategy on reduction of GHG emissions from ships*; and
- .3 approved terms of reference for ISWG-GHG 4, including, inter alia, the development of a programme of follow-up actions of the Initial IMO Strategy on reduction of GHG emissions from ships, and agreed, subject to endorsement by Council, that it would meet in the second half of 2018, at IMO Headquarters.

### **Reports of sub-committees**

#### ***Urgent matters emanating from PPR 5***

18 The Committee (MEPC 72/17, section 9 and annex 12) considered urgent matters emanating from the fifth session of the PPR Sub-Committee (MEPC 72/9) and took action on matters other than those considered under the agenda items on "Air pollution and energy efficiency of ships" (MEPC 72/17, section 5) and "Work programme of the Committee and subsidiary bodies" (MEPC 72/17, section 15), as follows:

- .1 concurred with the evaluation of products, as carried out by ESPH 23, and their respective inclusion in lists 1, 2, 3 and 5 of MEPC.2/Circ.23, with validity for all countries and with no expiry date; and

- .2 concurred with the evaluation of cleaning additives, as carried out by ESPH 23 and the ESPH Working Group established during PPR 5, and their inclusion in annex 10 of MEPC.2/Circ.23 and its successor MEPC.2/Circ.24.

#### **Outcome of III 4**

19 The Committee (MEPC 72/17, section 10) approved, in general, the report of III 4 (III 4/15 and III 4/15/Add.1) and took action concerning the outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) fishing, as follows:

- .1 subject to concurrent decision of MSC 99, requested the Secretariat to:
- .1 contribute to the promotion of the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA) and the organization of joint capacity development programmes;
  - .2 continue participating in the FAO Global Record Working Group;
  - .3 further develop existing GISIS functionalities, with the support of the FAO Secretariat, to host a database of national contact points that are able to identify the relevant segment of the national fleet of fishing vessels;
  - .4 consider the need to develop, by means of a circular letter, a new data exchange mechanism specific to fishing vessels of less than 100 gross tonnage, and to update the III Sub-Committee on the outcome of the consideration, with a view to informing the Committees and the Council accordingly;
  - .5 assist FAO in exploring how the implementation of the FAO Voluntary Guidelines for Flag State Performance (VGFSP) could be further facilitated, based on the experience gained in administering the IMO Member State Audit Scheme;
  - .6 in cooperation with the FAO Secretariat, liaise with and offer its assistance to the ILO Secretariat in developing the justification to include ILO in JWG, for submission to the next session of the ILO governing body for consideration; and
  - .7 in collaboration with the FAO and ILO Secretariats, jointly develop the draft terms of reference and the draft provisional agenda for JWG 4 and submit them to III 5, with a view to approval at MEPC 73 and MSC 100; and
- .2 subject to concurrent decision of MSC 99, invited FAO to share information regarding the implementation of the VGFSP and to explore how it could be implemented effectively in conjunction with relevant instruments adopted by IMO and ILO;
- .3 subject to concurrent decision of MSC 99, instructed the III Sub-Committee to further consider the matter of making a reference to the VGFSP in III Code-related instruments, including identifying which instruments and where in those instruments a reference to the VGFSP could potentially be included, and advise the Committees accordingly;

- .4 subject to concurrent decision of MSC 99, agreed to the inclusion in the terms of reference of the next session of the JWG of an item on further consideration of actions to be triggered by IMO and FAO with regard to ocean governance in the context of Sustainable Development Goal 14 and its targets related to the work of the two organizations;
- .5 subject to the concurrent decision of MSC 99, agreed to a four-year interval between JWG meetings and supported ILO joining JWG; and
- .6 invited Member Governments and international organizations to submit their experience on best practices for the effective marking of fishing gear, and proposals for amending MARPOL Annex V and/or the 2017 Guidelines for the implementation of MARPOL Annex V (resolution MEPC.295(71)), to future sessions of the Committee under the new output on the development of an action plan to address marine plastic litter from ships.

### **Development of measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters**

20 The Committee (MEPC 72/17, section 11) approved the scope of work for the PPR Sub-Committee to develop measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters. The Committee also agreed to retain this agenda item for MEPC 73, and urged Member Governments and international organizations to submit concrete proposals to MEPC 73 on an appropriate impact assessment methodology for assessing the proposed ban on HFO for use and carriage as fuel by ships in Arctic waters.

### **Technical cooperation activities for the protection of the marine environment**

21 The Committee (MEPC 72/17, section 12) noted information on the Organization's technical cooperation activities related to the protection of the marine environment implemented between 1 April and 31 December 2017, including those executed through a number of projects financed by external sources.

### **Application of the Committees' Guidelines**

22 The Committee (MEPC 72/17, section 15) approved the draft revised MSC-MEPC.1 circular on the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, set out in the annex to document MEPC 72/14/Rev.1, subject to the concurrent decision of MSC 99.

### **Work programme of the Committee**

#### ***Approval of new outputs***

23 The Committee (MEPC 72/17, paragraphs 15.1 to 15.8) approved the following new outputs for inclusion in its biennial agenda for 2018-2019 or its post-biennial agenda, respectively:

- .1 development of an action plan to address marine plastic litter from ships; and
- .2 review of the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species (resolution MEPC.207(62)).

### **Status of outputs**

24 The Committee (MEPC 72/17, paragraph 15.13 and annex 13) invited the Council to note the status report of the outputs of MEPC for the 2018-2019 biennium.

### **Items to be included in the agendas of MEPC 73 and MEPC 74**

25 The Committee (MEPC 72/17, paragraphs 15.14 and 15.15 and annex 14) approved the items to be included in the agendas of MEPC 73 and MEPC 74 which have been scheduled to take place from 2 to 26 October 2018 and from 13 to 17 May 2019, respectively

### **Intersessional meetings**

26 The Committee (MEPC 72/17, paragraph 15.20) approved, for the Council's endorsement, the holding of two intersessional meetings as follows:

- .1 a meeting of the ESPH Working Group, in 2019; and
- .2 the fourth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships, in the second half of 2018.

### **Action requested of the Council**

27\* The Council is invited to:

- .1 consider the report of the seventy-second session of MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirty-first session of the Assembly;
- .2 note that the Committee approved MSC-MEPC.2/Circ.12/Rev.2 on *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (paragraph 2.3);
- .3 note the action taken by the Committee pursuant to the outcome of C/ES.29 (paragraph 2.4);
- .4 note that the Committee referred the first Consolidated Audit Summary Report (CASR), containing lessons learned from 18 mandatory audits completed in 2016 (Circular Letter No.3772), to III 5 for consideration and analysis, and instructed the Sub-Committee to report the outcome of its considerations to the Committee (paragraph 2.8);
- .5 note that the Committee adopted amendments to the BWM Convention, MARPOL Annex VI, the IBC Code and BCH Code and adopted the Code for Approval of Ballast Water Management Systems (BWMS Code) (section 3 and annexes 1 to 9);
- .6 note the action taken by the Committee on issues related to ballast water management, in particular the approval of the *Data gathering and analysis plan for the experience-building phase* (section 4);

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\* References in this paragraph are to paragraphs and annexes of the report of MEPC 72 (MEPC 72/17 and MEPC 72/17/Add.1).



- .7 note the action taken by the Committee on issues related to air pollution and energy efficiency of ships, in particular the approval of the draft amendments to MARPOL Annex VI concerning prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship, and the work related to the implementation of the mandatory energy efficiency measures in MARPOL Annex VI (section 5 and annex 10);
- .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);
- .9 note the progress made by the Committee on issues related to the reduction of GHG emissions from ships, in particular the adoption of resolution MEPC.304(72) on the *Initial IMO Strategy on reduction of GHG emissions from ships* (section 7);
- .10 note the action taken by the Committee on the urgent matters emanating from PPR 5 (section 9);
- .11 note the action taken by the Committee on the outcome of III 4 (section 10);
- .12 note that the Committee approved the scope of work for the PPR Sub-Committee to develop measures to reduce the risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters (section 11);
- .13 note the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment (section 12);
- .14 note that the Committee approved the draft revised MSC-MEPC.1 circular on the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, set out in the annex to document MEPC 72/14/Rev.1, subject to the concurrent decision of MSC 99 (section 14);
- .15 note that the Committee approved two new outputs for inclusion in its biennial agenda for 2018-2019 or its post-biennial agenda, respectively (paragraphs 15.1 to 15.8);
- .16 note the status report of the outputs of MEPC for the 2018-2019 biennium (paragraph 15.13 and annex 13);
- .17 note that the Committee approved the items to be included in the agendas of MEPC 73 and MEPC 74 which have been scheduled to take place from 22 to 26 October 2018 and from 13 to 17 May 2019, respectively (paragraphs 15.14 and 15.15 and annex 14); and
- .18 endorse the holding of two intersessional meetings: of the ESPH Working Group, in 2019; and of the fourth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships, in the second half of 2018 (paragraph 15.20).