

COUNCIL
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Agenda item 11

C 110/11
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**CONSIDERATION OF THE REPORT OF THE
MARINE ENVIRONMENT PROTECTION COMMITTEE**

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the sixty-fifth session of the Marine Environment Protection Committee
<i>Strategic direction:</i>	2 and 7
<i>High-level action:</i>	2.0.1 and 7.1 to 7.4
<i>Planned output:</i>	2.0.1.1 to 2.0.1.22 and 7.1.1.1 to 7.4.1.1
<i>Action to be taken:</i>	Paragraph 34
<i>Related documents:</i>	MEPC 65/22 and addenda

Introduction

1 The report of the sixty-fifth session of the Marine Environment Protection Committee (MEPC 65/22 and addenda) is submitted to the 110th session of the Council in accordance with the provisions of Article 39 of the IMO Convention.

2 The sixty-fifth session of the Committee was held from 13 to 17 May 2013. It was attended by 106 Member States; one Associate Member; four United Nations system organizations; eight intergovernmental and 48 non-governmental organizations. The Chairman was Mr. A. Chrysostomou (Cyprus) and the Vice-Chairman was Mr. Arsenio Dominguez (Panama).

3 Decisions of the Committee of interest to the Council are summarized in the ensuing paragraphs with reference to the paragraphs of document MEPC 65/22.

Adoption of amendments to mandatory instruments

4 The Committee considered and adopted (MEPC 65/22, paragraphs 6.1 to 6.22):

- .1 by resolution MEPC.235(65), *Amendments to Form A and Form B of Supplements to the IOPP Certificate under MARPOL Annex I*, dealing with removal of recording incinerator capacity;

- .2 by resolution MEPC.236(65), *Amendments to the Condition Assessment Scheme under MARPOL Annex I*, as a consequence of the adoption of the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011;
- .3 by resolution MEPC.237(65), *Adoption of the Code for Recognized Organizations (RO Code)*; and
- .4 by resolution MEPC.238(65), *Amendments to MARPOL Annexes I and II to make the RO Code mandatory*.

5 The amendments to the IOPP Certificate and the Condition Assessment Scheme are expected to enter into force on 1 October 2014 upon their deemed acceptance on 1 April 2014.

6 The amendments to MARPOL Annexes I and II to make the RO Code mandatory are expected to enter into force on 1 January 2015 (the Code will enter into force on the same date) upon their deemed acceptance on 1 July 2014.

Harmful aquatic organisms in ballast water

7 The Committee made progress on the item (MEPC 65/22, paragraphs 2.1 to 2.58), including decisions to grant Basic Approval to three and Final Approval to three ballast water management systems that make use of Active Substances.

8 To ease and facilitate the smooth implementation of the BWM Convention, the Committee approved a draft Assembly resolution on application of the Convention for submission to A 28 for adoption.

9 The Committee adopted resolution MEPC.228(65) on *Information reporting for type approved ballast water management systems*.

10 The Committee approved five BWM circulars as follows:

- .1 BWM.2/Circ.42 on *Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)*;
- .2 BWM.2/Circ.43 on *Amendments to the Guidance for Administrations on the type approval process for ballast water management systems in accordance with Guidelines (G8)*;
- .3 BWM.2/Circ.44 on *Options for ballast water management for Offshore Support Vessels in accordance with the BWM Convention*;
- .4 BWM.2/Circ.45 on *Clarification of "major conversion" as defined in regulation A-1.5 of the BWM Convention*; and
- .5 BWM.2/Circ.46 on *Application of the BWM Convention to Mobile Offshore Units*.

11 The Committee, in noting that there are already 33 type-approved ballast water management systems available, encouraged all those States that have not ratified the BWM Convention to do so at their earliest opportunity.

Recycling of ships

12 The Committee made progress on the item (MEPC 65/22, paragraphs 3.1 to 3.16), particularly on development of threshold values and exemptions applicable to the materials to be listed in the Inventories of Hazardous Materials. The intersessional correspondence group was re-established to further the work and to prepare amendments to the *2011 Guidelines for the development of the inventory of hazardous materials*, as appropriate.

Air Pollution Dand Energy Efficiency

13 The Committee made significant progress on the item (MEPC 65/22, paragraphs 4.1 to 4.147) and, in particular, adopted resolution MEPC.229(65) on *Promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships*.

14 The Committee also adopted:

- .1 by resolution MEPC.230(65), *2013 Guidelines as required by regulation 13.2.2 of MARPOL Annex VI in respect of non-identical replacement engines not required to meet the tier III limit*;
- .2 by resolution MEPC.231(65), *2013 Guidelines for calculation of reference lines for use with the Energy Efficiency Design Index (EEDI)*;
- .3 by resolution MEPC.232(65), *2013 Interim Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions*;
- .4 by resolution.233(65), *2013 Guidelines for calculation of reference lines for use with the Energy Efficiency Design Index (EEDI) for cruise passenger ships having non-conventional propulsion*; and
- .5 by resolution MEPC.234(65), *Amendments to the 2012 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI) (resolution MEPC.214(63))*, as amended.

15 The Committee approved, with a view to adoption at MEPC 66, draft amendments to:

- .1 NO_x Technical Code 2008;
- .2 MARPOL Annex VI concerning the effective date for Tier III NO_x emission standards; and
- .3 MARPOL Annex VI concerning the extension of the application of EEDI to LNG carriers, ro-ro cargo ships (vehicle carriers), ro-ro cargo ships, ro-ro passenger ships, and cruise passenger ships having non-conventional propulsion and exemption of ships not propelled by mechanical means and cargo ships having ice-breaking capacity.

16 The Committee approved:

- .1 three unified interpretations concerning implementation of MARPOL Annex VI; and

- .2 *2013 Guidance on treatment of innovative energy efficiency technologies for calculation and verification of the attained EEDI.*

17 The Committee, having considered the issue of data collection, agreed to establish a sub-item under this agenda item for discussion of further technical and operational measures to enhance energy efficiency of international shipping, and to establish a working group on the matter at MEPC 66.

Reduction of GHG emissions from ships

18 The Committee considered the item (MEPC 65/22, paragraphs 5.1 to 5.23) and, in noting that uncertainty exists in the prior estimates and projections of GHG emissions from international shipping, approved the terms of reference for an update of the 2009 GHG emissions' estimate on the basis of the outcome of an expert workshop report. The outcome of the Update is expected to be submitted to MEPC 66.

19 The Committee, in recalling a request by C 109, noted that document MEPC 65/INF.18 contained a response by the WTO Secretariat on possible incompatibility between WTO rules and Market-based Measures (MBMs) for international shipping.

20 The Committee agreed to suspend discussions on MBMs for international shipping and related issues to a future session.

Interpretations of, and amendments to, MARPOL and related instruments

- 21 The Committee made progress on the item (MEPC 65/22, paragraphs 7.1 to 7.51) and:
- .1 approved, with a view to adoption at MEPC 66, draft *Amendments to the Form of Garbage Record Book under MARPOL Annex V*;
 - .2 adopted, by resolution MEPC.239(65), *Amendments to the 2012 Guidelines for the implementation of MARPOL Annex V*;
 - .3 approved LC-LP.1/Circ.58-MEPC.1/Circ.809 on the *Revised Guidance on the management of spoiled cargoes*; and
 - .4 approved MEPC.1/Circ.810 on *Adequate port reception facilities for cargoes declared as harmful to the marine environment under MARPOL Annex V*.

Reports of sub-committees

22 The Committee approved, in general, the reports of sub-committees which had dealt with environmental issues (MEPC 65/22, paragraphs 11.1 to 11.76). The following is a summary of decisions on important issues.

- 23 In respect of the outcome of BLG 17, the Committee:
- .1 approved, subject to concurrent decision of MSC 92, draft amendments to the IBC Code with a view to adoption at MEPC 66; and a draft MSC-MEPC circular on *Guidance on the timing of replacement of existing certificates by revised certificates as a consequence of the entry into force of amendments to chapters 17 and 18 of the IBC Code*;

- .2 adopted, by resolution MEPC.240(65), the *2013 Amendments to the Revised Guidelines and specifications for oil discharge monitoring and control systems for oil tankers* (resolution MEPC.108(49)); and
- .3 approved MEPC.1/Circ.811 on *Guidance for evaluating the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species*.

24 In respect of the outcome of DE 57, the Committee:

- .1 resolved the outstanding environmental issues concerning development of the draft Polar Code; and
- .2 approved, subject to concurrent decision of MSC 92, the holding of an intersessional meeting of the Polar Code Working Group in the autumn of 2013.

25 In respect of the outcome of FSI 21, the Committee approved five revised MEPC circulars concerning port reception facilities and, in particular, approved, subject to concurrent decision of MSC 92, four draft Assembly resolutions for adoption by A 28 on:

- .1 Notification and circulation through the GISIS;
- .2 *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution MSC.255(84));
- .3 Amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011* (resolution A.1053(27)); and
- .4 2013 non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code).

26 In respect of the outcome of SLF 55, the Committee:

- .1 approved draft amendments to MARPOL Annex I, the IBC and BCH Codes on mandatory carriage requirements for stability instruments on board tankers, with a view to adoption at MEPC 66; and
- .2 approved, subject to concurrent decision of MSC 92, a draft Assembly resolution on the Use of national tonnage in applying international conventions, for adoption by A 28.

Restructuring of sub-committees

27 The Committee, having considered the Secretary-General's proposals for restructuring of sub-committees within the framework of his review and reform initiative aimed at improving the Organization's delivery mechanism to handle the ever-increasing workload in an effort to address new emerging priorities effectively, agreed to, in principle, subject to concurrent decision of MSC 92:

- .1 a reduction of the total number of sub-committees from nine to seven with potential savings of four meeting-weeks per biennium; and

- .2 the proposed names and draft terms of reference of the seven restructured sub-committees.

Identification and protection of PSSAs

28 The Committee, having considered a recommendation for a periodic review process, invited the Member Governments concerned to review their PSSAs in accordance with the PSSA Guidelines and to bring any necessary additional or modified measures for the protection of such PSSAs to IMO for consideration, using the World Heritage Site Evaluation Methodology, as appropriate.

TC activities for the protection of the marine environment

29 The Committee, in noting the progress made for implementation of the ITCP for the 2012-2013 biennium and the Major Projects for protection of the marine environment, approved the marine environment-related thematic priorities for inclusion in the ITCP of the 2014-2015 biennium.

Other items

30 The Committee also made progress on other items, including implementation of the OPRC Convention and the OPRC-HNS Protocol and relevant Conference resolutions; inadequacy of reception facilities; harmful anti-fouling systems; promotion of implementation and enforcement of MARPOL and related instruments; work programme of the Committee and subsidiary bodies; and any other business.

31 The Committee, in considering the items listed in resolution A.1038(27) relating to its work (MEPC 65/22, paragraphs 18.6 to 18.13) approved:

- .1 a report on the status of the planned outputs for the MEPC for the 2012-2013 biennium (MEPC 65/22, annex 45); and
- .2 proposals for the High-level Action Plan of the Organization and priorities for the 2014-2015 biennium for the MEPC (MEPC 65/22, annex 46).

32 The Committee approved, for endorsement by the Council, the following three intersessional meetings:

- .1 Polar Code Working Group, to be held in the autumn of 2013, subject to concurrent decision of MSC 92;
- .2 ESPH Working Group, to be held in October 2014; and
- .3 OPRC/HNS Technical Group, to be held in March 2014, subject to the restructuring of sub-committees.

Election of the Chairman and Vice-Chairman for 2014

33 The Committee expressed appreciation to Mr. Andreas Chrysostomou (Cyprus) for his service as Chairman of the Committee for the last 10 years and, in accordance with rule 17 of its Rules and Procedure, unanimously elected Mr. Arsenio Dominguez (Panama) as Chairman and Dr. Naomi Parker (New Zealand) as Vice-Chairman, both for 2014.

Action requested of the Council

34 The Council is invited to:

- .1 consider the report of the sixty-fifth session of the MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the twenty-eighth session of the Assembly (paragraph 1);
- .2 note the adoption of amendments to mandatory instruments (paragraphs 4 to 6);
- .3 note the decisions taken, and work carried out, concerning the BWM Convention and, in particular, the draft Assembly resolution on application of the Convention, to be submitted to A 28 for adoption (paragraphs 7 to 11);
- .4 note the decision taken, and work carried out, concerning the Hong Kong Convention (paragraph 12);
- .5 note the decisions taken, and work carried out, concerning energy efficiency measures for ships and, in particular, the adoption of resolution MEPC.229(65) on *Promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships* (paragraphs 13 to 17);
- .6 note the decisions taken concerning reduction of GHG emissions from international shipping (paragraphs 18 to 20);
- .7 note the approval, subject to concurrent decision of MSC 92, of five draft Assembly resolutions, to be submitted to A 28 for adoption (paragraphs 25 and 26);
- .8 note the agreement in principle, subject to concurrent decision of MSC 92, to the Secretary-General's proposals for restructuring of sub-committees within the framework of his review and reform initiative; to a reduction of the total number of sub-committees from nine to seven; and to the proposed names and draft terms of reference of the seven restructured sub-committees (paragraph 27);
- .9 note the status of planned outputs concerning the work of the MEPC for the 2012-2013 biennium and the proposals by the MEPC for the High-level Action Plan of the Organization and priorities for the 2014-2015 biennium (paragraph 31); and
- .10 endorse, subject to concurrent decision of MSC 92, the intersessional meetings of the Polar Code Working Group in 2013 and the ESPH Working Group in 2014; and, subject to the restructuring of the sub-committees, the OPRC/HNS Technical Group in 2014 (paragraph 32).