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Agenda item 9

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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 fifty-fourth session of the Marine Environment Protection Committee

*Action to be taken:* Paragraph 54

*Related document:* MEPC 54/21

## FIFTY-FOURTH SESSION OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE

### INTRODUCTION

1 The report of the fifty-fourth session of the Marine Environment Protection Committee (MEPC 54/21) is submitted to the ninety-sixth session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The fifty-fourth session of the Committee was held from 20 to 24 March 2006. It was chaired by Mr. A. Chrysostomou (Cyprus) and was attended by 88 Member States, one Associate Member, three United Nations agencies, six intergovernmental and 29 non-governmental organizations.

3 Decisions taken by the Committee during the session under review, which are of interest to the Council, are summarized in the ensuing paragraphs.

### ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

#### Amendments to MARPOL Annexes I and IV

4 The Committee adopted, by resolution MEPC.141(54), amendments to the revised MARPOL Annex I (amendments to regulation 1 on definition of oil tanker age groups, addition of regulation 12A on oil fuel tank protection, consequential amendments to the IOPP Certificate and amendments to regulation 21 on prevention of oil pollution from oil tankers carrying heavy grade oil as cargo).

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5 The Committee also adopted, by resolution MEPC.143(54), amendments to MARPOL Annex IV (addition of regulation 13 on port State control).

6 The above amendments to MARPOL Annexes I and IV are expected to enter into force on 1 August 2007 upon their deemed acceptance on 1 February 2007.

#### **Amendments to the BCH Code**

7 The Committee adopted, by resolution MEPC.144(54), amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code). The amendments, which were adopted as a consequence of the revised MARPOL Annex II and the amended IBC Code, are expected to enter into force on 1 August 2007 upon their deemed acceptance on 1 February 2007.

8 In this connection, the Committee adopted resolution MEPC.145(54) on Early and effective application of the amendments to the BCH Code, inviting Parties to the MARPOL Convention to consider application of these amendments, as soon as practicably possible, to ships entitled to fly their flag, taking into account that the revised MARPOL Annex II and the amended IBC Code are expected to enter into force on 1 January 2007.

#### **HARMFUL AQUATIC ORGANISMS IN BALLAST WATER**

##### **Adoption of guidelines called for under the BWM Convention**

9 The Committee made further progress on the development of guidelines called for under the BWM Convention and adopted, by resolution MEPC.140(54), another set of guidelines entitled Guidelines for approval and oversight of prototype ballast water treatment technology programmes (G10).

##### **Work of the GESAMP-Ballast Water Working Group**

10 The Committee noted that, following instruction by MEPC 53, the Secretariat worked with the GESAMP Inter-Secretariat and established the GESAMP Ballast Water Working Group (GESAMP-BWWG) to review the proposals for approval of ballast water management systems that make use of Active Substances. The Committee noted further that the Group held its first meeting in January 2006 and reviewed two proposals submitted by Germany and the Republic of Korea.

11 The Committee endorsed the recommendation of the first meeting of the Group and agreed to give Basic Approval to both proposals, i.e. Paraclean Ocean by Germany and Electro Clean System by the Republic of Korea. With a view to minimising risks to ship, crew and the environment, the Committee invited the flag State Administrations involved to authorize on-board testing only when the concerns identified in annexes 5 and 6 of the Group's report had been addressed to their complete satisfaction.

12 The Committee noted that the next meeting of the GESAMP-BWWG should be held in May/June 2006 and it could consider in the chronological order of their submission only two or maximum three dossiers.

### **Methodology for information gathering and the conduct of work**

13 The Committee noted that the first meeting of the GESAMP-BWWG also initiated the development of the Methodology for information gathering and the conduct of work, taking into consideration the provisions of the Ballast Water Management Convention, Procedure (G9). The Committee requested GESAMP-BWWG to continue to develop the Methodology at its next meeting.

### **Future work relating to ballast water management**

14 The Committee decided to re-establish the Review Group at MEPC 55 to conduct a further examination of technologies in accordance with regulation D-5 of the Ballast Water Management Convention.

## **RECYCLING OF SHIPS**

### **Development of a new legally-binding instrument on ship recycling**

15 The Committee recalled that the Assembly, by resolution A.981(24), requested the Committee to develop a new legally binding instrument on ship recycling and to work towards completion of the new instrument in time for its adoption in the 2008-2009 biennium. The Committee agreed that the new instrument should cover the following:

- .1 the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling, without compromising the safety and operational efficiency of ships;
- .2 the operation of ship recycling facilities in a safe and environmentally sound manner; and
- .3 the establishment of an appropriate enforcement mechanism for ship recycling (certification/reporting requirements).

16 The Committee, through a working group, made significant progress in the development of the draft legal instrument.

17 The Committee prepared a provisional work plan with a timetable for the further development of the draft legal instrument. With the work plan in mind, the Committee established an intersessional correspondence group with clear terms of reference, so that a more fully developed text of the draft legal instrument can be submitted to MEPC 55 for consideration.

### **Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping**

18 The Committee considered the report of the second meeting of the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping. The views of the Joint Working Group were taken into account by the Committee in the development of the draft legal instrument. The Committee agreed to continue co-operation with ILO and the Basel Convention on the issue of ship scrapping.

## **PREVENTION OF AIR POLLUTION FROM SHIPS**

### **Promotion of implementation of MARPOL Annex VI**

19 With a view to promoting the effective implementation of MARPOL Annex VI, which entered into force on 19 May 2005, the Committee approved two MEPC circulars:

- .1 MEPC.1/Circ.508 on Bunker Delivery Note and Fuel Oil Sampling, which aims to clarify how to comply with regulation 18 of MARPOL Annex VI; and
- .2 MEPC.1/Circ.509 on Notification to the Organization on ports or terminals where volatile organic compounds (VOCs) emissions are to be regulated, which invites Parties to MARPOL Annex VI to inform the Organization of their intention to introduce requirements for the use of vapour emission control systems for circulation to all parties concerned.

### **Review of MARPOL Annex VI and the NOx Technical Code**

20 The Committee noted that, as instructed by MEPC 53, the BLG Sub-Committee at its next session in April 2006 (BLG 10) would start a review of MARPOL Annex VI and the NOx Technical Code with a view to revising the regulations to take into account current technology and the need to further reduce air pollution from ships. The progress of this work will be reported to MEPC 55 for action as appropriate.

21 The Committee, in view of the heavy workload for the BLG Sub-Committee to complete the revision of MARPOL Annex VI and the NOx Technical Code by the target completion date of 2007 set by the Committee itself, approved an intersessional meeting of the Working Group on Air Pollution to be held before the end of 2006 to make more progress on the basis of the work of BLG 10. The intersessional meeting was requested to submit a written report to BLG 11 (April 2007) for consideration.

### **Follow-up to resolution A.963(23)**

22 The Committee considered follow-up actions to resolution A.963(23) on IMO Policies and practices related to reduction of greenhouse gas emissions from ships. While noting that the approval by MEPC 53 of the Interim Guidelines for Voluntary Ship CO<sub>2</sub> Emission Indexing for Use in Trials represented a follow-up action to resolution A.963(23), the Committee agreed that there was a need to identify and develop the mechanism or mechanisms necessary to achieve limitation or reduction of GHG emissions from ships. The Committee also agreed to co-operate with other relevant United Nations bodies on the matter.

23 The Committee noted an oral report by the Chairman of the Working Group on Air Pollution regarding the progress made on the matter and noted, in particular, that the Working Group had agreed to a "Draft Work Plan to Identify and Develop the Mechanisms Needed to Achieve the Limitation or Reduction of GHG Emission from International Shipping", which would be an annex to a written report to be submitted by the Chairman of the Working Group to MEPC 55 for consideration.

## **IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PSSAS**

### **Identification and protection of Special Areas**

24 The Committee, having considered a proposal submitted by South Africa for the designation of the Southern South African Sea Area as a Special Area under MARPOL Annex I, approved draft amendments to MARPOL Annex I on the proposed Special Area for circulation, with a view to adoption at MEPC 55.

### **Identification and protection of PSSAs**

25 The Committee, with a view to assisting the strict application of the revised PSSA Guidelines adopted by resolution A.982(24), approved a revised Guidance Document for submitting PSSA proposals to IMO (MEPC.1/Circ.510) and a uniform format of the MEPC resolution for designating PSSAs in the future.

## **INTERPRETATIONS AND AMENDMENTS TO MARPOL 73/78 AND RELATED INSTRUMENTS**

### **Proposed amendments to mandatory instruments**

26 In addition to approval by the Committee of the proposed amendments to MARPOL Annex I concerning designation of the Southern South African Sea Area as a Special Area referred to in paragraph 24 above, the Committee also approved the proposed amendments to MARPOL Annex III (revised Annex III) and the Condition Assessment Scheme concerning change of flag during CAS surveys for circulation with a view to adoption at MEPC 55.

27 The Committee also considered the proposed amendments to the List of Substances referred to in paragraph 2(a) of Article 1 of the 1973 Intervention Protocol prepared by DSC 10. Recognizing that the Protocol also referred to Noxious Liquid Substances as defined by MARPOL Annex II, the Committee requested BLG 10 to review the proposed amendments, so that they may be approved at MEPC 55 for subsequent adoption at MEPC 56.

### **Unified interpretations**

28 The Committee approved unified interpretations to regulations 12A (column stabilized units (MODUs)) and 22.5 (pump-room bottom protection) of the revised MARPOL Annex I.

29 The Committee also approved unified interpretation to regulation 25A (intact stability) of the current MARPOL Annex I, and agreed that this unified interpretation should also apply to equivalent regulation 27 of the revised MARPOL Annex I.

## **GUIDELINES AND CIRCULARS RELATED TO MARINE ENVIRONMENT**

### **Guidelines**

30 The Committee also adopted, by various MEPC resolutions, the following guidelines or amendments thereto:

- .1 amendments to the Guidelines for the application of the revised MARPOL Annex I requirements to floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs);

- .2 amendments to the Explanatory notes on matters related to the accidental oil outflow performance under regulation 23 of the revised MARPOL Annex I;
- .3 Guidelines on the assessment of residual fillet weld between deck plating and longitudinals; and
- .4 revised Guidelines for the transport of vegetable oils in deep tanks or in independent tanks specially designed for the carriage of such vegetable oils in general cargo ships.

### **Circulars**

31 In addition to other circulars mentioned above, the Committee also approved, for dissemination, the following circulars:

- .1 revised Guidelines for systems for handling oily wastes in machinery spaces of ships, incorporating guidance notes for an integrated bilge water treatment system (MEPC.1/Circ 511);
- .2 revised Guidelines for the provisional assessment of liquid substances transported in bulk (MEPC.1/Circ.512);
- .3 Validity of the IOPP Certificate and Supplements issued under the current MARPOL Annex I (MEPC.1/Circ.513); and
- .4 Disposal of fumigant material, which is a joint MSC/MEPC circular, to be circulated after concurrence by MSC 81.

### **IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC-HNS PROTOCOL AND RELEVANT CONFERENCE RESOLUTIONS**

32 The Committee reviewed the draft Guidance document on planning and response to chemical releases in the marine environment and agreed to consider the finalized text at MEPC 55 with a view to approval. The Committee also noted the work done in developing the draft Manual on oil spill risk evaluation and assessment of response preparedness; the revised draft IMO/UNEP Manual on the assessment and restoration of environmental damage following marine oil spills; and the development of two introductory courses on preparedness for, and response to, HNS incidents.

33 The Committee noted the introduction of an IMO website providing information on preparedness and response to marine oil spills and approved the content and structure of a website providing information and assistance for HNS incidents.

### **REPORTS OF SUB-COMMITTEES AND OTHER SUBSIDIARY BODIES**

34 The Committee considered the reports of sub-committees and other subsidiary bodies, including DSC 10, SLF 47, SLF 48, DE 49 and ESPH 11, which had dealt with environmental issues, and took action under appropriate items of its agenda.

## **FUNDING OF THE GESAMP/EHS WORKING GROUP**

35 The Committee noted that, following the meeting of the GESAMP/EHS Working Group in February 2006, the Composite List of Hazard Profiles was substantially complete and had been issued as BLG/Circ.16. However, a second meeting of the GESAMP/EHS Working Group is necessary in June 2006 in order to complete the work before the entry into force date of the revised IBC Code (1 January 2007).

36 The Committee noted that IMO had funded the regular annual meeting of the GESAMP/EHS Working Group in February 2006. However, as there was no budgetary allocation for another meeting this year, the Committee appealed to interested parties to fund this extra meeting, the cost of which was in the region of £35,000.

37 A number of delegations expressed the view that those entities submitting their cargoes for evaluation should contribute to the funding of the GESAMP/EHS Working Group, which is tasked under the global system to carry out these evaluations so that these entities will in turn have the benefit of ships regulated by this Organization to carry their cargoes. This in fact is in line with the way that the GESAMP Ballast Water Working Group is funded.

38 Following extensive deliberations, the Committee suggested that, in the absence of funding from donors, and subject to adherence to the financial rules of the Organization, the meeting should be funded by the budgetary allocation for next year's GESAMP/EHS regular meeting. The Committee agreed to inform the Council of the difficulty in financing GESAMP/EHS meetings. The Committee also agreed that a long-term funding solution needs to be found which should involve the cargo interests, namely manufacturers of the products, which benefit directly from the work of the group.

## **WORK OF OTHER BODIES**

39 The Committee considered the outcome of A 24, C/ES.23, FAL 32, LC 27 and relevant United Nations meetings and took action under appropriate items of its agenda. Decisions taken by the Committee under this item are summarized in the ensuing paragraphs.

### **Revised MARPOL Annex II and IBC Code**

40 With reference to the discussion which took place at the twenty-fourth session of the Assembly concerning the entry into force on 1 January 2007 of the revised MARPOL Annex II and the IBC Code, the Committee confirmed that:

- .1 regulation 4.1.3 was the only regulation for existing and new ships to be used for vegetable oils identified by footnote (k) in column "e" in chapter 17 of the amended IBC Code; and
- .2 regulations 4.1.1 and 4.1.2 were only developed to allow Administrations to submit to the Organization a relaxation of certain provisions of an amendment under restricted conditions, for a specified period and for existing ships only, and that these regulations were not to be allowed to be used for the vegetable oils under footnote (k).

41 The Committee further noted that the Secretariat would issue a Circular letter to summarize the principal points of the revision process of MARPOL Annex II and the IBC Code to ensure that all stakeholders would be aware of their obligations as from 1 January 2007.

### **Strategic Plan, High-level Action Plan and priorities**

42 The Committee noted that the twenty-fourth session of the Assembly had adopted resolution A.970(24), which sets out a mission statement of the Organization, trends, developments and challenges, strategic directions and related performance indicators. The Assembly had also adopted resolution A.971(24), replacing the previous Long-term work plan of the Organization with the high-level actions related to the directions of the Strategic Plan for the Organization and on the consequent planned output of the Committees during the current biennium. The Committee noted, in particular, the request of the Assembly in resolution A.971(24) and agreed to act accordingly.

### **Outcome of FAL 32**

43 The Committee, as requested by FAL 32, considered the proposal of on-line access to certificates and documents required to be carried on board ships. Whilst many delegations supported the proposal in principle, there were only a few comments on the acceptability, feasibility and practicability of online access systems as requested by the FAL Committee. The Committee noted that the concept of port State control was based on inspection of ships after their arrival in port; however, the issue of giving port States access to information on ships' certificates and documents on a pre-arrival basis changed this concept. The Committee felt that it was not ready to advise the FAL Committee on the acceptability, feasibility and practicability of online access of certificates for inspection purposes. Nevertheless, in view of some potential advantages, the Committee agreed that the FAL Committee might examine the proposal further.

### **Outcome of various United Nations meetings**

44 The Committee, having noted the invitation of the UN General Assembly in its resolution A/RES/60/30, agreed to initiate the review of MARPOL Annex V and to assess its effectiveness in addressing sea-based sources of marine debris, and invited delegations to submit proposals under the Committee's relevant agenda items to review MARPOL Annex V for this purpose.

45 The Committee, noting further the request of the UN General Assembly in its resolution A/RES/60/31, agreed to co-operate with FAO on discarded fishing gear and related marine debris, in particular through the joint IMO/FAO Working Group on IUU Fishing.

46 The Committee also noted the establishment of, and arrangements for launching, the "assessment of assessments" as a start-up phase for the regular process for global reporting and assessment of the state of the marine environment.

### **PORT RECEPTION FACILITIES**

47 The Committee noted that the Secretariat had created an Internet-based Port Reception Facility Database as a module of the IMO Global Integrated Shipping Information System (GISIS). The Database, which went live to the public on 1 March 2006, provides information on the available port reception facilities for ship-generated wastes and is designed to allow Member States to update it via a log-in password, and to allow the public to access it on a view-only basis.



## **PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL 73/78 AND RELATED INSTRUMENTS**

### **Operational problems affecting waste oil management in machinery spaces of ships**

48 The Committee, having endorsed the view of India that inadequacy of oil pollution prevention equipment, in particular oily bilge separators, is a serious problem, invited Member Governments and the industry to provide concrete proposals, including draft MEPC circulars or proposed amendments to existing instruments, to a future session of the Committee in order to address this important matter.

### **Electronic database for shipboard Pollution Prevention Equipment**

49 The Committee, with the aim of facilitating global access to information on shipboard pollution prevention equipment collected by the Secretariat over many years whilst promoting the timely updating of such information, agreed to discontinue issuing the annual MEPC.5/Circ series in hard copy and instructed the Secretariat to create an electronic database as a module of GISIS, which would allow access by the public.

### **Issues relating to the Condition Assessment Scheme (CAS) database**

50 The Committee, having considered the best way to disseminate reliable information on CAS compliance for oil tankers, concluded that the IMO CAS database, as part of the IMO GISIS application, was the appropriate source for CAS-related information and that it would be desirable that part of the information relating to valid Statements of Compliance issued was made available to the public. The Committee instructed the Secretariat to take the necessary steps to make the information on valid Statements of Compliance stored in the IMO CAS database freely available to the public through the IMO GISIS system.

## **TECHNICAL CO-OPERATION SUB-PROGRAMME FOR THE PROTECTION OF THE MARINE ENVIRONMENT**

51 The Committee noted the work in respect of the Technical Co-operation Sub-Programme for the Protection of the Marine Environment and, in particular, the following major projects financed through sources other than IMO's Technical Co-operation Fund:

- .1 Building Partnerships for Environmental Protection and Management of the Seas of East Asia (PEMSEA);
- .2 Removal of Barriers to the Effective Implementation of Ballast Water Control and Management Measures in Developing Countries (GloBallast);
- .3 Assessment of the extent of aquatic species transfer through ships' ballast water and sediments into and out of the Caspian Sea;
- .4 Marine Electronic Highway (MEH) for the Straits of Malacca and Singapore; and
- .5 EUROMED co-operation on maritime safety and prevention of pollution from ships (SAFEMED).

**WORK PROGRAMMES OF THE COMMITTEE AND SUBSIDIARY BODIES****Work programmes**

52 The Committee approved the items to be included in the agendas for MEPC 55, MEPC 56 and MEPC 57. The Committee also agreed to the establishment of the working/review/drafting groups at MEPC 55.

**Intersessional meetings**

53 The Committee, in view of the workload and urgency of several important items, approved the holding of intersessional meetings of the following groups:

- .1 the Working Group on the Revision of MARPOL Annex VI and the NOx Technical Code under the BLG Sub-Committee to be held before the end of 2006, which should report to BLG 11 (April 2007);
- .2 the ESPH Working Group (ESPH 12) to be held in September 2006, which should report directly to MEPC 55 (October 2006) on items identified by BLG 10; and
- .3 the OPRC-HNS Technical Group to be held during the week prior to MEPC 55 in October 2006, which should report to MEPC 55.

**ACTION REQUESTED OF THE COUNCIL**

54 The Council is invited to:

- .1 consider the report of the fifty-fourth session of the Marine Environment Protection Committee (MEPC 54/21) and, in accordance with article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the Assembly (paragraph 1);
- .2 note the adoption by the Committee of amendments to MARPOL Annexes I and IV and the BCH Code (paragraphs 4 to 8);
- .3 note the progress made by the Committee in the preparation for the implementation of the BWM Convention, including adoption of guidelines (G10) and the Basic Approval given by the Committee to two proposals on ballast water management systems that make use of Active Substances (paragraphs 9 to 14);
- .4 note the progress made by the Committee in the development of a new legally-binding instrument on ship recycling (paragraphs 15 to 18);
- .5 note the progress made by the Committee to limit or reduce air pollution from ships, including approval of two relevant MEPC circulars and the review of MARPOL Annex VI and the NOx Technical Code (paragraphs 19 to 23);
- .6 note the approval by the Committee of draft amendments to MARPOL Annex I on designation of the Southern South African Sea Area as a Special Area with a view to adoption at MEPC 55; and the approval of the revised Guidance document for submitting PSSA proposals to IMO (paragraphs 24 and 25);

- .7 note the approval by the Committee of proposed amendments to the revised MARPOL Annex I, Annex III and the Condition Assessment Scheme, with a view to adoption at MEPC 55 (paragraph 26);
  - .8 note the approval by the Committee of unified interpretations, guidelines and circulars and the creation, by the Secretariat, of relevant databases to promote the implementation of MARPOL 73/78 and related instruments (paragraphs 28 to 31);
  - .9 note the work of the Committee concerning implementation of the OPRC Convention and the OPRC-HNS Protocol, reports of sub-committees, work of other bodies and reception facilities (paragraphs 32 to 33 and 39 to 47);
  - .10 note that the budget allocation for next year's meeting of the GESAMP-EHS Working Group will be used for a second meeting of the Group in 2006 and the Committee's intention to consider long-term funding solutions to future meetings of the Group (paragraphs 35 to 38); and
  - .11 note the approval by the Committee of the holding, in 2006, of the intersessional meetings specified in paragraph 53.
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