

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
64th session  
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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS SIXTY-FOURTH SESSION**

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## 1 INTRODUCTION

1.1 The sixty-fourth session of the Marine Environment Protection Committee was held at IMO Headquarters from 1 to 5 October 2012 under the chairmanship of Mr. Andreas Chrysostomou (Cyprus). The Vice-Chairman of the Committee, Mr. Arsenio Dominguez (Panama), was also present.

1.2 The session was attended by delegations from Members and Associated Members; by representatives from the United Nations Programmes, specialized agencies and other entities; by observers from the intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MEPC 64/INF.1.

1.3 The Chairman of the Council, Mr. Jeffrey G. Lantz (United States), the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Sveinung Oftedal (Norway), and the Chairman of the Sub-Committee on Flag State Implementation (FSI), Capt. Dwain Hutchinson (Bahamas), were also present.

### **The Secretary-General's opening address**

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

### **Chairman's remarks**

1.5 The Chairman thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

### **Adoption of the agenda**

1.6 The Committee adopted the agenda (MEPC 64/1) and agreed to be guided by the provisional timetable (MEPC 64/1/1, annex 2, as revised), on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 64/INF.34.

### **Credentials**

1.7 The Committee noted that credentials of the delegations attending the session were in due and proper order.

## 2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

2.1 The Committee recalled that the "International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004" (BWM Convention) had been open for accession by any State since 31 May 2005 and noted that three more States (Denmark, Niue and the Russian Federation) have acceded to the Convention since the last MEPC session, bringing the number of contracting Governments to 36, representing 29.07 per cent of the world's merchant fleet tonnage. The Committee urged those States which have not yet ratified the Convention to do so at their earliest possible opportunity.

**CONSIDERATION AND APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS THAT MAKE USE OF ACTIVE SUBSTANCES**

2.2 The Committee noted that the twenty-first, twenty-second and twenty-third meetings of the GESAMP-BWWG were held from 16 to 20 April 2012, from 7 to 11 May 2012, and from 25 to 29 June 2012, respectively, at IMO Headquarters, under the chairmanship of Mr. Jan Linders. During the three meetings, the GESAMP-BWWG had reviewed a total of nine proposals for approval of ballast water management systems that make use of active substances, submitted by China, Denmark, the Netherlands, Japan, the Republic of Korea (four proposals) and Singapore. The Committee also noted that out of the nine proposals evaluated, three proposals reviewed at the twenty-first meeting of the Group were the remainder of the submissions to MEPC 63, which, due to the limited time available, could not be considered at that session.

**Basic Approval**

2.3 The Committee, having considered the recommendations contained in annexes 5 and 6 of the "Report of the twenty-first meeting of the GESAMP-BWWG" (MEPC 64/2/6), the recommendations contained in annex 4 of the "Report of the twenty-second meeting of the GESAMP-BWWG" (MEPC 64/2/7) as well as the recommendations contained in annexes 4 and 5 of the "Report of the twenty-third meeting of the GESAMP-BWWG" (MEPC 64/2/19), agreed to grant Basic Approval to:

- .1 KTM-Ballast Water Management System proposed by the Republic of Korea in document MEPC 63/2/8;
- .2 Hamworthy Aquarius<sup>TM</sup>-EC BWMS proposed by the Netherlands in document MEPC 63/2/9;
- .3 OceanDoctor Ballast Water Management System proposed by China in document MEPC 64/2;
- .4 HS-BALLAST Ballast Water Management System proposed by the Republic of Korea in document MEPC 64/2/3; and
- .5 GloEn-Saver<sup>TM</sup> Ballast Water Management System proposed by the Republic of Korea in document MEPC 64/2/4.

2.4 The Committee invited the Administrations of China, the Netherlands and the Republic of Korea to take into account all the recommendations made in the aforementioned reports of the GESAMP-BWWG (annexes 5 and 6 of the twenty-first meeting, annex 4 of the twenty-second meeting, and annexes 4 and 5 of the twenty-third meeting) during the further development of the systems.

2.5 The Committee concurred with the recommendation in annex 6 of the "Report of the twenty-third meeting of the GESAMP-BWWG" (MEPC 64/2/19) not to grant Basic Approval to Dow-Pinnacle Ballast Water Management System proposed by Singapore in document MEPC 64/2/5.

**Final Approval**

2.6 The Committee, having considered the recommendations contained in annex 4 of the "Report of the twenty-first meeting of the GESAMP-BWWG" (MEPC 64/2/6) as well as

the recommendations contained in annexes 5 and 6 of the "Report of the twenty-second meeting of the GESAMP-BWWG" (MEPC 64/2/7) agreed to grant Final Approval to:

- .1 DESMI Ocean Guard BWMS proposed by Denmark in document MEPC 63/2/7;
- .2 JFE BallastAce that makes use of NEO-CHLOR MARINE™ proposed by Japan in document MEPC 64/2/1; and
- .3 Smart Ballast BWMS proposed by the Republic of Korea in document MEPC 64/2/2.

2.7 The Committee invited the Administrations of Denmark, Japan and the Republic of Korea to verify that all recommendations contained in the reports of the twenty-first and twenty-second meetings of the GESAMP-BWWG (MEPC 64/2/6, annex 4 for Denmark; MEPC 64/2/7, annex 5 for Japan; and annex 6 for the Republic of Korea) are fully addressed prior to the issuance of the Type Approval Certificates.

### **Future meetings of the GESAMP-BWWG**

2.8 The Committee noted that the next regular meeting of the GESAMP-BWWG (i.e. the twenty-fourth meeting) has been tentatively scheduled from 10 to 14 December 2012 and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems to MEPC 65, as soon as possible but not later than 26 October 2012 in accordance with the newly agreed date for MEPC 65 as contained in paragraph 19.22 (BWM.2/Circ.38/Rev.1 of 8 October 2012 refers).

2.9 The Committee further noted that, recognizing the possibility that more than four proposals may be submitted for review by the Group and subsequent approval by MEPC 65, the GESAMP-BWWG had expressed its availability to have an additional meeting, (GESAMP-BWWG 25) in January 2013 to accommodate as many proposals as possible, provided that all the necessary conditions for organizing such a meeting are met. Any proposal for approval that is not reviewed during the twenty-fourth meeting and the additional meeting, (i.e. the twenty-fifth meeting), due to time constraints, will be reviewed at the earliest meeting of the Group after MEPC 65 and reported to MEPC 66 (MEPC 64/2/19, section 3 of the report of the twenty-third meeting of the GESAMP-BWWG).

### **Other matters emanating from the GESAMP-BWWG meetings**

2.10 Having considered the recommendations of the GESAMP-BWWG regarding the optimization of the evaluation of the proposals for approval, the Committee agreed to:

- .1 urge applicants, test facilities and Administrations to recognize the importance of the assessment of water quality for the test water selected for use, and to include detailed results of the test water assessment in the dossiers both for Basic and Final Approval;
- .2 note the Group's recommendation to use unpolluted natural seawater as preferable to the use of synthetic seawater for BWMS testing;
- .3 request the Administrations submitting proposals for approval of Ballast Water Management Systems that make use of Active Substances, to inform the applicants that additional data that could affect the environmental assessment after the submission may not be accepted, as such information should have been included in the original submission to the Committee; and

- .4 note the progress on the development of the database containing chemicals most commonly associated with treated ballast water, developed to facilitate the work of the Group.

2.11 Having considered document MEPC 64/2/12 (IUCN) calling for minimization of the confidential information regarding ballast water management systems that make use of Active Substances, the Committee urged interested Members to ensure full transparency and to minimize confidentiality in support of rapid ratification of the BWM Convention.

#### **REVIEW OF THE AVAILABILITY OF BALLAST WATER TREATMENT TECHNOLOGIES**

2.12 The Committee noted the information regarding the latest type-approved ballast water management systems provided in the following documents:

- .1 MEPC 64/INF.4 (Norway) on the type approval of the OceanSaver® Ballast Water Management System;
- .2 MEPC 64/INF.12 (China) on the type approval of the Cyeco™ Ballast Water Management System;
- .3 MEPC 64/INF.17 (Japan) on type approval of the MICROFADE Ballast Water Management System;
- .4 MEPC 64/INF.18 (Republic of Korea) on the type approval of the AquaStar™ Ballast Water Management System;
- .5 MEPC 64/INF.20 (Germany) on the type approval of the BalPure® BP 500 Ballast Water Management System;
- .6 MEPC 64/INF.26 (Greece) on the type approval of the ERMA First Ballast Water Management System; and
- .7 MEPC 64/INF.33 (Republic of Korea) on the Type Approval of the ARA PLASMA BWTS Ballast Water Management System,

which increases the total number of type-approved ballast water management systems to 28.

2.13 The Committee thanked the delegations of Norway, China, Japan, Republic of Korea, Germany and Greece for the information provided and instructed the Ballast Water Review Group to take this information into consideration when conducting its future reviews.

2.14 The Committee further noted the information provided in document MEPC 64/INF.13 (United Kingdom) regarding the update to the Industry Guide on ballast water treatment technology and in document MEPC 64/INF.19 (Republic of Korea) regarding information on the availability of ballast water management systems and shipyard installation facilities which shows that by the year 2020 more than 60,000 ballast water management systems would be manufactured in the Republic of Korea alone. The Committee instructed the Ballast Water Review Group to take this information into consideration when conducting its future reviews.

2.15 The Committee recalled that MEPC 63 invited Member States to provide updated information regarding the status of installation of BWMS on board ships in their respective countries based on a template, available in annex 2 of document MEPC 63/23, to assist in sharing such information.



2.16 Having considered documents MEPC 64/2/8 (Hong Kong, China), MEPC 64/2/10 (Japan) and MEPC 64/2/13 (China) providing the information mentioned in paragraph 2.15 above, the Committee requested the Ballast Water Review Group to consider these documents in detail and advise the Committee accordingly.

2.17 In consideration of document MEPC 64/2/16 (ICS) proposing a practical implementation of the BWM Convention and document MEPC 64/2/18 (Liberia et al.) on challenges to the effective implementation of the BWM Convention, the Committee noted the support expressed by several delegations for the proposals put forward in these two documents and in particular the support for an Assembly resolution to address the concerns identified. In this respect, the delegation of Japan expressed its willingness to coordinate the development of such an Assembly resolution, which could be submitted to MEPC 65 for consideration with a view to adoption by the twenty-eighth session of the Assembly in November 2013. Support was also expressed for a provision to stipulate compliance for "existing ships" to be required at the first renewal survey rather than the first intermediate or renewal survey after the anniversary date of the ship in the year of compliance. Some delegations had also expressed their support for the proposal to treat all ships constructed prior to the date of entry into force as "existing ships". A view was also expressed to allow ships over a certain age to continue with deep water ballast exchange as a means of management and control of ballast water.

2.18 Several other delegations did not support the proposals in documents MEPC 64/2/16 and MEPC 64/2/18, opposing in particular any changes to the implementation dates contained in regulation B-3 of the Ballast Water Management Convention based on the fact that sufficient Type Approved systems are available and currently being installed on board ships. Furthermore, Germany cautioned against pre-empting the intentions of the Parties to the Convention and reiterated the view that any amendments to the Convention will only be possible after the entry into force of the instrument. The delegations of Argentina, Belgium and Germany indicated that the process of ratifying the Convention is in a final or advanced stage in their respective countries and that instruments of ratification will be deposited with IMO in the near future.

2.19 After an extensive debate the Committee recognized the concerns of the industry and agreed to the development of an Assembly resolution which could address such concerns. The resolution should aim to ease and facilitate the smooth implementation of the Convention and not to change the application dates contained in regulation B-3. In this respect, the delegation of Japan was requested to provide draft terms of reference for a correspondence group to undertake the development of the Assembly resolution under the coordination of Japan<sup>1</sup>. It was also agreed that any amendments to the provisions of the Convention will have to be considered and decided upon after the entry into force.

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2.20 Having considered the draft terms of reference prepared by the delegation of Japan in consultation with other delegations, the Committee agreed to the terms of reference as follows:

"Taking into consideration the relevant data, comments and proposals contained in documents MEPC 64/2/8, MEPC 64/2/10, MEPC 64/2/13, MEPC 64/2/16, MEPC 64/2/18, MEPC 64/INF.5 and MEPC 64/INF.19 and the discussions in plenary, the Correspondence Group on the Assembly resolution on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* is instructed to:

- .1 develop a draft IMO Assembly resolution in relation to the implementation of regulation B-3 of the BWM Convention with a view to its adoption by the twenty-eighth session of the Assembly in 2013, while not pre-empting or circumventing the proper amendment procedure under article 19 of the BWM Convention; and
- .2 submit a written report which contains the draft IMO Assembly resolution to MEPC 65."

2.21 The Committee noted the information regarding the progress of implementation of the BWM Convention and the status of installation of BWMS provided in the following documents:

- .1 MEPC 64/INF.5 (Sweden) on the present status of ballast water management system installations on ships managed by Swedish shipowners;
- .2 MEPC 64/INF.19 (Republic of Korea) on the present status of installation and information on availability of ballast water management systems; and
- .3 MEPC 64/INF.27 (India) on present status of ballast water management system installations on ships registered under the Indian flag,

and thanked Sweden, the Republic of Korea and India for the information provided, requesting at the same time the Ballast Water Review Group to take into account this information when conducting its future reviews.

2.22 The delegations of Malta and Singapore informed the Committee of their recent assessments of the status of ballast water management system installations on ships managed by them, concluding that the results were similar to those reported in writing to this session.

#### **CONSIDERATION AND ADOPTION OF AMENDMENTS TO BWM-RELATED GUIDELINES**

2.23 The Committee recalled that MEPC 63 invited interested parties to provide submissions to MEPC 64 on the appropriateness of changing the Guidelines for approval of ballast water management systems (G8), including the general aspects that might be improved through revision, comments on the necessity for any change and the timeline to do so.

2.24 Having considered document MEPC 64/2/17 (ICS), proposing a number of changes to the Guidelines (G8) and considerations regarding sampling and analysis for compliance of ballast water management systems type approved under the existing Guidelines (G8), the Committee requested the Review Group to consider this document in detail and advise the Committee accordingly.

2.25 The Committee, having considered document MEPC 64/2/15 (Germany) proposing to develop a common understanding for exercising the discretion of port States in accordance with the Convention in a manner that refrains from initiating criminal prosecution, in combination with further development of parameters and principles for monitoring ballast water management systems, requested the Review Group to consider this document in conjunction with document MEPC 64/2/17 (ICS) and relevant parts of document MEPC 64/2/18 (Liberia et al.) and advise the Committee accordingly.

#### **IMPLEMENTATION OF THE BWM CONVENTION**

2.26 Having considered document MEPC 64/2/9 (Singapore) proposing measures to ensure compliance of the Mobile Offshore Units with the BWM Convention by means of the internal circulation method of treating ballast water, described in document MEPC 63/2/13 (Netherlands), the Committee agreed to initiate the development of a unified interpretation subject to further clarification if such an interpretation is possible before the entry into force of the Convention. With regard to who may adopt a unified interpretation and when, the advice received from the Legal Affairs and External Relations Division of the Organization is that, this is to be left to the Parties to the Convention, once it enters into force. This would be in line with article 31 of the Vienna Convention on the Law of the Treaties and would not, however, be construed to preclude the development of a common view even prior to entry into force, but such a common view would not be binding on the Parties. In this respect, the Committee invited Members and observers to submit relevant proposals to MEPC 65.

2.27 Following consideration of document MEPC 64/2/11 (Japan), proposing not to consider the new installation of ballast water management systems "Major conversion" as stipulated in the regulation A-1.4 of the BWM Convention, the Committee agreed with the proposal and instructed the Secretariat to prepare a draft circular in this respect for consideration and approval by MEPC 65.

2.28 Having considered documents MEPC 64/2/14 and MEPC 64/2/20 (Vanuatu) proposing options to address the perceived difficulties regarding the application of the BWM Convention to Offshore Support Vessels, the Committee noted the support expressed by several delegations for the development of a BWM Circular in this respect. Some other delegations were of the view that the provisions of regulation A-4 are sufficient to address the specific situation of offshore support vessels, therefore, there is no need for such a circular. Furthermore, the delegation of Norway emphasized that the text of the Ballast Water Management Convention, its Guidelines and the intention to avoid the spreading of invasive species must prevail in any interpretations of the Convention.

2.29 After some debate, the Committee agreed that a BWM Circular could facilitate the implementation of the provisions of the Convention in the particular case of offshore supply vessels and agreed to instruct the BLG Sub-Committee to initiate the development of such a circular based on the proposals in documents MEPC 64/2/14 and MEPC 64/2/20 under agenda item 4 (please see document BLG 17/1).

#### **CONSIDERATION OF OTHER ASPECTS RELATED TO BALLAST WATER MANAGEMENT AND CONTROL**

2.30 The Committee noted the information regarding the compatibility between ballast water management systems and ballast tank coatings provided in documents MEPC 64/INF.16 (NACE International) and MEPC 64/INF.21 (IPPIC) and thanked NACE International and IPPIC for their contributions.

2.31 Having considered document MEPC 64/2/21 (Marshall Islands) expressing support for consideration by the Committee of the standard test method developed by NACE International, presented in document MEPC 64/INF.16, to determine the potential corrosion

effects of ballast water management systems on ballast tanks, the Committee requested the Ballast Water Review Group to take this information into account when considering amendments to Guidelines (G8).

2.32 The Committee agreed with the proposal by INTERTANKO to request the Secretariat to consider the possibility of compiling the Ballast Water Management Guidelines and the relevant guidance documents to be made available on the IMO website.

#### **ESTABLISHMENT OF THE BALLAST WATER REVIEW GROUP**

2.33 The Committee agreed to establish the Ballast Water Review Group with the following terms of reference:

"Taking into consideration comments and decisions made in plenary, the Ballast Water Review Group is instructed to:

- .1 review the availability of ballast water treatment technologies taking into consideration the relevant comments and proposals contained in documents MEPC 64/2/8, MEPC 64/2/10, MEPC 64/2/13, MEPC 64/2/16, MEPC 64/2/18 and the information provided in documents MEPC 64/INF.4, MEPC 64/INF.5, MEPC 64/INF.12, MEPC 64/INF.13, MEPC 64/INF.17, MEPC 64/INF.18, MEPC 64/INF.19, MEPC 64/INF.20, MEPC 64/INF.26, MEPC 64/INF.27 and MEPC 64/INF.33 and advise the Committee on whether appropriate technologies are available to achieve the standard contained in regulation D-2 of the BWM Convention;
- .2 consider the proposal to amend the Guidelines for approval of ballast water management systems (G8), as adopted by resolution MEPC.174(58), contained in documents MEPC 64/2/15, MEPC 64/2/17, MEPC 64/2/18 and MEPC 64/2/21 and the information contained in documents MEPC 64/INF.16 and MEPC 64/INF.21 and propose an appropriate course of action;
- .3 consider the remaining challenges to effective implementation of the BWM Convention identified in document MEPC 64/2/18, including those related to survey and certification and sampling and analysis procedures, taking into account the relevant proposals contained in documents MEPC 64/2/15 and relevant parts of MEPC 64/2/16 and MEPC 64/2/17 and propose an appropriate course of action; and
- .4 submit a written report on the review conducted, including its findings and recommendations, to plenary on Thursday, 4 October 2012."

#### **CONSIDERATION OF THE REPORT OF THE BALLAST WATER REVIEW GROUP**

2.34 Having considered the report of the Ballast Water Review Group (MEPC 64/WP.8), the Committee approved it in general and took action as outlined in the following paragraphs.

2.35 The observer from ICS, supported by the delegations of China, Cuba, Greece, Liberia, Malta, the Marshall Islands, Panama, Vanuatu, BIMCO, INTERCARGO, IPTA, ITF and WSC, made a statement expressing disappointment with regard to some of the conclusions of the Ballast Water Review Group. The full statement is set out in annex 1.

2.36 The Committee agreed with the proposal by INTERTANKO to instruct the BLG and FSI Sub-Committees that sampling and analysis procedures for port State control should be no more stringent than what is required for Type Approval of ballast water management systems.

2.37 The delegation of the Bahamas, supported by INTERTANKO, stated that it could not agree with the view of the Review Group, that amendment of the Guidelines (G8) was not necessary at this stage, citing the large number of concerns set out in paragraph 16 of the Group's report. It also expressed its preference that the Guidelines (G8) address these concerns directly rather than through expansion of the BWM Circular as proposed. The Committee decided to note the view of the Group in respect of the need for amendment of the Guidelines (G8).

2.38 With regard to the actions requested by the Review Group, the Committee (paragraph and annex numbers in brackets are those of document MEPC 64/WP.8):

- .1 agreed that appropriate technologies are available to achieve the standard contained in regulation D-2 of the BWM Convention (paragraph 6);
- .2 requested delegations to submit case studies including quantitative data and information to document problems with the supply, operation and suitability of Type-Approved ballast water management systems to the BLG Sub-Committee to facilitate more informed analysis of these aspects (paragraph 9);
- .3 noted the view of the Group that a new set of amendments to Guidelines (G8) is not necessary at this stage (paragraph 14);
- .4 instructed BLG 17 to further consider the draft text provided to improve resolution MEPC.175(58) and request Member States and observers to submit relevant proposals in this respect (paragraph 15 and annex 1);
- .5 instructed BLG 17 to provide additional guidance with regard to application of the provisions contained in Guidelines (G8), including expansion of BWM.2/Circ.28 and invited Member States and observers to submit relevant proposals in this respect (paragraph 16);
- .6 instructed BLG 17 to further develop the proposals made in document MEPC 64/2/15 and invited Member States and observers to submit relevant comments in this respect (paragraph 18);
- .7 agreed to extend the deadline for submissions of such documents as mentioned in paragraph .6 above to Friday, 30 November 2012 (paragraph 18);
- .8 approved the Circular on issuance of Ballast Water Management Certificates prior to entry into force of the BWM Convention and instructed the Secretariat to expand it with respect to acceptance of Ballast Water Management Plans approved according to resolution A.868(20), as agreed by MEPC 63, and to disseminate it as BWM.2/Circ.40 (paragraphs 20 and 21);
- .9 agreed that urgent matters related to ballast water management and control emanating from BLG 17 be reported to MEPC 65 (paragraph 22); and
- .10 agreed to re-establish the Review Group at MEPC 65 in accordance with the provisions of regulation D-5 of the BWM Convention (paragraph 23).

2.39 The Committee thanked the Chairman of the Review Group and its members for their hard work.

### 3 RECYCLING OF SHIPS

3.1 The Committee recalled that MEPC 63 had adopted the *2012 Guidelines for safe and environmentally sound ship recycling* and the *2012 Guidelines for the authorization of ship recycling facilities*.

3.2 The Committee also recalled that MEPC 63 had agreed to re-establish the intersessional Correspondence Group on Ship Recycling Guidelines which had been instructed to further develop the draft text of the two remaining guidelines: the *Guidelines for the survey and certification of ships under the Hong Kong Convention* (Survey and Certification Guidelines) and the *Guidelines for the inspection of ships under the Hong Kong Convention* (Inspection Guidelines).

#### Planning of the work

3.3 The Committee had for its consideration, eight documents submitted under the agenda item, covering the following issues:

- .1 There were four submissions addressing the development of the Survey and Certification Guidelines and the Inspection Guidelines. Two of these submissions formed the report of the correspondence group, which had been submitted by Japan as the group's coordinator (MEPC 64/3/2 and MEPC 64/3/3). One further submission by China (MEPC 64/3/5) proposed an additional definition for the draft Survey and Certification Guidelines, and one submission by ICS and industry co-sponsors (MEPC 64/3/6) provided comments on the Inspection Guidelines.
- .2 There were three further documents proposing amendments to the *2011 Guidelines for the development of the inventory of hazardous materials*. One of these submissions was by China (MEPC 64/3/4), proposing the establishment of a specific threshold value for asbestos to be set at 1 per cent. The other two submissions by ICS and industry co-sponsors (MEPC 64/3 and MEPC 64/3/1) also highlighted the importance of the further establishment of threshold levels and exemptions for materials which are listed in the Inventory of Hazardous Materials, and proposed draft lists of threshold values and exemptions.
- .3 Finally, there was one information document by the Secretariat (MEPC 64/INF.2) intended to assist the Committee and other stakeholders to reach a better understanding of the conditions for the Convention's entry into force. The document presented the compilation of published ship recycling volume data for the last 10 years up to and including 2011, which can be used by the Depositary until April 2013 for determining the entry-into-force condition on ship recycling volume, in accordance with resolution MEPC.178(59).

3.4 In connection to the submissions on threshold levels and exemptions, the Committee recalled that on three earlier sessions, the Working Group on Ship Recycling at MEPC 59, MEPC 61 and MEPC 62 had discussed the issue of threshold values but, while recognizing the need to address the issue, the group had felt unable in the limited time available to grasp the complex technical issues that arise in connection with this matter. The Committee also recalled that both China and ICS and industry co-sponsors had submitted documents to MEPC 62 addressing the same issue and stressing that there was a pressing need for the development of threshold values and exemptions, as presently there

was an increasing number of inventories of hazardous materials being compiled for ships on a voluntary basis. The Committee also noted that the Inventory Guidelines, where threshold values and exemptions are listed, were first adopted by MEPC 59 and then revised by MEPC 62.

3.5 The Committee agreed to discuss in plenary only the reports of the correspondence group, while the remaining documents would be introduced in and considered by the working group. Furthermore, the Committee agreed to instruct the working group to also consider whether it may be more appropriate to address the issue of threshold levels and exemptions by a correspondence group, where time would not be as limited and where delegations would have a better opportunity to consult their experts.

### **Development of the guidelines and related matters**

3.6 In considering the reports of the intersessional correspondence group (MEPC 64/3/2 and MEPC 64/3/3), the Committee noted that the group had made good progress on the development of the Survey and Certification Guidelines and the Inspection Guidelines, which were the last two remaining guidelines whose development was required by the Hong Kong Convention.

3.7 The Committee thanked Japan for its continuing contribution as coordinator of the correspondence group and all the members of the group for their excellent work.

### **Establishment of the Working Group on Ship Recycling**

3.8 Having considered the above issues, the Committee established the Working Group on Ship Recycling under the chairmanship of Dr. Claude Wohrer (France) with the following terms of reference:

"Taking into account comments, proposals and decisions made in plenary, the Working Group on Ship Recycling is instructed to:

- .1 further develop the draft Guidelines for the survey and certification of ships under the Hong Kong Convention, using as basis the text contained in document MEPC 64/3/3 and taking into account the comments and proposals in document MEPC 64/3/5;
- .2 further develop the draft Guidelines for the inspection of ships under the Hong Kong Convention, using, as basis, the text contained in document MEPC 64/3/2 and taking into account the comments and proposals in document MEPC 64/3/6;
- .3 consider the comments and proposals in documents MEPC 64/3, MEPC 64/3/1 and MEPC 64/3/4 regarding the further establishment of threshold values and exemptions applicable under the Hong Kong Convention;
- .4 consider and recommend whether an intersessional correspondence group on ship recycling should be established to address threshold values and exemptions; and if so, develop draft terms of reference for the group; and
- .5 submit a written report to plenary on Thursday, 4 October 2012."

## Report of the Working Group on Ship Recycling

3.9 The Committee considered and approved the report of the working group (MEPC 64/WP.9) in general and, in particular (paragraph and annex numbers are those of document MEPC 64/WP.9, unless stated otherwise):

- .1 noted the discussions of the group on the development of the draft Guidelines for the survey and certification of ships under the Hong Kong Convention (paragraphs 4 to 19 and annex to annex 1);
- .2 adopted the *2012 Guidelines for the survey and certification of ships under the Hong Kong Convention* by resolution MEPC.222(64), as set out in annex 2 to this report;
- .3 noted the discussions of the group on the development of the draft Guidelines for the inspection of ships under the Hong Kong Convention (paragraphs 20 to 31 and annex to annex 2);
- .4 adopted the *2012 Guidelines for the inspection of ships under the Hong Kong Convention* by resolution MEPC.223(64), as set out in annex 3 to this report;

In adopting the *2012 Guidelines for the inspection of ships under the Hong Kong Convention*, and in relation to section 2.2, the Committee considered a question by a delegation as to how a PSCO can determine whether there are inconsistencies in the Inventory of Hazardous Materials, when the guidelines make no direct provision for its inspection. The Committee agreed that, in accordance with section 2.1.1, the PSCO initially inspects the International Certificate on Inventory of Hazardous Materials or the International Ready for Recycling Certificate, both of which are supplemented by the Inventory of Hazardous Materials, as explained in paragraph 22 of the working group's report (MEPC 64/WP.9)\*;

- .5 noted the discussion on the development of threshold values and exemptions applicable to the materials that are to be listed in Inventories of Hazardous Materials (paragraphs 34 to 40); and
- .6 agreed to the establishment of an intersessional correspondence group on ship recycling, under the coordination of the United States<sup>2</sup> and approved the terms of reference for the group as follows:

- 
- The delegation of Spain raised two particular questions for the Committee to provide clearer guidance at its next session: (a) how will the PSCO, at the time of an initial inspection of the ship's certificates which incorporate the Inventory of Hazardous Materials, without undergoing a physical inspection, obtain clear grounds that the Inventory of Hazardous Materials does not represent correctly the structure or equipment of the ship; and (b) whether failure to update the vessel's Inventory of Hazardous Materials at the renewal survey should be considered at subsequent port State control inspections as being a detainable deficiency.

<sup>2</sup>

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"On the basis of the outcome of MEPC 64 and the report of the working group (MEPC 64/WP.9), the Correspondence Group on ship recycling is instructed to:

- .1 develop threshold values and exemptions applicable to the materials to be listed in Inventories of Hazardous Materials and consider the need to amend accordingly the *2011 Guidelines for the development of the inventory of hazardous materials*; and
- .2 report the outcome of its deliberations to MEPC 65."

3.10 The Committee thanked the Chairman, members and the Secretary (Dr. Nikos Mikelis) of the Working Group for their hard and efficient work.

#### **4 AIR POLLUTION AND ENERGY EFFICIENCY**

4.1 The Committee agreed that, in addition to the documents submitted under agenda item 4, documents MEPC 64/7/1 concerning the date on which the SEEMP is required to be placed on board existing ships, and MEPC 64/7/3 on unified interpretation regarding completion of the supplement to the International Air Pollution Prevention (IAPP) Certificate should be considered under this agenda item.

##### **Order of discussion**

4.2 The Committee considered the various issues in the following order:

##### ***Draft MEPC resolution***

- .1 Draft MEPC resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships;

##### ***Air pollution from ships***

- .2 Outcome of BLG 16;
- .3 Supplement to the International Air Pollution Prevention (IAPP) Certificate;
- .4 Assessment of availability of fuel oil under MARPOL Annex VI;
- .5 Review of the status of the technological developments to implement Tier III NO<sub>x</sub> standards;
- .6 Treatment of ozone-depleting substances used to service ships;
- .7 Sulphur monitoring for 2011;
- .8 Guidelines for certification of engines using SCR system;
- .9 On-shore power supply;

***Energy efficiency for Ships***

- .10 Unified interpretations for chapter 4 of MARPOL Annex VI;
- .11 Guidelines for determining minimum propulsion power and speed to enable safe manoeuvring in adverse weather conditions;
- .12 Speed trial and model test;
- .13 Draft IMO model course on energy efficient operation of ships;
- .14 Guidelines for calculation of the EEDI;
- .15 Matters relating to SEEMP;
- .16 Guidance on treatment of innovative energy efficiency technologies;
- .17 Guidelines for the calculation of the coefficient  $f_w$ ;
- .18 Work in accordance with the work plan for energy efficiency measures; and
- .19 Energy efficiency measures.

**DRAFT MEPC RESOLUTION ON PROMOTION OF TECHNICAL CO-OPERATION AND TRANSFER OF TECHNOLOGY RELATING TO THE IMPROVEMENT OF ENERGY EFFICIENCY OF SHIPS**

4.3 The Committee recalled that MEPC 62 had agreed that capacity-building, technical assistance and transfer of technology were important elements in a future comprehensive regulatory framework to promote energy efficiency in international shipping, and included regulation 23 of MARPOL Annex VI on promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships in the amendments adopted by resolution MEPC.203(62). MEPC 62 also agreed to develop an MEPC resolution on this matter (MEPC 62/24, paragraphs 6.94 and 6.101).

4.4 The Committee also recalled that a draft MEPC resolution on capacity-building, technical assistance and transfer of technology related to energy efficiency measures for ships had been submitted by the Chairman to MEPC 63, as document MEPC 63/5/4.

4.5 The Committee further recalled that MEPC 63 continued developing the draft MEPC resolution. However, due to time constraints and concerns raised by some delegations, it was not possible to finalize the draft resolution. MEPC 63 agreed to continue to work on the draft resolution at MEPC 64, with a view to its adoption (MEPC 63/23, paragraph 4.74).

4.6 The Committee considered following documents relating to the draft MEPC resolution: MEPC 64/4/1 (the Chairman), MEPC 64/4/22 (the Vice-Chairman), MEPC 64/4/24 (Angola, China, Jamaica, Nigeria, South Africa and Venezuela), MEPC 64/4/30 (Angola, Argentina, Brazil, China, India, Jamaica, Nigeria, Peru, South Africa and Venezuela), MEPC 64/4/44 (Australia, Canada, Germany, Japan, Marshall Islands, Norway and United States), MEPC 64/4/46 (South Africa), and relevant parts of MEPC 64/5/9 (Brazil, China, India, Peru, Saudi Arabia and South Africa).

4.7 The Chairman explained to the Committee that, in evaluating the progress made between MEPC 62 and until the opening of this session, the views expressed in the submissions to this session had isolated three major issues that if they be tackled in a precise, cooperative and constructive manner should bring convergence to the different views.

- 4.8 The Chairman identified the three issues as CBDR, technology transfer and funding:
- .1 on the issue of CBDR, the Chairman explained that the working group could provide, if no agreement was found, options of different formulation even the option of square brackets with no text, meaning no CBDR;
  - .2 on the issue of technology transfer, the Chairman explained that the working group should focus on what is required rather than the exact process, which should be described in the third issue; and
  - .3 on the issue of funding, the Chairman explained that the working group should shape the process and leave the final details for a discussion by a different body, such as an expert group or a forum, etc.

4.9 Based on the explanations by the Chairman given above, the Committee was convinced and agreed to forward all the documents on the draft MEPC resolution to a dedicated working group, without general debate in Plenary, as a continuation of the working group established during the last session.

#### **Establishment of Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships**

4.10 The Committee established the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships under the chairmanship of Mr. Arsenio Dominguez (Panama), with the following terms and reference:

"Taking into account the documents submitted, and the three points identified by the Chairman as the basis for the deliberations: CBDR, transfer of technology and funding; the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships is instructed to:

- .1 debate and finalize the text for these specific points:
  - .1 CBDR;
  - .2 transfer of technology; and
  - .3 funding;
- .2 finalize the remaining text using document MEPC 64/4/1 as the basis; and
- .3 submit a written report to plenary."

#### **Outcome of the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships**

4.11 The Committee received the report of the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships (MEPC 64/WP.10). In his introduction of the report, the Chairman of the Working Group, Mr. Arsenio Dominguez (Panama), highlighted that the working group had:

- .1 made further significant progress with the finalization of the text of the draft resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships, as set out in the annex to document MEPC 64/WP.10;
- .2 agreed to request that the Secretary-General consider appointing a focal point within the Secretariat, at no extra cost to the Organization, to support Member States that request assistance in relation to the promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships; and
- .3 agreed to invite the Committee to use the draft resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships, as set out in the annex to document MEPC 64/WP.10, as the basis for further discussions.

4.12 The Committee agreed that the text in the annex to document MEPC 64/WP.10 is the Committee's interim agreement on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency for ships.

4.13 This agreement provides a solid basis for finalization of the Resolution at MEPC 65 (13-17 May 2013). In this regard, the Committee agreed that submissions on this issue to MEPC 65 should be restricted to comments relating to the specific paragraphs of the draft resolution.

4.14 The Chairman and Vice-chairman offered their services to engage themselves with interested delegations in the intersessional period for informal discussions in order to pave the way for finalization of the resolution at MEPC 65.

4.15 The Committee, recalling the reasoning set out in paragraphs 4.7 and 4.8, agreed also to re-establish the Working Group on the draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency for ships at the next session with the same terms of reference.

4.16 As requested, a statement made by the delegation of Venezuela is set out in annex 4.

## **AIR POLLUTION FROM SHIPS**

### **Outcome of BLG 16**

4.17 The Committee noted that BLG 16 considered matters concerning the use of continuous NO<sub>x</sub> monitoring to demonstrate compliance with the Tier III NO<sub>x</sub> emission limit, and further considered the impact on the arctic of emissions of Black carbon from international shipping (BLG 16/16, paragraphs 8.7 to 8.13 and 15.1 to 15.19).

4.18 The Committee also noted that BLG 16 prepared a new priority list of necessary guidelines to support implementation and enforcement of MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008, and established a correspondence group to progress the development of the remaining guidelines and guidance documents as a consequence of the amended MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008 (BLG 16/16, paragraphs 5.58 and 8.59).

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***Sampling of fuel oil used on board ships***

4.19 The Committee recalled that MEPC 62, having noted that there was a need to establish separate procedures for sampling of fuel oil being used on board ships, had endorsed terms of reference for BLG 16 to develop draft guidelines on the sampling procedure for fuel oil being used on board ships with 2012 as the target completion year (MEPC 62/24, paragraph 4.56.1).

4.20 The Committee noted that, during the discussion at BLG 16, a number of delegations supported the development of guidelines for a sampling procedure to enable effective control and enforcement of fuel oil being used on board ships under the provision of regulations 14.4 and 14.6 of MARPOL Annex VI, in recognizing the fact that, during some port State control and flag State inspections, fuel oil is being sampled in order to enable verification of the fuel oil being used on board the ship.

4.21 The Committee also noted that other delegations were of the view that, under regulation 14 of MARPOL Annex VI, sampling of fuel oil used on board ships is not identified as a means to determine compliance, and that there was potential for the ship to be unduly delayed for fuel oil sampling and analysis. Several delegations were of the view that, if such sampling guidelines were needed, amendments to MARPOL Annex VI would be necessary.

4.22 The Committee further noted that BLG 16 agreed to report back to the Committee these discussions, and not to develop either guidelines or guidance on the sampling procedure for fuel oil being used on board ships.

4.23 The Committee agreed to instruct the Working Group on Air Pollution and Energy efficiency to further consider this matter and recommend to the Committee an appropriate way forward.

***Unified interpretation for continuous-feed type shipboard incinerators***

4.24 The Committee noted that BLG 16 considered document BLG 16/11/4 (Germany and IACS) proposing a unified interpretation for the use of sludge oil during the warm-up process of continuous-feed type shipboard incinerators, and developed the draft unified interpretation, as set out in annex 6 to document BLG 16/16, for consideration and approval by MEPC 64.

4.25 The Committee approved the unified interpretation for continuous-feed type shipboard incinerators, and requested the Secretariat to disseminate it, together with the unified interpretations as specified in paragraph 4.112.5, by MEPC.1/Circ.795.

**Supplement to the International Air Pollution Prevention (IAPP) Certificate**

4.26 The Committee recalled that MEPC 63 considered document MEPC 63/7/8 (IACS) highlighting that section 2.3 of the supplement to IAPP Certificate will lead to situations that do not accurately reflect the current or future means by which the ship intends to operate either when inside/outside an Emission Control Area (ECA) or when lower sulphur limits enter into force. MEPC 63 agreed to invite IACS to develop a unified interpretation on this matter (MEPC 63/23, paragraph 4.45).

4.27 The Committee considered document MEPC 64/7/3 (IACS) providing IACS unified interpretation MPC 101 regarding completion of the supplement to the International Air Pollution Prevention (IAPP) Certificate. IACS interpreted that "as documented by bunker delivery notes" in section 2.3 of the supplement allows for an "x" to be entered in advance of

the dates indicated in all of the relevant check boxes, recognizing that the bunker delivery notes provide the subsequent means to check that a ship is actually operating in a manner consistent with the intent as given in section 2.3.

4.28 The Committee agreed to instruct the Working Group on air pollution and energy efficiency to develop a draft unified interpretation based on IACS unified interpretation MPC 101 as a basis.

#### **Assessment of availability of fuel oil under MARPOL Annex VI**

4.29 The Committee recalled that MEPC 62 had considered documents MEPC 62/4/5 (United States) providing the report of the Correspondence Group on the assessment of availability of fuel oil under MARPOL Annex VI, including a draft methodology framework to examine the availability of compliant fuel, and MEPC 62/4/21 (ICS) providing comments on the need for early validation and refinement of a fuel availability model.

4.30 The Committee also recalled that some delegations had supported the proposal by ICS to undertake a preliminary study during the period 2012-2013 with a focus on availability of compliant fuel oil in Emission Control Areas (ECA). Other delegations were of the view that carrying out such a preliminary study would not lead to an effective validation for global supply of compliant-fuel oil in 2020 as the scope of the study would be limited only to ECA (MEPC 62/24, paragraphs 4.44 to 4.49).

4.31 The Committee noted that no submission had been received at MEPC 63 on this matter, and it agreed to invite Member Governments and interested delegations to submit concrete proposals to MEPC 64 for further consideration.

4.32 The Committee considered document MEPC 64/4/17 (ICS) proposing that, during the period 2012-2014, the fuel availability model proposed by the Correspondence Group on the assessment of availability of fuel oil under MARPOL Annex VI be used to carry out a preliminary study to provide fuel availability scenarios for the period 2015-2016. ICS considered that a preliminary assessment using data on the availability of compliant fuel oil in Emission Control Areas would provide essential information for the validation and refinement of the model prior to the critical review of fuel availability that is to be carried out under regulation 14.8 of MARPOL Annex VI.

4.33 The Committee considered document MEPC 64/4/41 (United States) opposing the early initiation of the assessment of availability of fuel oil under MARPOL Annex VI, as the results of an earlier preliminary analysis would be of little value in assessing fuel availability in 2020, for several reasons. The United States concluded that performing an additional analysis either for an earlier period or for a different set of standards could not be likely to achieve additional reliability and would come at an additional cost.

4.34 A number of delegations recognized that a preliminary study for the assessment of the availability of compliant fuel oil in 2020, could provide further information to industries, such as retail operations and distribution from refiners to suppliers etc. and that it would be important in identifying sooner rather than later what action is necessary to ensure availability of compliant fuel oil, and supported the preliminary study proposed by ICS.

4.35 Other delegations expressed the view that the preliminary study could not provide additional certainty with respect to the availability of compliant fuel oil due to the difference in fuel sulphur limits of the fuels to be studied, the specific geographic location that ECA compliant fuel oil is to be used, and that the assessment methodology developed by the Correspondence Group contains proven models that do not need revalidation, and so did not support the preliminary study proposed by ICS.

4.36 The Committee agreed that this matter should be reconsidered at a future session and invited interested delegations to submit proposals to MEPC 66.

#### **Review of the status of the technological developments to implement the Tier III NO<sub>x</sub> emissions standards**

4.37 The Committee recalled that regulation 13.10 of MARPOL Annex VI calls for a review of the status of technological developments to implement the Tier III NO<sub>x</sub> emissions standards to begin in 2012 and be completed no later than 2013, and that, following consideration and agreement of terms of reference, MEPC 62 established a correspondence group to carry out this review (MEPC 62/24, paragraph 4.24).

4.38 The Committee considered documents MEPC 64/4/16 and MEPC 64/INF.8 (United States) providing an interim report on the work of the Correspondence Group on Assessment of Technological Developments to Implement the Tier III NO<sub>x</sub> Emission Standards under MARPOL Annex VI. The correspondence group made substantial progress in defining and evaluating technologies that are expected to be used to meet the Tier III NO<sub>x</sub> emission limits, especially with regard to selective catalytic reduction (SCR) and exhaust gas re-circulation (EGR) technologies. A final report will be submitted to MEPC 65 including a recommendation as to whether the effective date in regulation 13.5.1.1 of MARPOL Annex VI should be retained or, if adjustment is needed, reason given behind that adjustment.

4.39 The Committee considered document MEPC 64/4/35 (Japan) providing the results of technological development of SCR systems for compliance with the Tier III NO<sub>x</sub> emission standard, including data of shipboard testing of SCR systems. Japan emphasized that the results of the project indicated that the SCR systems could satisfactorily comply with the Tier III NO<sub>x</sub> emission limits as set out in regulation 13.5.1.1 of MARPOL Annex VI. Japan concluded that SCR are a possible technology that can be used by ships to comply with the Tier III NO<sub>x</sub> emission standards.

4.40 ICOMIA expressed the view that it had yet to be satisfied that all yacht designs would be able to both accommodate the demands of SCR treatment systems and remain commercially viable. ICOMIA was of the view that all aspects of Tier III compliance including consideration of the certification and compliance with Tier III limit under operational conditions must be assessed in every possible detail. As requested, the statement is set out in annex 5.

4.41 The Committee agreed to consider this matter further at MEPC 65, when the final report of the correspondence group will be submitted.

#### **Treatment of Ozone-depleting substances used to service ships**

4.42 The Committee recalled that MEPC 63 had agreed to request the Secretariat to continue liaising with Ozone Secretariat and provide an update on the work of the Montreal Protocol to MEPC to facilitate the Committee's deliberation (MEPC 63/23, paragraph 4.54).

4.43 The Committee considered document MEPC 64/4/4 (Secretariat) presenting updated information on consideration by the Parties to the Montreal Protocol of the treatment of Ozone Depleting Substances used by international shipping.

4.44 The Committee noted documents MEPC 64/INF.10 (Secretariat) providing the report for a study on the treatment of Ozone-depleting Substances used to service ships undertaken by Lloyd's Register, and MEPC 64/INF.28 (Secretariat) outlining the outcome of the 32nd Open-ended Working Group meeting of the Parties to the Montreal Protocol including a "Draft decision on trade of controlled substances with ships sailing under a foreign flag".

4.45 The Committee agreed to request the Secretariat to continue liaising with the Ozone Secretariat, and provide an update on the work of the Montreal Protocol, for consideration at its next session to facilitate the Committee's deliberation of this issue.

### **Sulphur monitoring for 2011**

4.46 The Committee recalled that, in accordance with regulation 14.2 of MARPOL Annex VI and the *2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships* adopted by resolution MEPC.192(61), the results of sulphur monitoring should be presented to a subsequent session of the Committee every year (in this case, MEPC 64).

4.47 The Committee noted the information provided in document MEPC 64/4 (Secretariat) on the outcome of the monitoring of the worldwide average sulphur content of marine fuel oils supplied for use on board ships through 2011, which shows the average sulphur content of residual fuel (2.65%) and distillate fuel (0.14%) for 2011.

### **Guidelines for certification of engines using SCR system**

4.48 The Committee recalled that MEPC 62 had adopted, by resolution MEPC.198(62), the 2011 Guidelines addressing additional aspects to the NO<sub>x</sub> Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with SCR systems (MEPC 62/24, paragraph 4.56.5).

4.49 The Committee considered document MEPC 64/4/2 (EUROMOT) proposing to amend the formula for deriving the NO<sub>x</sub> reduction rates in paragraph 2.3.11 of the 2011 Guidelines. Due to deviations between onboard conditions and reference conditions for pre-certification test, EUROMOT emphasized that  $C_{inlet,pre-certification}$  should be used as denominator in the formula for the NO<sub>x</sub> reduction rates, instead of  $C_{inlet}$ .

4.50 The Committee considered document MEPC 64/4/40 (United States) opposing the amendment to the 2011 Guidelines proposed by EUROMOT as the amendment is based on the assumption that all SCR reductant dosing controllers will be "feed-forward" type, meaning that the controller will dose reductant based on a predetermined rate. The United States considered that acceptance of the amendment by EUROMOT would encourage calibration of the SCR to the ideal conditions of the test bed only (feed-forward control), which could result in higher NO<sub>x</sub> emissions under actual conditions, and that "feedback control" based reductant dosing should be considered as its commonly used in mobile land-based applications.

4.51 Some delegations expressed the view that both types of control system for SCR reductant injection rate (feed-forward and feedback control) should be allowed to comply with Tier III NO<sub>x</sub> emission limit.

4.52 The majority did not support the amendments to the 2011 Guidelines proposed by EUROMOT with some delegations noting that there is a possibility that the stringency of the requirements in regulation 13 of MARPOL Annex VI would be reduced.

### **On-shore power supply**

4.53 The Committee recalled that MEPC 54 had considered document MEPC 54/4/3 (Germany and Sweden) proposing standardization of on-shore power supply connections for ships in ports, and MEPC 55 had considered document MEPC 55/4/6 (Secretariat) providing a report on on-shore power supply, and two documents commenting on the report (MEPC 55/4/13 by Sweden and MEPC 55/4/10 by IMarEST).



4.54 The Committee recalled also that MEPC 59 had noted the information provided by ISO (MEPC 59/4/11) concerning the status of ongoing standardization work within ISO and IEC on the shore supply of electric power to ships in port (cold ironing). ISO and IEC subsequently published IEC/PAS 60092-510:2009.

4.55 The Committee considered document MEPC 64/4/3 (Secretariat) presenting information on the development of an international standard, and the growing availability of ports with berths that can provide an on-shore power supply to an appropriately equipped ship.

4.56 The Committee noted the information that ISO had published an on-shore power supply ("cold ironing") standard ISO/IEC/IEEE 80005-1 in July 2012, and that a list of ports providing on-shore power supply is available on the IAPH website, as set out in document MEPC 64/4/3.

4.57 The majority was of the view that ports equipped with on-shore power supply are limited and mandatory requirements for the on-shore power supply should not be developed at this stage.

4.58 The Committee agreed to request the Secretariat to disseminate the information relating to the on-shore power supply, e.g. lists of relevant standards and ports providing on-shore power supply as MEPC.1/Circ.794.

#### **ENERGY EFFICIENCY FOR SHIPS**

4.59 The Committee recalled that MEPC 62 had adopted the amendments to MARPOL Annex VI incorporating a new chapter 4 on regulations on energy efficiency for ships, which makes the EEDI mandatory for new ships, and the SEEMP for all ships (MEPC 62/24, paragraph 6.111).

4.60 The Committee recalled also that MEPC 63 had adopted four sets of important guidelines to support the implementation of new chapter 4 of MARPOL Annex VI, and identified other necessary guidelines and unified interpretations to be developed as soon as possible for smooth implementation of the amendments, which will enter into force on 1 January 2013.

#### **Unified interpretations for chapter 4 of MARPOL Annex VI**

##### ***Definition of "new ships" for Phases 1, 2 and 3, and "major conversion"***

4.61 The Committee noted that MEPC 63 had considered documents MEPC 63/4/9 (China) and MEPC 63/4/12 (IACS) seeking interpretation of the terms "new ships" for Phases 1, 2 and 3, and "major conversion" in regulation 2.24 of MARPOL Annex VI. MEPC 63 agreed that a unified interpretation for "major conversion" should be developed using document MEPC 63/4/12 (IACS) as basis, taking into account comments made in document MEPC 63/4/9 (China), and invited IACS to develop a draft unified interpretation and submit it to MEPC 64 for consideration (MEPC 63/23, paragraph 4.24).

4.62 The Committee considered document MEPC 64/4/12 (IACS) providing draft unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework, as well as an interpretation of the phrase "major conversion". IACS prepared two possible interpretations for the definition of new ships based on the definition of new ships for Phase 0.

4.63 The Committee considered document MEPC 64/4/45 (United States) proposing an interpretation for major conversion in regulation 2.24.4 of MARPOL Annex VI that considers any conversion, regardless how extensive, that would make the ship subject to the relevant MARPOL provisions if it were a newly constructed ship, rather than a previously constructed ship. The United States provided a list of seven questions to evaluate whether a ship is a major conversion.

4.64 The Committee agreed to forward these documents to the Working Group for further consideration and instruct it to develop unified interpretations.

***Date on which Ship Energy efficiency Management Plan (SEEMP) is required to be placed on board existing ships***

4.65 The Committee recalled that MEPC 63 had considered document MEPC 63/7/7 (IACS) seeking the Committee's advice on regulation 5.4.4 of MARPOL Annex VI, in which verification of a SEEMP on board existing ships is required at the first intermediate survey or renewal survey of the IAPP Certificate on or after 1 January 2013. MEPC 63 agreed to invite IACS to develop a draft unified interpretation on this matter and submit it to MEPC 64 for consideration (MEPC 63/23, paragraph 4.29).

4.66 The Committee considered document MEPC 64/4/31 (IACS) providing an IACS unified interpretation on the relationship between the International Energy efficiency (IEE) Certificate and International Air Pollution Prevention (IAPP) Certificate as requested at MEPC 63. IACS sought clarification that the validity of the IAPP certificate should not be impacted by the lack of a SEEMP before the first intermediate/renewal survey on or after 1 January 2013. IACS also sought clarification whether port State control (PSC) action relating to SEEMP would be taken before the ship is obliged to carry an IEE certificate.

4.67 The Committee considered document MEPC 64/7/1 (Marshall Islands) seeking clarification concerning the implementation of MARPOL Annex VI, chapter 4, with respect to the date on which the SEEMP is required to be placed on board existing ships. Marshall Islands provided two options for a possible unified interpretation on the timing for the existing ships to keep on board a SEEMP.

4.68 Some delegations expressed the view that option 2 proposed in document MEPC 64/7/1 would be an appropriate interpretation.

4.69 Other delegations were of the view that, if option 2 was taken, a ship with verified SEEMP and another ship with not yet verified SEEMP would co-exist. This would impair the robustness of regulations in chapter 4 of MARPOL Annex VI and might cause confusion during port State control inspections.

4.70 The Committee agreed that a unified interpretation on the timing for the existing ships to keep on board a SEEMP should be developed based on option 1 in annex to document MEPC 64/7/1. The Committee instructed the Working Group on Air Pollution and Energy efficiency to develop the unified interpretations with respect to the date on which the SEEMP is required to be placed on board existing ships.

4.71 The Committee agreed that the working group should consider comments by the Republic of Korea that the SEEMP should be developed in the working language used on board ships, and by IACS on a need to clarify the applicability of the SEEMP to platforms and drilling rigs as they are not specified in regulations 6.4 and 19 of MARPOL Annex VI.

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**Calculation of required EEDI for specialized ships designed to carry fruit juices in bulk**

4.72 The Committee considered document MEPC 64/4/36/Rev.1 (Liberia and ICS) proposing that ships dedicated to the carriage of fruit juice in refrigerated cargo holds should be considered not as chemical carriers but as other refrigerated cargo ships when referring to tables 1 and 2 of regulation 21 of MARPOL Annex VI. The co-sponsors also propose to develop an MEPC circular providing unified interpretations on the appropriate ship type to be applied under the EEDI regulations for small specialized ship sectors in dedicated trades.

4.73 The Committee agreed to forward the document to the Working Group on Air Pollution and Energy efficiency for further consideration.

**Guidelines for determining minimum propulsion power and speed to enable safe manoeuvring in adverse weather conditions**

4.74 The Committee recalled that MEPC 62 had agreed to insert regulation 21.5 stating that the installed propulsion power shall not be less than the propulsion power needed to maintain safe manoeuvrability of the ship under adverse weather conditions as defined in the guidelines to be developed by the Organization. MEPC 63 noted that IACS would develop a new iteration of the draft guidelines in time for MEPC 64 as an interim measure and would be the basis for a permanent solution (MEPC 63/23, paragraph 4.17.5).

4.75 The Committee considered document MEPC 64/4/13 and MEPC 64/INF.7 (IACS, BIMCO, INTERCARGO, INTERTANKO and OCIMF) providing draft interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions. The co-sponsors developed the draft interim guidelines based on a three-level assessment approach, in which ships are considered to have sufficient power to maintain the manoeuvrability in adverse conditions if it fulfils any of the three assessment levels.

4.76 The Committee considered document MEPC 64/4/37 (Greece) emphasizing that draft guidelines proposed in document MEPC 64/4/13 do not fully address underpowering concerns for Phase 0 as the resulting required minimum installed power is substantially lower than actual current designs. Greece considers an interim minimum speed requirement for Phase 0 is safer and more appropriate.

4.77 The Committee considered document MEPC 64/4/42 (Japan and the Republic of Korea) opposing the proposal by Greece in document MEPC 64/4/37. The co-sponsors highlighted that the minimum power lines for level 1 verification in the draft guidelines should be set for all the existing ships to comply with. The co-sponsors, noting that there are many issues to be reviewed in detail, proposed that a correspondence group be established to undertake this review and the relevant parts of resolution MSC.137(76) on *Standards for ship manoeuvrability* can be used as a voluntary interim guidelines for Phase 0.

4.78 Some delegations supported the interim minimum speed requirements for Phase 0 proposed by Greece. Many delegations expressed the view that interim minimum propulsion power is an appropriate way forward to maintain the manoeuvrability of ships and did not support the minimum speed requirements.

4.79 Some delegations expressed the view that draft interim guidelines proposed by IACS is too stringent as 10 per cent of existing ships do not comply with level one of the minimum power requirements despite the fact that these ships operate safely without manoeuvring problems.

4.80 The majority supported the draft interim guidelines proposed by IACS and recognized that the draft interim guidelines need to be considered carefully and further modified at this session.

4.81 The Committee agreed that the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions should be developed based on the draft text provided in the annex to document MEPC 64/4/13, taking into account comments provided in documents MEPC 64/4/37 and MEPC 64/4/42. The Committee instructed the Working Group on Air Pollution and Energy efficiency to develop draft interim guidelines with a view to finalization and adoption at this session, and consider the need for technical advice from the SLF Sub-Committee.

### **Speed trial and model test**

4.82 The Committee recalled that the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships had considered this matter and invited ITTC to finalize an ITTC standard on a method for performing sea trials within this year, taking into account the proposal in document MEPC 62/5/5 (Norway). MEPC 63 noted that ITTC would develop a standard for assessment of speed and power performance by analysis of speed trial data in time for MEPC 64 (MEPC 63/23, paragraph 4.17.4).

4.83 The Committee considered documents MEPC 64/4/15 and MEPC 64/INF.6 (ITTC) introducing the Recommended Procedure 7.5-04-01-01.2, "Speed/power trials, part 2, analysis of speed/power trial data" to replace ISO 15016 for the evaluation of sea trial measurements. The procedure consists of two parts: part one addresses the preparation and conduct of speed/power sea trial measurements; and part two concerns the correction methods for the sea trials, and improves on the existing ISO 15016 taking into account the "Sea Trial Analysis" (STA) method.

4.84 The Committee considered document MEPC 64/4/43/Rev.1 (Japan and the Republic of Korea) highlighting that the revised ITTC's method for analysis of speed correction standard in document MEPC 64/INF.6 (ITTC) contains only the direct power method, although ITTC suggests in document MEPC 64/4/15 that two power correction methods (ISO 15016 and direct power method) can be used. The co-sponsors also stressed that the correction method for current which is specified in paragraph 3.5, cannot be found in MEPC.64/INF.6.

4.85 The Committee noted information by ISO on the recent activity to ISO 15016, guidelines for the assessment of speed and power performance by analysis of speed trial data. ISO established a new working group, WG 17, in TC 8/SC 6 (navigation of ship operations), to improve the Wind and Wave correction accuracy from the sea trial condition to EEDI condition, among others. The first expert meeting of the WG 17 was held and made a draft annex A and annex B to ISO 15016 which narrow down the correction method and also improve the accuracy of the correction method itself, and decided that the draft will be put on the voting for issuing Publically Available Specification (PAS), in this year. This PAS will help the relevant parties to calculate a ship's performance in calm water from sea trial data precisely.

4.86 The Committee agreed to forward documents MEPC 64/4/15 and MEPC 64/4/43/Rev.1 to the working group for further consideration.

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## IMO model course on energy-efficient operation of ships

4.87 The Committee recalled that WMU had finalized a draft model course for energy efficiency operation of ships, as set out in the annex to document MEPC 63/INF.10. MEPC 63 noted that, for other IMO model courses developed to support implementation of IMO Conventions, a validation group had been established, which reviews the model course in question and provides comments and recommendations on the course content and structure. MEPC 63 agreed to establish a validation group to review and update the draft model course on energy-efficient operation of ships for consideration by the Committee at MEPC 65 (MEPC 63/23, paragraph 4.34).

4.88 The Committee considered document MEPC 64/4/5 and MEPC 64/INF.3 (Secretariat) reporting progress on the development of the draft IMO Model Course on energy-efficient operation of ships, and suggesting that the Committee may wish to forward the draft IMO model course to the validation group under the STCW convention to review and provide comments.

4.89 The Committee agreed to request the Secretariat to forward the draft IMO Model Course on energy-efficient operation of ships to the validation group for model courses under the STCW convention to review and provide comments.

## Guidelines for calculation of the EEDI

4.90 The Committee recalled that the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships had noted information provided in document MEPC 62/5/21 (BIMCO, CESA, IACS, ICS, INTERCARGO, INTERTANKO and OCIMF) on "The Joint Industry Working Group" established to prepare industry guidelines to facilitate consistent application of the EEDI by supporting the guidelines developed by IMO (MEPC 63/4/11, paragraph 2.60).

4.91 The Committee considered documents MEPC 64/4/32 and MEPC 64/INF.22 (BIMCO, CESA, IACS, ICS, INTERCARGO, INTERTANKO, ITTC, OCIMF and WSC) providing the first version of industry guidelines to provide agreed procedures for the computation and the verification of the EEDI, compliant with the relevant IMO guidelines in resolutions MEPC.212(63) and MEPC.214(63), to be used by the verifiers as well as the submitters when verifying and computing EEDI respectively. The co-sponsors also provided supplementary information on the five topics raised during the development of the industrial guidelines.

4.92 The Committee agreed to encourage the co-sponsors to further develop the industry guidance, and invited interested delegations to provide comments to the following focal point:

Mr. Jean-Francois Segretain  
e-mail: jean-francois.segretain@bureauveritas.com

4.93 The Committee considered document MEPC 64/4/29 (China) proposing amendments to the *2012 Guidelines on the method of calculation of the attained energy efficiency design index (EEDI) for new ships* taking into account the case where ship is equipped with more than one main engine. China proposed amendments to calculation methods for shaft generators and for auxiliary engine power  $P_{AE}$  for ships equipped with more than one main engine.

4.94 The Committee agreed to forward document MEPC 64/4/29 to the working group for further consideration.

**Matters relating to SEEMP**

4.95 The Committee considered document MEPC 64/4/33 (CSC and WWF) proposing an enhanced SEEMP (SEEMP Plus) to provide clearer guidance on energy efficiency measures and to support a more targeted approach to energy efficiency on board the ship. The co-sponsors also proposed development of appropriate standardized monitoring, reporting and verification methodologies for the SEEMP.

4.96 Some delegations expressed the view that SEEMP will be implemented from 1 January 2013, and it is therefore too early or premature to amend requirements for SEEMP by introducing the proposed "SEEMP Plus" because at least some experience in implementation is necessary.

4.97 The Committee agreed that the proposed amendments to SEEMP to introduce "SEEMP Plus" were not to be considered at this point in time, noting that the document on the matter may be resubmitted for consideration at a future session. China expressed the view that experience was required of SEEMP before any amendments should be considered.

**Guidance on treatment of innovative energy efficiency technologies**

4.98 The Committee recalled that MEPC 63 had approved the report of the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships in general and, in particular, noted that Japan would further develop draft guidance for the assessment of innovative energy efficiency technologies in calculation and verification of the attained EEDI in cooperation with interested members (MEPC 63/23, paragraph 4.17.4).

4.99 The delegation of Greece expressed the view that a method of future adjustment of a ship's attained EEDI calculated as a result of utilizing certain innovative technologies, for which insufficient actual experience exists and sea trial tests cannot fully confirm the device's performance, should be included in the guidance.

4.100 The delegation of Japan expressed the view that this guidance document should be regarded as a supplement document to the EEDI calculation Guidelines (resolution MEPC.212(63)) and the EEDI Survey and Certification Guidelines (resolution MEPC.214(63)), and that therefore, it is a prerequisite to keep consistency amongst these documents, namely, use of calm sea conditions, without taking into account the wave or ship motions which occur in actual sea conditions.

4.101 The Committee agreed that documents MEPC 64/4/8 (Denmark, Germany and Japan) and MEPC 64/4/39 (Greece) be forwarded to the Working Group for consideration.

**Guidelines for the calculation of the coefficient  $f_w$** 

4.102 The Committee recalled that the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships had agreed that, for the purpose of calculation of the attained EEDI for regulation 20 and 21 of MARPOL Annex VI,  $f_w$  should be 1.00. If calculated  $f_w$  is used, the attained EEDI using calculated  $f_w$  should be presented as "attained EEDI<sub>weather</sub>" in order to clearly distinguish it from the attained EEDI under regulations 20 and 21 of MARPOL Annex VI (MEPC 63/4/11, paragraph 2.17).

4.103 The Committee also recalled that MEPC 63 had noted that Japan would further develop draft guidelines for the calculation of  $f_w$ .

4.104 The Committee agreed that documents MEPC 64/4/7 (Japan), MEPC 64/4/28 (China) and MEPC 64/4/38 (Greece) be forwarded to the working group for consideration.

#### **Work in accordance with the work plan for energy efficiency measures**

4.105 The Committee recalled that MEPC 63 had endorsed the work plan and schedule for further development of technical and operational measures for ships (annex 12 to document MEPC 63/23/Add.1), which includes development of regulatory frameworks for passenger ships, ro-ro cargo ships and ro-ro passenger ships, EEDI calculation method for ships having non-conventional propulsion, review of EEDI for large size segment of oil tankers and bulk carriers, and a review of requirements for small ship segments.

4.106 The Committee agreed that the following documents be forwarded to the working group for consideration:

#### **Passenger ships, ro-ro cargo ships and ro-ro passenger ships**

MEPC 64/4/6 by Denmark, Japan, Norway and WSC  
MEPC 64/4/9 by Denmark, Japan and Norway  
MEPC 64/4/10 by Denmark, Japan and Norway  
MEPC 64/4/11 by Denmark, Japan and Norway  
MEPC 64/4/14 by Germany, Sweden and CESA  
MEPC 64/4/19 by CLIA  
MEPC 64/4/20 by Denmark, Japan and Norway  
MEPC 64/4/23 by INTERFERRY  
MEPC 64/4/25 by Denmark, Japan, Norway and WSC  
MEPC 64/4/34 by CLIA

#### **EEDI calculation method for ships having non-conventional propulsion**

MEPC 64/4/21 by Germany  
MEPC 64/4/26 by Japan, Liberia and SIGTTO

#### **Review of EEDI for large size segment of oil tankers and bulk carriers**

MEPC 64/4/27 by China

#### **Review of requirements for small ship segments**

MEPC 64/4/18 and MEPC 64/INF.9 by the Netherlands

#### **Energy efficiency measures**

4.107 The Committee noted document MEPC 64/INF.23 (Clean Shipping Coalition) elaborating the proposal for "A transparent and reliable hull and propeller performance standard", presented by the Bellona Foundation as a member of CSC at MEPC 63 (MEPC 63/4/8). CSC provided an updated estimate of the potential for GHG emissions reductions related to improvements in hull and propeller performance based on a larger number of ship samples.

#### **Establishment of Working Group on Air Pollution and Energy efficiency**

4.108 The Committee established the Working Group on Air Pollution and Energy efficiency, under the Chairmanship of Mr. Koichi Yoshida (Japan), with the following terms and reference:

"Taking into account relevant documents as well as comments and decisions made in plenary, the Working Group on Air Pollution and Energy efficiency is instructed to:

- .1 finalize a unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework, with a view to approval at this session;
- .2 finalize a unified interpretation of the phrase "major conversion", with a view to approval at this session;
- .3 finalize a unified interpretation on the timing for existing ships to have on board a SEEMP, with a view to approval at this session;
- .4 finalize the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions, with a view to adoption by MEPC resolution at this session;
- .5 consider the need for additional technical advice from the SLF Sub-Committee on manoeuvrability of ships in adverse conditions;
- .6 further develop and, if possible, finalize draft guidelines for the calculation of the coefficient  $f_w$ , using the annex to document MEPC 64/4/7 as a basis;
- .7 further develop and, if possible, finalize guidance on treatment of innovative energy efficiency technologies, using document MEPC 64/4/8 as a basis;
- .8 consider the need for the development of MEPC circular on the appropriate category to be applied for small specialized ship sectors in dedicated trades;
- .9 review documents MEPC 64/4/29 on the EEDI calculation methods, MEPC 64/4/15 and MEPC 64/4/43/Rev.1 on speed trial and model test;
- .10 continue to work in accordance with the work plan and schedule for further development of technical and operational measures for ships endorsed by MEPC 63 (MEPC 63/23/Add.1, annex 12);
- .11 finalize a draft unified interpretation for section 2.3 of the supplement to the IAPP Certificate, using the annex to document MEPC 64/7/3 as a basis;
- .12 consider and recommend an appropriate way forward on procedures for sampling of fuel oil being used on board ships;
- .13 consider and recommend if an intersessional correspondence group on energy efficiency should be established; and if so, develop draft terms of reference for the group; and
- .14 submit a written report to plenary on Thursday, 4 October 2012."



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## Outcome of the Working Group on Air Pollution and Energy efficiency

4.109 The Committee received the report of the Working Group on Air Pollution and Energy efficiency (MEPC 64/WP.11). In his introduction of the report, the Chairman of the working group, Mr. Koichi Yoshida (Japan), emphasized that the working group had:

- .1 finalized five sets of unified interpretations, namely a unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework; a unified interpretation of the phrase "major conversion"; a unified interpretation on the timing for existing ships to have on board a SEEMP; a unified interpretation on the appropriate category to be applied for dedicated fruit juice carriers; and a unified interpretation for section 2.3 of supplement to IAPP certificate;
- .2 finalized the draft MSC-MEPC circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions, for further consideration of the associated tables at MSC 91;
- .3 finalized the draft interim guidelines for the calculation of the coefficient  $f_w$  for decrease of ship speed in respective sea condition for trial use;
- .4 finalized draft amendments to the *2012 Guidelines on the method of calculation of the attained EEDI* and draft amendments to the *2012 Guidelines on survey and certification of the EEDI*; and
- .5 continued work in accordance with the work plan agreed at MEPC 63.

4.110 The Committee noted the following amendments to document MEPC 64/WP.11:

- .1 Paragraph 6.6 is replaced by the following:

"6.6 The Group agreed that the parameters in table 1 of annex 2 should be determined, at MSC 91, by data sets in which data deviating by more than two standard deviations is eliminated and the others are included.";
- .2 Paragraph 11.5 is replaced by the following:

"11.5 The Group agreed that, as an interim measure until a revised ISO 15016 is published, and the Committee concurs with the revised version of the ISO standard, the ITTC recommendation should be referred to in the guidelines as the preferred method by amending the footnote to paragraph 4.3.8 as contained in annex 5. The Group agreed to invite the Committee to approve the amendments."; and
- .3 Paragraph 12.14 relates to the review of EEDI for the large size segment of oil tankers and bulk carriers and so should paragraph 12.20bis.

4.111 The delegations of China, Denmark and Greece made statements on the report of the Working Group on Air Pollution and Energy efficiency (MEPC 64/WP.11), as set out in annex 6.

**Action taken on the report of the Working Group on Air Pollution and Energy efficiency**

4.112 In concluding its consideration of the report of the working group, the Committee approved it in general and, in particular (paragraph numbers are those of document MEPC 64/WP.11):

- .1 approved the draft unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework under regulation 2.23 of MARPOL Annex VI (paragraph 3.6);
- .2 approved the draft unified interpretation of the phrase "major conversion" under regulation 2.24 of MARPOL Annex VI (paragraph 4.5);
- .3 approved the draft unified interpretation on the timing for existing ships to have on board a SEEMP under regulations 5.4.4 and 22.1 of MARPOL Annex VI (paragraph 5.8);
- .4 approved the draft unified interpretation on the appropriate category to be applied for dedicated fruit juice carriers (paragraph 9.4);
- .5 approved the draft unified interpretation for section 2.3 of supplement to IAPP certificate (paragraph 13.2);  
  
the above five unified interpretations are set out in annex 7, and requested the Secretariat to disseminate them as MEPC.1/Circ.795;
- .6 approved, subject to concurrent decision by MSC 91, the draft MEPC-MSC circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions (paragraph 6.5), as set out in annex 2 to document MEPC 64/WP.11;
- .7 invited MSC 91 to note that the entry-into-force date of chapter 4 of MARPOL Annex VI will be 1 January 2013 and the need to finalize the draft MEPC-MSC circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions at that session (paragraph 6.5);
- .8 approved the draft interim guidelines for the calculation of the coefficient  $f_w$  for decrease of ship speed in representative sea condition for trial use (paragraph 7.3), as set out in annex 3 to document MEPC 64/WP.11, and requested the Secretariat to disseminate as MEPC.1/Circ.796;
- .9 noted the view of the Working Group relating to the procedures on sampling of fuel oil being used on board (paragraph 14.2) that, for further consideration on this matter, it would be necessary to consider further submissions that identify the compelling need for procedures and include concrete proposals, e.g. draft amendments to MARPOL Annex VI or draft unified interpretation and draft guidelines on sampling fuel oil being used on board ships;
- .10 adopted, by resolution MEPC.224(64), the amendments to the *2012 Guidelines on the method of calculation of the attained Energy efficiency Design Index (EEDI) for new ships* (resolution MEPC.212(63)) (paragraph 10.2), as set out in annex 8;

- .11 approved the amendments to footnote 2 of the *2012 Guidelines on survey and certification of the Energy efficiency Design Index (EEDI)* (resolution MEPC.214(63)) (paragraph 11.5), as set out in annex 9; and
- .12 agreed to establish an intersessional Correspondence Group on Energy efficiency Measures for Ships under, the coordination of Japan<sup>3</sup>, with the following terms of reference:
- .1 develop the draft guidelines for determining minimum propulsion power to enable safe manoeuvring in adverse conditions by fine-tuning the parameters using the draft text in document MEPC 64/4/13 as the basis, and taking into account comments in documents MEPC 64/4/37 and MEPC 64/4/42 as they relate to the methodology set out in document MEPC 64/4/13, and comments made at MEPC 64 as they relate to minimum power;
  - .2 improve further the draft guidance on treatment of innovative energy efficiency technologies using the draft text in document MEPC 64/4/8 as the basis and taking into account document MEPC 64/4/39 and comments made at MEPC 64;
  - .3 review the interim guidelines for the calculation of the coefficient  $f_w$  for decrease of ship speed in representative sea condition for trial use taking into account documents MEPC 64/4/28 and MEPC 64/4/38 and comments made at MEPC 64; and
  - .4 submit a report to MEPC 65.

4.113 The Committee thanked the Chairman, Mr. Koichi Yoshida, and members of the group for their hard work.

## 5 REDUCTION OF GHG EMISSIONS FROM SHIPS

### Order of discussions

5.1 Based on a proposal by its Chairman, the Committee agreed on the following order of discussions:

- .1 Further work on GHG emissions from ships:
  - .1 *Update of the GHG emission estimate for international shipping;*
- .2 Market-based Measures:
  - .1 *Consideration and possible consolidation of MBM proposals,*
  - .2 *Impact assessment,*

<sup>3</sup>

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- .3 *Climate finance and possible use of MBM revenues,*
  - .4 *Reduction target for international shipping,*
  - .5 *Relation between an MBM for international shipping under IMO and the WTO Rules; and*
- .3 UNFCCC matters.

### **Further work on GHG emissions from ships**

5.2 The Committee recalled that MEPC 63 noted that uncertainty exists in the estimates and projections of emissions from international shipping and agreed that further work should take place to provide the Committee with reliable and up-to-date information to base its decisions on and requested the Secretariat to investigate possibilities and report to future sessions. The Committee also recalled that Member States were encouraged to submit documents to this session.

5.3 The Committee considered document MEPC 64/5/5 (Secretariat) containing a draft outline for an update of the GHG emissions estimate for international shipping providing, among others, methodological aspects and information on the work distribution.

5.4 Several delegations welcomed and supported the draft outline for an update of GHG emissions data from international shipping on a global scale, highlighting the need for reliable, robust and credible up-to-date data to support the Committee's work regarding future possible measures to address GHG emissions from international shipping.

5.5 In this regard, the Committee noted the following views:

- .1 an update of the GHG estimate for international shipping must be undertaken in a fair, open and transparent manner and in coordination with the Subsidiary Body for Scientific and Technological Advice of the UNFCCC, whose agenda includes a specific item for the consideration of emissions from fuel used for international aviation and maritime transport, and that this work should take into consideration the methodological work developed by the Intergovernmental Panel on Climate Change (IPCC);
- .2 further consideration is needed to be given to ensuring the estimates related to those made by other international organizations, that the work is scientifically based, equitable and balanced, which will be tasked to undertake the work, how the data will be used and the methodology to be used;
- .3 there is an urgent need for information on the actual fuel consumption of ships and hence highlighted the need of moving forward with a bottom-up (ship activity) approach of the GHG emissions estimate as well as top-down analysis which has been used in the past; and
- .4 monitoring and reporting of data was also important.

5.6 The Committee, after the discussions, endorsed, in principle, the outline for an update of the GHG emissions estimate as set out in the annex to document MEPC 64/5/5, and agreed that the expert workshop to be held in 2013 should further consider the methodology and assumptions to be used in the update. In this regard, the Committee called for donations to finance the expert workshop as well as the study.

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## Market-based Measures

### *Consideration and possible consolidation of MBM proposals*

5.7 The Committee recalled that MEPC 63 had considered the various MBM proposals and whether they, or some of them, might be consolidated, thus making the number more manageable.

5.8 The Committee also recalled that for this session all proposals should have been further developed.

5.9 The Committee considered document MEPC 64/5/2 (Japan) presenting a first draft legal text for a modified EIS proposal based on the International GHG Fund proposal by Denmark et al. (GHG-WG 3/3/4) and also noted document MEPC 64/INF.15 presenting a schematic outline of the modified EIS (as set out in MEPC 64/5/2).

5.10 The Committee considered document MEPC 64/5/4 (Jamaica) providing additional details on the Port State Levy (PSL). Jamaica, in the document, explains how the PSL would be applied and demonstrates that the proposal would not incur significant administrative burdens.

5.11 The Committee considered documents MEPC 64/5/6 and MEPC 64/5/7 (United States). Document MEPC 64/5/6 identifies two major changes to the proposal in document MEPC 59/4/48 addressing GHG emissions by fostering improvements in ships' energy efficiency. First, the establishment of mandatory attained efficiency standards potentially using a metric based on fuel consumption and secondly, the establishment of a phased approach: a data collection phase (Phase I); a pilot phase (Phase II); and a full implementation phase (Phase III). Document MEPC 64/5/7 provides a draft regulatory text for amendments to MARPOL Annex VI for Phases I and II of the revised proposal in document MEPC 64/5/6.

5.12 The Committee considered document MEPC 64/5/9 (Brazil, China, India, Peru, Saudi Arabia and South Africa) emphasizing the importance of adopting decisions by consensus and the need to respect the principles and provisions of the UNFCCC, its Kyoto Protocol and the principle of CBDR. The co-sponsors consider that priority should be given to the development of an ambitious MEPC resolution to ensure that financial, technological and capacity-building support from developed countries for the implementation of regulations on energy efficiency for ships by developing countries is provided. The co-sponsors consider that all further decisions on MBMs must await the adoption of the resolution, and that future consideration of MBMs must fully take into account potential impacts of those measures on developing countries.

5.13 The Committee considered document MEPC 64/5/11 (ICS) highlighting concern with proposals intending to incentivize increases in energy efficiency by means of reductions in fuel consumption based on an arbitrary numerical index whether based on EEDI or some other formulation. ICS considers that if an MBM is to be adopted it should relate directly to the actual fuel consumption of individual ships in service.

5.14 The Committee considered document MEPC 64/5/8 (CSC) arguing that in designing an MBM to reduce emissions, the Organization cannot avoid taking account of variations of ship speed, and that when the impact assessment looks at the MBMs currently on the table, it should assess how the impacts and effectiveness of the measures would be affected if ship speed was specifically addressed by the MBMs. The Committee further noted document MEPC 64/INF.14 (CSC) summarizing a new study into the policy options, costs and benefits of regulating slow steaming.

5.15 Following a proposal by the Chairman, in view of time constraints for this item, and following comments by some delegations on the urgent need to finalize the draft MEPC resolution on promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships, the Committee agreed to keep the documents presented in abeyance and postpone further debate on MBMs to MEPC 65.

#### ***Impact assessment***

5.16 The Committee agreed to postpone discussion of the impact assessment to MEPC 65.

5.17 The Committee noted an intervention by the delegation of Norway highlighting that the proposal made by the United States in documents MEPC 64/4/6 and MEPC 64/4/7 is not, due to its technical nature, an MBM proposal, and therefore should be considered under agenda item 4 at future sessions.

#### ***Climate finance and possible use of MBM revenues***

5.18 The Committee recalled that MEPC 63 agreed that the debate on climate finance and possible use of MBM revenues should be considered further at MEPC 64 and invited Member States and observers to submit further input to the debate (MEPC 63/23, paragraph 5.37).

5.19 The Committee considered documents MEPC 64/5/10 and MEPC 64/5/12 (WWF). Document MEPC 64/5/10 provides draft regulatory text on uses of financing generated from an MBM in form of additions to a potential convention based on the Rebate mechanism proposal. Document MEPC 64/5/12 provides results of incorporating trading distances to calculate a country's share of value-distance of global imports from non-adjacent countries for nearly 200 countries which may be used as the rebate and credit keys in the Rebate Mechanism.

5.20 The Committee agreed to consider the documents by WWF at the next session.

5.21 The Committee noted a general statement by the delegation of Egypt on issues and policies related to MBMs. As requested, the statement is set out in annex 10.

#### ***Reduction target for international shipping***

5.22 The Committee noted that this matter has been postponed several times due to time constraints and agreed that it could be further considered at a future session.

#### ***Relation between an MBM for international shipping under IMO and the WTO Rules***

5.23 The Committee considered document MEPC 64/5/3 (India and Saudi Arabia) arguing that MBMs show incompatibility with the WTO Rules, and that the GHG-WG 3 conclusion that MBMs are, in principle, compatible with the WTO Rules was premature since most of the MBM proposals are not yet elaborated enough to support that conclusion.

5.24 The Committee agreed that the matter could be further considered at MEPC 65, subject to the impact assessment of the proposed MBMs.

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## **UNFCCC matters**

5.25 The Committee noted document MEPC 64/5/1 (Secretariat) on the outcome of the Conference of Subsidiary Bodies to the UNFCCC held in May 2012.

5.26 The Committee also noted document MEPC 64/INF.31 (Secretariat) providing information on the first Board meeting of the Green Climate Fund which was held from 23 to 25 August 2012 in Geneva, Switzerland.

5.27 The Committee further noted an intervention by the representative of the UNFCCC Secretariat, which provided a status report on the current state of negotiations in general and on bunker fuels in particular. As requested, the statement is set out in annex 11.

## **6 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

6.1 The Committee recalled that, at MEPC 63, it had approved in principle, subject to MSC 90's concurrent decision, proposed amendments to chapters 17, 18 and 19 of the IBC Code with a view to adoption at this session. The proposed amendments, as set out in document MEPC 64/6 (Secretariat), incorporated numerous changes and developments which had been progressed through the ESPH Working Group since the last amendments were adopted in 2007, addressing carriage requirements for many new products and including new data for a number of low-flashpoint products in chapter 17 which previously had data missing for electrical equipment (column i). Additionally, the proposals incorporated a fully revised chapter 19 (Index of Products Carried in Bulk).

6.2 The Committee noted additionally that, in line with the special character of the IBC Code which is a mandatory instrument under both the MARPOL and SOLAS Conventions, MSC 90 had subsequently also approved the same proposals and that the proposed amendments to the IBC Code had been circulated by the Secretary-General of the Organization, in accordance with article 16(2)(a) of the MARPOL Convention, under cover of Circular letter No.3261 of 20 March 2012.

6.3 Noting that there was only one document commenting on the proposals (MEPC 64/6/1 (Norway and the United Kingdom)) and that this provided detailed observations on the proposed amendments rather than comments of a general nature, the Committee agreed to send the proposed listings and associated comments directly to the drafting group for review and finalization.

### **Establishment of the Drafting Group**

6.4 The Committee agreed to establish a Drafting Group on Amendments to the IBC Code and, taking into account the documents submitted, instructed it to:

- .1 review and finalize the texts of proposed amendments to chapters 17, 18 and 19 of the IBC Code; and
- .2 submit a written report to the plenary on Thursday, 4 October 2012.

### **Outcome of the Drafting Group and adoption of the amendments**

6.5 Having considered the report of the Drafting Group on Amendments to the IBC Code (MEPC 64/WP.12), which met on 2 October 2012 under the chairmanship of Mr. David MacRae (United Kingdom), the Committee approved the report in general and, by consensus, consequently:

- .1 adopted, by resolution MEPC.225(64), the *2012 amendments to the IBC Code* (chapters 17, 18 and 19), as set out in annex 12; and
- .2 instructed the Secretariat to undertake a final check of the amendments for any editorial errors and, if necessary, to correct these in the final text of the amendments, ensuring that the amendments remain identical under both SOLAS and MARPOL.

## **7 INTERPRETATIONS OF, AND AMENDMENTS TO, MARPOL AND RELATED INSTRUMENTS**

### **GENERAL**

7.1 The Committee noted that 10 documents had been submitted to MEPC 64 under this agenda item and that documents MEPC 64/7/1 (Marshall Islands) and MEPC 64/7/3 (IACS), dealing with matters related to MARPOL Annex VI, had been considered under agenda item 4 – Prevention of air pollution from ships.

### **MATTERS CONCERNING MARPOL ANNEX I**

#### **Discharge of settled-out water during oil spill recovery operations**

7.2 In introducing document MEPC 64/7, the observer from the International Spill Control Organization (ISCO) suggested amending provisions in MARPOL Annex I, to allow for the release of decanted water with oil content in excess of 15 ppm during major oil pollution incidents and developing associated operational guidelines, with a view to addressing practical issues that arise, where strict observance of MARPOL Annex I provisions governing oil discharge at sea can inhibit effectiveness of marine oil spill recovery operations.

7.3 Following discussion, the Committee agreed that there was no need to amend MARPOL Annex I as the issue had been addressed in regulation 4.3 of that Annex.

7.4 With regard to the proposal of developing operational guidelines for situations where discharge of settled-out water during oil recovery operations would not comply with current MARPOL requirements, the Committee, noting the concern expressed by some delegations that document MEPC 64/7 had not been submitted according to relevant provisions of the Committees' Guidelines, agreed that, if the observer from ISCO wishes to pursue the matter further, a proposal co-sponsored by Member Governments for a planned output of the Committee should be submitted to a future session for consideration. In that connection, the Committee agreed that such Guidelines should only apply to international waters.

#### **Recording incinerator capacity on the Supplement to the IOPP Certificate**

7.5 The Committee recalled that MEPC 63, having considered document MEPC 63/7/4 (IACS) proposing that it was unnecessary to record incinerator capacity on the Supplement to the IOPP Certificate Forms A and B, due to the confusion caused by using different units of measurement, had decided not to pursue the matter further unless a proposal for an amendment to MARPOL Annex I is received in the future.

7.6 In this connection, the Committee considered document MEPC 64/7/4 (Republic of Korea, United Kingdom and IACS) providing the co-sponsors' further rationale for the proposal contained in document MEPC 63/7/4. The co-sponsors were of the view that the proposed amendment to MARPOL Annex I should be considered as a "consequential update" following the approval of revised Unified Interpretation to regulation 12.1 of



MARPOL Annex I, not as an amendment introducing new and substantive provisions, and that the issue could be addressed by a drafting group.

7.7 Noting the support for the proposal, the Committee instructed the drafting group to prepare the text of draft amendments to Form A and Form B of Supplements to the IOPP Certificate to delete recording incinerator's capacity.

#### **APPLICATION OF MARPOL ANNEX IV AND THE BWM CONVENTION TO SEWAGE OR GREY WATER STORED IN BALLAST TANKS**

7.8 The Committee recalled that MEPC 63, having considered document MEPC 63/2/18 (Norway) seeking clarification of application of the BWM Convention to grey water and sewage stored in ballast tanks, had agreed that handling of grey water and sewage water on board ships should be regulated under MARPOL Annex IV, and had invited Parties to propose relevant amendments to that Annex for consideration at a future session of the Committee.

7.9 The Committee had for its consideration the following two documents:

- .1 document MEPC 64/7/2 (Norway) providing text of draft amendments to MARPOL Annex IV, with a view to regulating the discharge of sewage water stored in ballast tanks, as well as text of draft consequential amendments to *Guidelines for ballast water management and development of ballast water management plans (G4)* (resolution MEPC.127(53)); and
- .2 document MEPC 64/7/7 (China) expressing the view that it was premature to draw the conclusion that handling of grey water and sewage water on board ships should be regulated under MARPOL Annex IV; and suggesting to determine the principles of application of MARPOL Annex IV and the BWM Convention for sewage stored in ballast tanks on the basis of analysis of different scenarios described in their document.

7.10 In the ensuing discussion, delegations expressed, inter alia, the following views:

- .1 that since the BWM Convention has not yet entered into force, it is premature to introduce new provisions in MARPOL Annex IV which cross-reference to the provisions of the BWM Convention;
- .2 that grey water is not regulated under MARPOL Annex IV and any other IMO instruments;
- .3 that detailed technical consideration is needed for the proposal by Norway as well as the different scenarios described in document MEPC 64/7/7 (China);
- .4 that there are concerns over the implications of the proposals, in terms of implementation and enforcement, as well as operational aspects;
- .5 that there is a need to address the difficulties ships are facing where ships are not allowed to discharge sewage water in some ports and have to use additional tanks (including ballast water tanks) for temporary storage of sewage; and

- .6 that untreated sewage should be prohibited to be transferred to ballast water tanks as it will cause operational problems to the ballast water management systems.

7.11 Noting the divergent views expressed and the fact that the BWM Convention has not yet come into force, the Committee agreed not to pursue the matter further at this stage. In that connection, the Committee agreed that if interested Member Governments wish to consider the matter further, a proposal for a post-biennium (2014-2015) output for the BLG Sub-Committee should be submitted to MEPC 65 for consideration.

#### **FORM OF THE INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE**

7.12 The Committee recalled that MEPC 63, having considered document MEPC 63/7/2 (India) proposing that the International Sewage Pollution Prevention Certificate should reflect the number of persons a ship is certified to carry, based upon the sewage treatment plant capacity or the sewage holding tank capacity, had noted the divergent views on the issue and had invited India and other interested delegations to submit a revised proposal to its future session if they wish to pursue the issue further.

7.13 In this connection, the Committee considered document MEPC 64/7/5 (India) containing a revised proposal on the issue.

7.14 In the ensuing discussion, a number of delegations expressed the views that there was no possible correlation between the number of persons a ship is certified to carry and the sewage treatment plant capacity (sewage holding tank capacity), as other factors, including the length of voyage, the use of port reception facility, as well as types of flush systems used, should also be taken into account.

7.15 With regard to the proposal of developing guidelines for defining number of persons based on the sewage treatment or holding (storage) capacity, some other delegations raised their concerns regarding the practicality and difficulty in developing such guidelines.

7.16 Noting that the proposal in document MEPC 64/7/5 did not receive sufficient support, the Committee agreed not to pursue this matter further.

#### **PROPOSAL FOR EXEMPTION OF SURVEY AND CERTIFICATION REQUIREMENTS UNDER THE MARPOL CONVENTION FOR UNMANNED AND NON-SELF-PROPELLED BARGES**

7.17 In introducing document MEPC 64/7/6, the delegation of the Republic of Korea proposed to identify unmanned and non-self-propelled barges as they had no onboard sources of pollutants to the marine environment, and to develop a method to exempt survey and certification requirements relating to each Annex of the MARPOL Convention for such ships.

7.18 In the ensuing discussion, many delegations indicated their support for the need to address the issue raised in the document, at the same time suggesting that careful technical consideration was also needed with regard to the exemption of survey and certification requirements under specific MARPOL Annexes, as a blanket approach for exemption would not be appropriate.

7.19 Following the discussion, the Committee agreed to refer document MEPC 64/7/6 to FSI 21 for further consideration under the agenda item "Review of the Survey Guidelines under the HSSC and the annexes to the Code or the Implementation of Mandatory IMO Instruments", with a view to defining when survey and certification requirements could be

exempted for unmanned and non-self-propelled barges under a specific MARPOL Annex. In that connection, the Committee invited Member Governments and international organizations to include in their delegations to FSI 21 suitable experts on the subject.

#### **IMPLEMENTATION OF REVISED MARPOL ANNEX V**

7.20 The Committee recalled that MEPC 63, having adopted the *2012 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.219(63)), had agreed to the need to introduce an interim measure for the discharge of solid bulk cargo residues in the context of implementation of the revised MARPOL Annex V and had invited interested Member Governments and international organizations to submit proposals and comments for such an interim measure, which could be disseminated by means of an MEPC circular.

7.21 The Committee had for its consideration the following two documents:

- .1 document MEPC 64/7/8 (Canada, Chile, Japan, United States, BIMCO and INTERCARGO) providing text of a draft MEPC circular on the classification of solid bulk cargoes to facilitate compliance with regulations 4.1.3 and 6.1.2 of the revised MARPOL Annex V; and
- .2 document MEPC 64/7/9 (INTERCARGO, ICS and BIMCO) expressing concerns over the lack of adequate port reception facilities for the implementation of revised MARPOL Annex V according to a survey by the International Council on Mining and Metals, and proposing allowing further time to ensure full compliance.

7.22 The delegation of the Cook Islands, supported by some other delegations, while supporting the interim measure as proposed in document MEPC 64/7/8 and stressing the compelling need to consider the long-term solution for the issue, expressed concern over the difficulties that the Administrations and shipping industry may face in the transitional period. The delegation further expressed the view that it would be more desirable that a complete set of regulations and associated guidelines or guidance on the matter could have been adopted as a package when introducing the new requirements so as to alleviate, to the greatest extent, the extra burdens of the Administrations and shipping industry, in the implementing process.

7.23 The Committee, in noting the support, in general, for the draft MEPC circular contained in document MEPC 64/7/8, agreed to a proposal by the delegation of the Netherlands concerning the following further modifications to the draft text:

- .1 the timeline (between 1 January 2013 and 31 December 2014) for the provisional classification of solid bulk cargoes should be specified in the title of the circular;
- .2 the term "provisional classification" should be used when referring to a classification only based on criteria contained in paragraphs 3.2.1, 3.2.2 and 3.27 of the *2012 Guidelines for the implementation of MARPOL Annex V*; and
- .3 the shipper should also notify the competent authority of the port State of unloading of the basis for the provisional classification.

7.24 A number of delegations expressed sympathy for the industry's concern over the lack of port reception facilities for solid bulk cargo residues including those entrained in

washwater, while some other delegations raised doubt over the accuracy of the results of the survey conducted by the International Council on Mining and Metals as described in document MEPC 64/7/9.

7.25 While the proposal for relaxation of compliance with the revised MARPOL Annex V concerning discharge of cargo holding wash water containing remnants of cargo residues in a limited time was not supported, the Committee agreed to instruct the drafting group to prepare an additional paragraph in the draft MEPC circular, requesting Parties to ensure the provision of adequate facilities at ports and terminals in accordance with MARPOL Annex V.

7.26 The Committee further instructed the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) to consider how the long-term implementation of the provisions of MARPOL Annex V concerning cargo residues could be facilitated by amendments to the International Maritime Solid Bulk Cargoes Code, under the planned output 5.2.3.3 "Mandatory instruments: development of amendments to the IMSBC Code, including evaluation of properties of solid bulk cargoes".

#### **ESTABLISHMENT OF THE DRAFTING GROUP**

7.27 The Committee established the Drafting Group on MARPOL Amendments and Associated Guidelines (see also paragraph 11.57) and instructed it, taking into account any comments, proposals and decisions made in plenary, to:

- .1 finalize the draft MEPC circular on the classification of solid bulk cargoes under the revised MARPOL Annex V, using text in the annex to document MEPC 64/7/8 (Canada, Chile, Japan, United States, BIMCO and INTERCARGO) as a basis;
- .2 prepare text of draft amendments to Form A and Form B of Supplements to IOPP Certificate to delete recording incinerator's capacity, taking into account document MEPC 64/7/4 (Republic of Korea, United Kingdom and IACS); and
- .3 submit a written report to the plenary on Thursday, 4 October 2012.

#### **REPORT OF THE DRAFTING GROUP**

7.28 Having considered the part of the report of the drafting group relating to this output (MEPC 64/WP.13), the Committee approved the report in general and took action as indicated hereunder.

#### **Provisional classification of solid bulk cargoes under the revised MARPOL Annex V between 1 January 2013 and 31 December 2014**

7.29 The Committee agreed to the provisional classification of solid bulk cargoes under the revised MARPOL Annex V as follows:

- .1 for the purposes of complying with regulations 4.1.3 and 6.1.2 of the revised MARPOL Annex V, shippers of solid bulk cargoes should classify those cargoes using the seven criteria in paragraph 3.2 of the *2012 Guidelines for the implementation of MARPOL Annex V*. Shippers should notify the competent authorities of the port State of loading and unloading of the basis for the provisional classification. As stated in paragraph 3.4 of the *2012 Guidelines*, solid bulk cargoes should be

classified and declared by the shipper as to whether or not they are harmful to the marine environment. Such declaration as to whether or not the cargo is harmful to the marine environment should be included in the information required in section 4.2 of the International Maritime Solid Bulk Cargoes Code;

- .2 between 1 January 2013 and 31 December 2014, if adequate and reliable data on a solid bulk cargoes carcinogenicity, mutagenicity, reproductive toxicity, or specific target organ toxicity – repeated exposure are not available, shippers of solid bulk cargoes should still make every effort to ensure that their solid bulk cargoes are classified to the extent possible using the seven criteria in paragraph 3.2 of the 2012 Guidelines;
- .3 also, between 1 January 2013 and 31 December 2014, while shippers are acquiring adequate and reliable data on a solid bulk cargoes carcinogenicity, mutagenicity, reproductive toxicity, or specific target organ toxicity – repeated exposure, Administrations should accept provisional classifications of solid bulk cargoes that are based on the other criteria as contained in paragraphs 3.2.1, 3.2.2 and 3.2.7 of the 2012 Guidelines:
  - data concerning acute aquatic toxicity; and/or
  - data concerning chronic aquatic toxicity; and/or
  - data concerning the synthetic polymer, rubber, plastic or plastic feedstock content of the solid bulk cargoes; and
- .4 as of 1 January 2015, shippers' classifications of solid bulk cargoes should be made using the seven criteria listed in paragraph 3.2 of the 2012 Guidelines.

7.30 The Committee requested Parties to MARPOL Annex V to ensure the provision of adequate facilities at ports and terminals for the reception of solid bulk cargo residues including those entrained in the wash water.

7.31 The Committee instructed the Secretariat to disseminate the above-mentioned decisions through MEPC.1/Circ.791.

#### **Draft amendments to Form A and Form B of Supplements to IOPP Certificate to delete recording incinerator's capacity**

7.32 The Committee approved the draft amendments to Form A and Form B of Supplements to the IOPP Certificate under MARPOL Annex I, set out in annex 13, for circulation, with a view to adoption at MEPC 65.

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

8.1 The Committee considered six documents under this agenda item as follows: MEPC 64/8 (Secretariat): Report of the thirteenth meeting of the OPRC-HNS Technical Group; MEPC 64/8/1 (ROPME/MEMAC): Maritime Emergency Response and Salvage Co-ordination Unit in the ROPME Sea Area (MERCU); MEPC 64/8/2 (ROPME/MEMAC): The Regional Workshop on the National and Regional Hazardous and Noxious Substances (HNS) Contingency Plan; MEPC 64/INF.11 (China): Research on the emergency heating technology by China to improve the effectiveness of recovering oil from shipwrecks;

MEPC 64/INF.30 (ROPME/MEMAC): Information on the M/T **Stolt Valor** incident; and MEPC 64/WP.2, Report of the fourteenth meeting of the OPRC-HNS Technical Group.

### **Reports of the thirteenth and fourteenth meeting of the OPRC-HNS Technical Group**

8.2 The Committee recalled that the thirteenth session of the OPRC-HNS Technical Group was held exceptionally, from 5 to 9 March 2012, the week following MEPC 63, in order to allow delegations to participate in Interspill 2012. The Committee further recalled that the fourteenth session met from 24 to 28 September 2012, its usual time slot in the week prior to MEPC 64, and considered the reports of both TG 13 and TG 14.

8.3 The Committee approved the reports of TG 13 and TG 14, which were issued under the symbols MEPC 64/8 and MEPC 64/WP.2, respectively, and, in particular:

- .1 noted that the texts of following four manuals/guidelines, i.e.:
  - .1 Manual on Chemical Pollution to address legal and administrative aspects of HNS incidents;
  - .2 Parts I and II of the IMO Dispersant Guidelines;
  - .3 IMO in situ burning guidelines; and
  - .4 Operational guidelines on sunken and submerged oil assessment and removal techniques;had been finalized and would be submitted for the Committee's approval at MEPC 65;
- .2 noted the progress made in the elaboration of guidelines for managing and coordinating international offers of assistance in the event of a major oil pollution incident;
- .3 continued to urge delegations to submit information on HNS pollution incidents to be included in the summary of incidents and to submit relevant information to further expand the inventory of information resources on OPRC/HNS-related matters;
- .4 instructed the FSI Sub-Committee not to eliminate the information on pollution incidents, as set out in annexes 4 and 9 of MSC-MEPC.3/Circ.3, in view of the fact that this information is used for purposes beyond casualty investigations and is relevant to the work of the OPRC-HNS Technical Group;
- .5 noted the Secretariat's ongoing support to the Triennial Oil Spill Conference Series;
- .6 noted the results of the Technical Group's preliminary assessment of the high-priority work related to HNS and oil, assigned to it by MEPC 61, and concurred with the Group's intention to finalize this work at TG 15;
- .7 welcomed the re-election of Mr. Alexander von Buxhoeveden (Sweden) as Chairman and Mr. Woo-Rack Suh (Republic of Korea) as Vice-Chairman of the OPRC-HNS Technical Group for the year 2013; and

- .8 approved the draft planned output and provisional agenda of the fifteenth meeting of the OPRC-HNS Technical Group and the scheduling of the Group's fifteenth session the week prior to MEPC 65.

### **Maritime Emergency Response and Salvage Co-ordination Unit in the ROPME Sea Area (MERCU)**

8.4 The Committee considered document MEPC 64/8/1 (ROPME/MEMAC), containing information on the implementation of the Maritime Emergency Response and Salvage Co-ordination Unit (MERCU) for the ROPME Sea Area.

8.5 Having noted that the MERCU would be financed by contributions from the shipping industry, a number of delegations expressed concern regarding the new levy that would be applied to ships coming into port in the ROPME Sea area under this system, in particular, given the current economic climate.

8.6 Some delegations were also of the view that the information contained within the document under consideration did not provide sufficient information as to how and where these levies would be applied and how the funds would be utilized, nor assurance that the costs were proportionate to the service provided.

8.7 The observer from ROPME clarified that the fee would be in the form of a service charge and would be much lower than port fees and charges in other areas of the world, and, therefore, is not expected to unduly burden the shipping industry.

8.8 The Committee, having noted the implications of the new MERCU and related financing arrangements:

- .1 instructed the Secretariat to prepare the information as an MEPC Circular for subsequent dissemination to Member States and observing organizations; and
- .2 invited the interested delegations to forward their questions and information requirements to ROPME for appropriate clarification.

### **The Regional Workshop on the National and Regional Hazardous and Noxious Substances (HNS) Contingency Plans**

8.9 The Committee, in considering document MEPC 64/8/2 (ROPME/MEMAC) providing information on the IMO-supported Regional Workshop on National and Regional Hazardous and Noxious Substances (HNS) Contingency Plans for the ROPME Sea Area, held from 11 to 14 June 2012 in the State of Qatar, noted that there might be a need to review and amend the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949(23)).

8.10 Having considered the matter, the Committee concluded that there was no need for such an amendment. Following further clarification from the observer from ROPME on the specific needs of the region, he concluded by requesting technical assistance for the identification of appropriate places of refuge through the Organization's Integrated Technical Co-operation Programme.

### **Emergency heating technology to improve the effectiveness of recovering oil from shipwrecks**

8.11 The Committee noted the information contained in document MEPC 64/INF.11 (China), which provided information on the research of emergency heating technology undertaken by China and suggested new measures to improve the emergency heating technology in recovering oil from shipwrecks.

#### **Information on the M/T *Stolt Valor* incident**

8.12 The Committee noted the information contained in MEPC 64/INF.30 (ROPME/MEMAC), providing a summary of information on the M/T **Stolt Valor** incident, which was a significant HNS incident that occurred in the ROPME Sea Area in March 2012, and referred this document to TG 15 for information.

8.13 In considering the observations and lessons learned, as set out in paragraphs 12 to 18 of the document under consideration, the delegation of the Netherlands and the observers from ICS, INTERTANKO and the P&I Clubs, expressed concern about the accuracy and manner in which the information was presented, noting that this differed significantly from the information that they had received from their respective constituents. Concerns were raised, in particular, with regard to paragraph 13, suggesting negligence of the crew, paragraph 15 suggesting the P&I Clubs put costs before safety and environmental concerns and paragraph 17, with regard to the actions taken by the salvors.

8.14 The delegation of Liberia, as the flag Administration, provided a summary of events and of the actions taken in response to the M/T **Stolt Valor** incident. In particular, the delegation, supported by the observers from ITF, ICS, INTERTANKO, IPTA and BIMCO, expressed concern at the delay in identifying a place of refuge and with regard to the arrest orders that had been initiated against the ship's Master and Chief Engineer, which go against the principles set out in both the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949 (23)) and the *Guidelines on fair treatment of seafarers in the event of a maritime accident* (resolution A.987(24)). As requested, the full statement by the delegation of Liberia is set out in annex 14.

8.15 The observer from INTERTANKO further informed the Committee that, given that the deadline for submission of documents to MEPC had passed by the time they had become aware of this document, precluding the submission of a document commenting on MEPC 64/INF.30, and given that both the place of refuge and criminalization of seafarers also came under the purview of the Maritime Safety Committee, INTERTANKO and a number of other observers from the shipping industry had correspondingly submitted a document to MSC 91 commenting on MEPC 64/INF.30, proposing specific actions.

8.16 The delegation of Saudi Arabia noted that in the face of a major pollution incident, difficult choices were required, in particular to ensure the protection of the public and the environment, which must be the main priority in such incidents.

8.17 ROPME/MEMAC reserved its right and rejected the statements made by the delegations of the Netherlands, Liberia and the observers from ICS, INTERTANKO and the P&I Clubs set out in paragraph 8.13. ROPME/MEMAC noted that MEMAC and its Member States were monitoring the situation on site throughout the incident and had undertaken an evaluation with regard to the identification of a place of refuge at that time. However, given the nature of the cargo, which represented a very serious threat to the highly sensitive coastal area and to a number of water intakes, notably the desalination and power plants in the vicinity, it was determined that the risk to the safety of a population of 15 million in the



area of the incident was too great. It also stated that the salvage team had lost control of the vessel for more than a week during the incident, in addition to other aspects which were believed to be acts of negligence. Given that the case is still under legal and technical investigation, only limited information could be released at this stage; however, ROPME/MEMAC expressed its willingness to share the information and lessons learned, with full transparency, with all parties and with the Committee, in due course. ROPME/MEMAC also noted the difficulty in identifying a place of refuge within the internal part of the ROPME Sea Area, and reiterated its view that consideration should be given to revising the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949(23)).

## **9 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS**

### **Designation of the Saba Bank as a Particularly Sensitive Sea Area**

9.1 The Committee recalled that MEPC 62 had approved, in principle, the Saba Bank Particularly Sensitive Sea Area (PSSA) which had been proposed by the Netherlands (MEPC 62/9), and invited the Netherlands to submit detailed proposals for associated protective measures (APMs) to NAV 58 for consideration.

9.2 In considering document MEPC 64/9 (Secretariat), which reported on the outcome of NAV 58 on the matter, the Committee noted that NAV 58 had considered the information provided by the Netherlands (NAV 58/3) and had approved the establishment of an Area To Be Avoided for ships 300 GT or over and a mandatory No Anchoring Area for all ships, as Associated Protective Measures (APMs) for the Saba Bank PSSA. The Committee also noted that the approved APMs for the PSSA, as set out in annex 4 to the annex of document MEPC 64/9, are subject to the decision of MSC 91 in November 2012.

### **Instructions to the informal Technical Group on PSSAs**

9.3 The Committee, having considered the outcome of NAV 58 on the matter, and the comments made by Plenary, decided to establish an informal technical group on PSSAs, under the Chairmanship of Mr. Paul Nelson (Australia), and instructed it to:

- .1 review the information provided in document MEPC 64/9 and, taking into account comments from the Plenary, prepare a draft MEPC resolution, based on the draft text in the annex, with a view to designating the "Saba Bank PSSA"; and
- .2 provide a written report, including recommendations, to Plenary on Thursday, 4 October 2012.

### **Report of the informal Technical Group on PSSAs**

9.4 The Committee, having considering the report of the informal Technical Group (MEPC 64/WP.14), as introduced by its Chairman Mr. Paul Nelson (Australia), approved its report, as amended and, in particular, adopted resolution MEPC.226(64), as set out in annex 15, designating the Saba Bank as a PSSA.

9.5 The Committee thanked Mr. Nelson (Australia) and the members of the group for the efficient work they had carried out.

## 10 INADEQUACY OF RECEPTION FACILITIES

10.1 The Committee noted that the consideration of the inadequacy of port reception facilities is a standing item on its agenda, but that no submissions relating thereto had been received at this session.

10.2 The Committee also noted that the policy of "zero tolerance of illegal discharges from ships" can only be effectively enforced when there are adequate reception facilities in ports. The Committee agreed that all Parties to the MARPOL Convention, in particular port States, should do their utmost to fulfil their treaty obligations on providing reception facilities for wastes generated during the operation of ships.

10.3 The Committee recalled that all work items of the Committee's Action Plan on Tackling the Inadequacy of Port Reception Facilities have been completed following the adoption by MEPC 63 of amendments to the respective MARPOL Annexes on regional arrangements for port reception facilities (resolutions MEPC.216(63) and MEPC.217(63)) and of the *2012 Guidelines for the development of a regional reception facilities plan* (resolution MEPC.221(63)).

10.4 Furthermore, the Committee recalled that, as part of the Action Plan approved by MEPC, TC 61 agreed to include the Plan of Assistance and Training on Port Reception Facilities for Developing Countries as a priority theme for the next ITCP biennium 2012-2013. In this regard, the Committee was informed that two workshops on port reception facilities are being planned: one in November 2012 in Antwerp for the benefit of Mediterranean and Arab countries, and the other one in 2013 in the United States for the benefit of Caribbean countries.

10.5 The delegation of Belgium subsequently informed the Committee in more detail on the IMO Regional Workshop on Port Reception Facilities, which is being organized under the ITCP from 27 to 29 November 2012 in Antwerp, Belgium. The workshop will be co-hosted by the Flemish Public Waste Agency and the Antwerp Port Authority in cooperation with the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC). The Committee was informed that the main objective of the workshop is to inform the participating countries from the Eastern and Southern Mediterranean as well as from Oman and Yemen about best practices in the field of port reception facilities for ship-generated waste and cargo residues. The workshop will also cover the issue of inadequacy of reception facilities, port waste management planning and incentives for the delivery of ship-generated waste, as well as downstream waste treatment and links with the Basel Convention and its guidelines. The delegation of Belgium stated that the outcome of this workshop would be brought to the attention of MEPC 65.

10.6 The Committee was also informed that, since the last session of the Committee, the Secretariat has provided technical expertise to two workshops on port waste management, one organized by the Inter-American Committee on Ports in Uruguay, and the other by the German organization for technical co-operation (GIZ) in Thailand.

10.7 The Committee further recalled that the 1999 edition of the *Comprehensive Manual on port reception facilities* is in need of updating, and that the revision of the manual had been included in the Global Programme of the ITCP for 2012-2013, as had been requested by MEPC 61.

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## 11 REPORTS OF SUB-COMMITTEES

### OUTCOME OF BLG 16

11.1 The Committee noted that the Sub-Committee on Bulk Liquids and Gases (BLG) held its sixteenth session from 30 January to 3 February 2012 and its report on that session was circulated under the symbols of BLG 16/16 and BLG 16/16/Add.1. Matters of relevance to the work of the Committee were reported in document MEPC 64/11.

11.2 The Committee approved, in general, the report of BLG 16 (BLG 16/16 and Add.1), and took action as indicated hereunder, recalling that MEPC 63 had already taken action on urgent matters emanating from BLG 16.

### Outcome of ESPH 17

11.3 The Committee endorsed the decisions taken by BLG 16 regarding the outcome of ESPH 17, noting MSC 90's concurrent decision.

### Evaluation of the Trade-named mixtures

11.4 The Committee endorsed BLG 16's evaluation of the Trade-named mixtures presenting safety hazards, as set out in paragraph 3.30.1 of document BLG 16/16, for inclusion in List 3 of the MEPC.2/Circular.

### Evaluation of cargo tank cleaning additives

11.5 The Committee endorsed BLG 16's evaluation of cargo tank cleaning additives found to meet the requirements of regulation 13.5.2 of MARPOL Annex II, as set out in annex 1 of document BLG 16/16, for inclusion in the next edition of the MEPC.2/Circular.

### Amendments to the 2011 Guidelines for the carriage of blends of petroleum oil and biofuels

11.6 The Committee approved the proposed amendments to the *2011 Guidelines for the carriage of blends of petroleum oil and biofuels* (MEPC.1/Circ.761), as set out in annex 3 of document BLG 16/16, and instructed the Secretariat to issue MEPC.1/Circ.761/Rev.1 accordingly.

### Development of Guidelines for port State control under the 2004 BWM Convention

11.7 The Committee agreed to refer document BLG 16/4 and the report of the Ballast Water and Biofouling Working Group (BLG 16/WP.4) to FSI 21 for consideration in the context of developing Guidelines for port State control under the 2004 BWM Convention.

### Guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft

11.8 The Committee approved the draft Guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft, as set out in annex 5 of document BLG 16/16, and instructed the Secretariat to distribute it as MEPC.1/Circ.792.

**Matters related to MARPOL Annex VI**

11.9 The Committee noted that the outcome of BLG 16 on matters related to MARPOL Annex VI, as reported in paragraphs 3.7 to 3.10 of document MEPC 64/11, had been addressed under agenda item 4.

**OUTCOME OF DE 56**

11.10 The Committee noted that the Sub-Committee on Ship Design and Equipment (DE) held its fifty-sixth session from 13 to 17 February 2012 and its report was circulated under the symbol of DE 56/25. Matters of relevance to the work of the Committee were reported in document MEPC 64/11/1.

**Development of the Code for ships operating in polar waters**

11.11 The Committee noted DE 56's decision to keep any decision on environmental requirements to be included in the draft Polar Code in abeyance, pending further consideration at DE 57, as well as the Sub-Committee's view that the MSC and the MEPC should prioritize their discussion on how to make the Polar Code mandatory in the most expeditious way possible.

11.12 In this connection, the Committee recalled that MEPC 63, having resolved the issue of how to make the Polar Code mandatory and having agreed that the Code should only include new issues and additional requirements which do not appear in other instruments, had instructed the DE Sub-Committee to take into account these decisions as the work on the draft Code is progressed. The Committee also noted that MSC 90 had agreed to include in the agenda for MSC 91 an item on "Making the Polar Code mandatory".

**Draft amendments to the Condition Assessment Scheme**

11.13 The Committee approved the draft amendments to the *Condition Assessment Scheme (CAS)* (resolution MEPC.94(46), as amended), emanating from the adoption of the *International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code)* (resolution A.1049(27)), set out in annex 16, for circulation, with a view to adoption at MEPC 65.

**2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants**

11.14 The Committee noted that DE 56 had completed its work on the draft 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants, however, it had been unable to resolve the nitrogen and phosphorous removal standards for sewage plants installed on passenger ships operating in MARPOL Annex IV Special Area. DE 56 considered two options on the removal standards for nitrogen and phosphorous based on equivalent shore-side target limits for communities of either 300 to 2,000 persons or 2,000 to 10,000 persons and decided to keep both sets of options in square brackets for further consideration by the Committee.

11.15 The Committee had for its consideration the following two documents commenting on the draft 2012 Guidelines:

- .1 document MEPC 64/11/6 (CLIA) suggesting that the target limits for shore-based communities of 300 to 2,000 persons be applied by analogy and recommending Total Nitrogen Standards of 35 mg/l or at least 30 per cent reduction and Total Phosphorus Standards of 2.0 mg/l or at least 70 per cent reduction; and

- .2 document MEPC 64/11/4 (Finland and United Kingdom) providing further information on the application of dilution compensation factor  $Q_i/Q_e$  under the draft 2012 Guidelines and proposing additional text to expand the guidance in this respect.

11.16 In the ensuing discussion, the Committee noted the split views over the two options on the removal standards for nitrogen and phosphorous, with a very slight majority of the delegations who took the floor supporting the more stringent standards.

11.17 Those delegations supporting the more stringent standards, stressed that a number of the companies (at least six) had indicated that the proposed standards were achievable, and that onshore equipment could be designed for marine use and made available before the application date for those standards. Those delegations were of the view that the best available technologies should be used on board with a view to achieving the greatest extent of protection of the marine environment, in particular, of the vulnerable environment of the Baltic Sea Special Area.

11.18 Those delegations supporting the less stringent standards, emphasized that even those standards would provide an adequate level of protection of the marine environment and it would not be helpful to set up aspirational standards for treatment of sewage at sea that are more stringent than the shore-based reception facilities within a special area. Those delegations believed that any standard should be achievable and practicable; setting up aspirational standards would only create unnecessary problems for the implementation process in the future.

11.19 The delegation of the Netherlands informed the Committee of some preliminary results on a survey conducted on the performance status of the sewage treatment plants installed on board ships, which indicated that a vast majority of the equipment did not meet the existing sewage treatment standards due to improper use of detergent, lack of maintenance or not following the operational instructions. The Netherlands delegation, therefore, stressed the importance of implementation and in particular of awareness on the use and maintenance of the equipment with all involved where it comes to the existing requirements under MARPOL Annex IV.

11.20 The Chairman proposed that the more stringent standards be used, subject to a review to be undertaken at MEPC 67 (second part of the year 2014), and invited the Committee to revisit this issue at a later stage of the session (see paragraph 11.60).

11.21 Consequently, the Committee instructed the drafting group to finalize the draft MEPC resolution on the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants*, subject to the Committee's further consideration of the removal standards for nitrogen and phosphorous.

### **Type approval of shipboard incinerators**

11.22 The Committee endorsed the recommendation of DE 56 that incinerators with a capacity greater than 1,500 kW and up to 4,000 kW can be type-approved under the existing *Standard Specification for Shipboard Incinerators* (resolution MEPC.76(40), as amended by resolution MEPC.93(45)), and instructed the Secretariat to issue MEPC.1/Circ.793 for this decision.

**OUTCOME OF STW 43**

11.23 The Committee noted that the Sub-Committee on Standards of Training and Watchkeeping (STW) held its forty-third session from 30 April to 4 May 2012 and its report on that session was circulated under the symbol STW 43/14. Matters of relevance to the work of the Committee were reported in document MEPC 64/11/2.

**ISM-related Guidelines**

11.24 The Committee approved two sets of draft Assembly resolutions on Revised Guidelines on implementation of the ISM Code by Administrations and on Revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, set out in annexes 17 and 18, respectively, for consideration and adoption at the twenty-eighth session of the Assembly, subject to concurrent decision of MSC 91.

11.25 The Committee approved the revised MEPC-MSC circular on Guidelines for the operational implementation of the ISM Code by companies, as set out in annex 8 of document STW 43/14, subject to concurrent decision of MSC 91.

11.26 The delegation of the Bahamas, in indicating their intention to submit further comments on the draft amendments to the ISM Code (STW 43/14, annex 6) to MSC 91, expressed the concern that the proposed addition of a footnote to paragraph 1.2.3.2 of the ISM Code only refers to the list of IMO safety-related requirements and recommendations (MSC.1/Circ.1371), which could potentially mislead users to conclude that non-mandatory instruments on environmental matters issued by the MEPC and its subsidiary bodies do not need to be taken into account to the same extent. The Committee noted the concern expressed and invited MSC 91 to consider this issue.

**OUTCOME OF FSI 20**

11.27 The Committee noted that the Sub-Committee on Flag State Implementation (FSI) held its twentieth session from 26 to 30 March 2012 and its report was circulated under the symbol of FSI 20/19. Matters of relevance to the work of the Committee were reported in document MEPC 64/11/3.

11.28 The Committee approved, in general, the report of FSI 20 (FSI 20/19), and took action as indicated hereunder.

**Reporting requirements in IMO instruments**

11.29 The Committee noted that, in the context of reporting requirements in IMO instruments, FSI 20 continued its consideration of the potential for validating electronic reporting as a means to achieve compliance with the reporting requirements, whilst also addressing issues related to data storage and other relevant capabilities of the IMO Global Integrated Shipping Information System (GISIS).

11.30 The Committee endorsed FSI 20's decision to consider, at its next session, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements, as set out in the annex to document FSI 20/3/1.

11.31 The Committee also endorsed FSI 20's invitation to interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session of the Sub-Committee, in particular on domestic legislation, including the frequency of such reporting and the language in which information should be provided.

11.32 In this connection, the Committee instructed the Sub-Committee to examine in detail the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the request of A 27 to the Council, to establish the Ad Hoc Steering Group for Reducing Administrative Requirements (resolution A.1043(27)), with a view to avoiding any duplication of work.

#### **Certificates and documents to be carried on board ships**

11.33 With regard to certificates and documents to be carried on board ships, the Committee endorsed FSI 20's decision to further clarify the meaning of "originals" to be carried on board at a future session.

11.34 The Committee instructed the Sub-Committee to initiate revisions to the Revised list of certificates and documents required to be carried on board ships (FAL.2/Circ.123-MEPC.1/Circ.769-MSA.1/Circ.1409), as may be necessary, and endorsed the request to the Secretariat to prepare a note containing those requirements, which may result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the Procedures for PSC, as appropriate.

#### **Regulation for non-convention ships**

11.35 The Committee noted that a draft GlobalReg (the modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention) together with a model course, were developed in 2010 by IMO consultants, taking into account existing model regulations for non-Convention ships developed by IMO for different regions, as well as all available IMO documents on safety regulations for ships not covered by SOLAS Convention.

11.36 With regard to the FSI 20's request of the Committee to instruct the FSI Sub-Committee to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, in order to develop a non-mandatory instrument on regulations for non-convention ships and to identify a process for keeping it updated, the delegations of the Netherlands, the United States and Panama expressed the views that as the MSC had been assigned as the sole parent organ for the relevant planned output (5.2.1.18 of HLAP for 2012 and 2013), the issue should be strictly dealt with by the MSC and that there was no justification for the Organization to keep updating the GlobalReg, in view of the large volume of the work involved and the busy agenda of the Committee.

11.37 The Committee concurred with the views that it would not be appropriate to extend the scope of the above-mentioned planned output and the GlobalReg.

11.38 The delegation of Indonesia, in referring to the Organization's initiative of the creation of country profiles to address the real capacity-building needs of developing countries, including enhancing the formulation of national maritime legislation, expressed the view that a detailed technical review of GlobalReg by all relevant sub-committees with a view to developing a comprehensive non-mandatory instrument on regulations for non-convention ships would be beneficial in this respect.

**Certified true copy of amendments to conventions**

11.39 The Committee requested the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and to establish a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office.

11.40 With regard to FSI 20's proposal to request the Secretariat to invite States depositing instruments of ratification to submit relevant and related domestic documents leading to the ratification that could be made accessible to other States, the Committee, in noting that TC 62 had considered the same proposal, agreed to concur with the view of TC 62 (TC 62/15, paragraphs 3.14 and 3.15). In this connection, the Committee also agreed not to consider any further, at this stage, the option of expanding the GISIS to make accessible related domestic documents due to concerns over the administrative burden inherent in the expansion of GISIS and the translation of materials.

**Draft IMO Instruments Implementation Code (III Code)**

11.41 The Committee recalled that MEPC 62 and MSC 89 had approved the draft IMO Instruments Implementation Code (III Code), as set out in annex 26 to document MSC 89/25, for submission to the Assembly, at its twenty-eighth session, for adoption, and had requested the Secretariat to provide FSI 20 with a comprehensive review of the options available on the process of making the III Code and auditing mandatory and the rationale thereof.

11.42 The Committee endorsed FSI 20's view that, although the III Code is intended to become mandatory at the adoption stage, it would be non-mandatory until it is made mandatory by relevant IMO instruments; and that the version of the III Code, as approved by MSC 89 and MEPC 62, which contains both provisions in mandatory terms and provisions of a recommendatory nature, needs to be redrafted in non-mandatory form.

11.43 The Committee approved the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, as redrafted by FSI 20, set out in annex 19, with a view to submission to the Assembly, at its twenty-eighth session, for adoption, subject to concurrent decision of MSC 91.

11.44 The Committee endorsed FSI 20's recommendation that amendments to the relevant instruments should be adopted after the III Code has been adopted by the Assembly; and that the preferred method of referencing would be to incorporate the symbol of the Assembly resolution adopting the III Code into the text of the amendments to the mandatory instruments. This reference would neither include the standard words "as amended" nor mention the article of the instrument concerned regarding the use of the tacit acceptance procedure. Using this method, the resolution reference alone could, in future, be replaced and updated using the article-based tacit acceptance procedure.

11.45 The Committee noted that FSI 20, having reviewed various scenarios proposed in document FSI 20/12 for making the III Code mandatory, had agreed, in general, that the normal amendment procedures currently exercised by the Committees should be pursued, i.e. introducing amendments to IMO instruments through the article-based tacit acceptance procedure, on the basis of normal sequence of events and meetings of the MSC and the MEPC. In this context, the Committee noted the information contained in document MEPC 64/11/3/Add.1 concerning a possible timeframe to make the draft III Code and auditing mandatory and agreed to coordinate the entry into force dates of amendments to relevant IMO instruments for making the III Code mandatory.



11.46 The Committee approved the draft amendments to MARPOL Annexes I, II, III, IV, V and VI to make the III Code and auditing mandatory, set out in annex 20, with a view to adoption at MEPC 66 (after the envisaged adoption of the III Code at A 28).

11.47 The delegation of Cyprus made a statement after the approval of the draft III Code and the draft amendments to MARPOL to make the Code and auditing mandatory, set out in annex 21. The delegations of Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom associated themselves with the statement.

11.48 The Committee endorsed FSI 20's recommendation concerning future amendments to the III Code and the applicable provisions of the mandatory instruments. FSI 20 recommended that, once a new Code is adopted by the Assembly, amendments to the mandatory instruments making the III Code mandatory should be adopted to replace the symbol of the corresponding Assembly resolution number which had adopted the old version of the Code with the symbol of the new Assembly resolution adopting the new version of the Code. The amendments to all relevant mandatory instruments making the Code mandatory should enter into force at the same time, in order to avoid having different versions of the Code in force simultaneously.

11.49 The Committee instructed the Sub-Committee to develop, at its next session, a new non-mandatory instrument in the form of an Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption.

#### **Draft Code for recognized organizations (RO Code)**

11.50 The Committee recalled that the draft Code for recognized organizations (RO Code) should be made mandatory under SOLAS, MARPOL and Load Lines Conventions by amending those mandatory provisions referring to resolutions A.739(18) on *Guidelines for the Authorization of Organizations Acting on Behalf of the Administration* and A.789(19) on *Specifications on the Survey and Certification Functions of Recognized Organizations acting on behalf of the Administration*, under the tacit acceptance procedure. The Committee endorsed FSI 20's recommendation that the adoption of separate MSC and MEPC resolutions as the most legally sound way forward for adopting and amending the RO Code. In this connection, the Committee further endorsed FSI 20's recommendation to amend only those instruments that refer expressly to resolutions A.739(18) and A.789(19), i.e. MARPOL Annexes I and II under its purview, to make the RO Code mandatory.

11.51 The Committee endorsed FSI 20's request to the Secretariat to further communicate with the ISO Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations to adjust the text of the RO Code.

11.52 Having considered the two square-bracketed versions of the proposed new footnote to be added to the entry on "liability", as it appears under paragraph 8.4 of appendix 3 of the RO Code, the Committee agreed to use the second version of the footnote.

11.53 The delegation of Panama expressed concern on the inclusion of a footnote on the liability issue and reiterated their general opposition for the inclusion of a footnote in the RO Code.

11.54 The Committee, having considered documents MEPC 64/11/5 and MEPC 64/11/5/Corr.1 (IACS) commenting on the draft Code for Recognized Organizations agreed, in general, to the modifications to the draft RO Code as proposed by the IACS observer. With regard to the last sentence of paragraph 3.6.3 of part II of the RO Code, the Committee agreed to further amend it to read:

"Records specified in 3.6.4.2 for a ship shall be retained for a minimum period of 3 years beyond the period for which statutory certification and services are provided by the RO to that ship, or a longer period if specified in the agreement between the flag State and the RO".

11.55 The Committee instructed the drafting group established under agenda item 7 to review and finalize the draft Code for recognized organizations (RO Code), using text in annex 6 of document FSI 20/19 as a basis, taking into account documents MEPC 64/11/5 and MEPC 64/11/5/Corr.1 (IACS).

11.56 The delegation of Cyprus made a statement in connection with the approval of the draft RO Code and the draft amendments to MARPOL to make the Code mandatory, which is also set out in annex 21. The delegations of Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom associated themselves with the above-mentioned statement.

#### **ADDITIONAL TERMS OF REFERENCE TO BE ADDED TO THE DRAFTING GROUP ESTABLISHED UNDER AGENDA ITEM 7**

11.57 Having considered all the documents under this agenda item, the Committee agreed to add the following terms of reference to the drafting group established under agenda item 7 (see paragraph 7.27):

- .1 finalize the draft MEPC resolution on the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants, using text in annex 15 to document DE 56/25 as a basis, and taking into account document MEPC 64/11/3 (Finland and the United Kingdom); and
- .2 review and finalize the draft Code for recognized organizations (RO Code), using text in annex 6 of document FSI 20/19 as a basis, taking into account documents MEPC 64/11/5 and MEPC 64/11/5/Corr.1 (IACS).

#### **REPORT OF THE DRAFTING GROUP**

11.58 Having considered the part of the drafting group relating to this output, the Committee took the action as indicated hereunder.

#### **2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants**

11.59 The Committee noted that the drafting group had completed its work on the draft 2012 Guidelines.

11.60 The Committee, having further considered the Chairman's proposal concerning the removal standards for nitrogen and phosphorous (see paragraph 11.20), agreed that:

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- .1 the geometric mean of the total nitrogen and phosphorus content of the samples of effluent taken during the test period should not exceed:
    - .1 total nitrogen<sup>4</sup>: 20 Qi/Qe mg/l or at least 70% reduction<sup>5</sup>;
    - .2 total phosphorus: 1.0 Qi/Qe mg/l or at least 80% reduction<sup>6</sup>.
  - .2 the requirements of the above-mentioned removal standards for nitrogen and phosphorous should apply to sewage treatment plants installed on:
    - .1 new passenger ships when operating in a MARPOL Annex IV special area and intending to discharge treated sewage effluent into the sea on or after 1 January 2016; and
    - .2 existing passenger ships when operating in a MARPOL Annex IV special area and intending to discharge treated sewage effluent into the sea on or after 1 January 2018.
  - .3 a review of the Nitrogen and Phosphorus removal standard set forth in paragraph 4.2.1 of the Guidelines should be undertaken by the Committee at its sixty-seventh session (second part of year 2014) to determine that the required removal standards for Nitrogen and Phosphorus are met by type approved sewage treatment plants, or such systems in development, taking into account the results of on board and ashore testing in accordance with section 5 of the 2012 Guidelines. In order to accomplish this, the Committee decided to establish a review group at MEPC 67.
  - .4 the Committee, based on the information provided by the review group, should decide whether it is possible for ships to comply with the standard in paragraph 4.2.1 with the dates set out in paragraph 1.2.3. If a decision is taken that it is not possible or practicable for ships to comply, then the Guidelines should be amended accordingly.

11.61 The Committee instructed the Secretariat, when preparing the final version of the 2012 Guidelines, to insert text of sub-paragraphs 11.60.3 and 11.60.4 into the Guidelines as new paragraphs 4.4 and 4.5. Consequently, the Committee adopted, by resolution MEPC.227(64), the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants*, set out in annex 22.

#### **Draft Code for recognized organizations (RO Code)**

11.62 The Committee approved the draft Code for recognized organizations (RO Code), as contained in annex 6 to document FSI 20/19, with a view to adoption at MEPC 65, subject to concurrent decision of MSC 91.

11.63 The Committee approved the draft amendments to MARPOL Annexes I and II to make the RO Code mandatory, set out in annex 23, for circulation, with a view to adoption at MEPC 65 after the adoption of the RO Code at the same session.

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<sup>4</sup> Total nitrogen means the sum of total Kjeldahl nitrogen (organic and ammoniacal nitrogen) nitrate-nitrogen and nitrite-nitrogen.

<sup>5</sup> Reduction in relation to the load of the influent.

<sup>6</sup> Reduction in relation to the load of the influent.

## 12 WORK OF OTHER BODIES

### OUTCOME OF MSC 90

12.1 The Committee noted that the ninetieth session of the Maritime Safety Committee (MSC 90) was held from 16 to 25 May 2012 and its report on that session was circulated under the symbols MSC 90/28 and addenda. The outcome of MSC 90, relevant to the work of the Committee, was summarized in document MEPC 64/12/1.

12.2 The Committee noted, in general, the outcome of MSC 90 on all issues of relevance to it and agreed to take MSC's action into account, as appropriate, under the relevant items of its agenda.

12.3 In this connection, the Committee noted that the outcome of MSC 90 concerning the approval of amendments to the IBC Code; the adoption of the Associated Protective Measure for the Strait of Bonifacio PSSA; the recommendation of discontinuing receiving document in hard copies for information on status of conventions; the role of the human element; the biennial agenda for BLG and FSI Sub-Committees; and application of the Committee's guidelines; had been addressed under agenda items 6, 9, 13, 17, 19 and 20, respectively.

12.4 The Committee further noted that the outcome of MSC 90 concerning action taken by BLG 16 on the outcome of ESPH 17 and the progress made by the DE Sub-Committee in the development of a mandatory Polar Code had been addressed under agenda item 11.

12.5 The Committee also noted the following information and actions taken by MSC 90, which were of interest to it:

- .1 the adoption, by resolution MSC.325(90), inter alia, a new regulation VI/5-2 of the 1974 SOLAS Convention concerning the prohibition of the blending of bulk liquid cargoes during the sea voyage;
- .2 the adoption, by resolution MSC.328(90), of amendments to the *International Maritime Dangerous Goods (IMDG) Code*;
- .3 in the context of Goal-based New Ship Construction Standard, the progress made in the development of the Guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments, including the MARPOL Convention;
- .4 the progress made with respect to formal safety assessment;
- .5 the intention to further consider the issue of online access to certificates and documents at MSC 91; and
- .6 the progress made in the development of IMO model courses and Global Integrated Shipping Information System (GISIS).

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## OUTCOME OF LEG 99

12.6 The Committee noted that the ninety-ninth session of the Legal Committee (LEG 99) was held from 16 to 20 April 2012 and its report on that session was circulated under the symbol LEG 99/14. The matters of interest to the Committee were summarized in document MEPC 64/12/2.

12.7 The Committee noted, in general, the outcome of LEG 99 on issues of relevance to it, and in particular:

- .1 that LEG 99 adopted, by resolution LEG.5(99), *amendments of the limitation amounts in the Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims, 1976*, which represent an increase of 51 per cent in limits; and
- .2 that LEG 99 agreed to further analyse the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, with the aim of developing guidance to assist States interested in pursuing bilateral or regional arrangements; and that LEG 99 also agreed that there was no compelling need to develop an international convention on the subject.

## OUTCOME OF TC 62

12.8 The Committee noted that the sixty-second session of the Technical Co-operation Committee (TC 62) was held from 6 to 8 June 2012 and its report on that session was circulated under the symbol TC 62/15. The matters of interest to the Committee were summarized in document MEPC 64/12/3.

12.9 The Committee further noted that the outcome of TC 62 concerning marine environment protection-related matters were to be considered under agenda item 16 – Technical co-operation activities for the protection of the marine environment.

## OUTCOME OF C 108

### General

12.10 The Committee noted that the 108th session of the Council (C 108) was held from 11 to 14 June 2012 and its summary of decisions was issued under the symbol C 108/D. The matters of interest to the Committee were summarized in document MEPC 64/12/5, including the Council's decision concerning the report of MEPC 63.

12.11 The Committee noted that the Council had approved the report of the sixty-third session of the Marine Environment Protection Committee, as set out in document C 108/7, and had decided to transmit it, together with its comments and recommendations, to the twenty-eighth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

12.12 The Committee also noted that the Council had approved the planned intersessional meetings of the OPRC-HNS Technical Group in 2012 and the ESPH Working Group in 2013.

12.13 The Committee further noted, in general, the outcome of C 108 on matters of relevance to it concerning strategy, planning and reform, resource management, Voluntary IMO Member State Audit Scheme, and World Maritime Day, and, in particular:

- .1 that the Council had agreed to the inclusion of an unplanned output "the Secretary-General's review and reform mechanism" in the HLAP for the current biennium, which, inter alia, included the restructuring of the sub-committees;
- .2 that the Council had agreed to a measure to cross-reference certain meeting decisions in order to reduce translation and printing costs. All committees should have in their reports a new section entitled "Action requested of other IMO bodies" to facilitate subsequent cross-referencing by other IMO bodies; and
- .3 that the Council had endorsed Secretary-General's proposal that the theme of World Maritime Day for 2013 should be: "Sustainable Development: IMO's contribution beyond Rio+20".

### **Outcome of JWGMSA 5**

12.14 The Committee was advised that C 108 had considered the outcome of the fifth session of the Joint Working Group on the Member State Audit Scheme (JWGMSA 5), and had noted that it had been invited to decide, no later than its 109th session, on the issue of confidentiality in the context of a mandatory scheme, in particular, with regard to the disclosure of audit reports to all Member States. In this respect, C 108 had requested the Joint Working Group to provide the outcome to the MSC and the MEPC for their consideration in the context of the mandatory instruments within their purview, prior to a decision being taken by C 109.

12.15 The Committee considered the outcome of JWGMSA 5 (MEPC 64/12), on the issue of confidentiality and the reporting format, particularly on whether its role, with respect to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocols of 1978 and 1997 relating thereto, or those of Member States that are Parties to those instruments, is affected with respect to the application of the provisions of those instruments by the disclosure of the following:

- .1 audit results in the form as provided for in the executive summary report; and
- .2 a State's comments on the progress of implementation of its corrective action plan.

12.16 The Committee noted that the outcome of the fifth session of the Joint Working Group was also submitted to MSC 90 in document MSC 90/22/3 and that MSC 90's consideration on this issue is reported in paragraphs 19 to 21 of document MEPC 64/12/1. On the issue of confidentiality, MSC 90 noted that a general need for transparency was supported by a number of delegations, whilst other delegations expressed some concerns. A number of delegations, in highlighting the core objectives of the audit scheme, both in its current voluntary form and a future mandatory scheme, in particular, the fundamental need to further assist Member States to improve their capabilities and overall performance in the implementation of the mandatory IMO instruments through the provision of technical assistance, whilst at the same time providing valuable input to the regulatory function of the Organization, expressed the view that the availability of audit reports could also foster the achievement of the aforementioned objectives. Several delegations also emphasized that the sovereignty of Member States and any differences in national practices should be respected.

12.17 The Committee also noted that, in addressing the questions posed to it on the release of the executive summary report and a Member State's comments on the progress of implementation of its corrective action plan, MSC 90 agreed, by a slight majority, that the release of the executive summary report and the related Member State's comments thereon, would have no negative impact on its role or that of a Member State as a Party to the instruments concerned. It also acknowledged that the release of the report and comments could positively impact the work of the MSC, particularly in its review of the implementation of instruments and the regulatory work of the Organization.

12.18 The delegation of Cyprus, supported by some other delegations, expressed the view that one of the key elements that the IMO Member State Audit Scheme could achieve its intended objectives is the maximum disclosure of the audit results, and that in supporting the maximum disclosure, it is understood that some limitations and various other aspects should be taken into account in order to achieve a pragmatic and workable result.

12.19 The delegation of China stressed that all the activities associated with the IMO Member State Audit Scheme, including the release of the executive summary report, should only serve the objective of further assisting Member Governments to improve their capabilities and overall performance in order to be able to comply with the IMO instruments to which they are party, as defined in resolution A.1018(26).

12.20 Following discussion, the Committee concurred with the views of MSC 90.

#### **OUTCOMES OF THE JOINT SESSION OF THE SCIENTIFIC GROUPS UNDER THE LONDON CONVENTION AND PROTOCOL**

12.21 The Committee noted the information contained in document MEPC 64/INF.29 concerning the outcome of the joint session of the Scientific Groups under the London Convention and Protocol (21 to 25 May 2012) with regard to their work on the revision of joint LC-LP/MEPC Guidance on managing spoilt cargoes (LC-LP.1/Circ.30 and MEPC.1/Circ.688) and the development of outreach and training materials thereof. In this context, the Committee noted that a new version of the joint Guidance on managing spoilt cargoes had been prepared for consideration of LC 34-LP 7, the outcome of which would be reported to a future session of the MEPC.

#### **OUTCOME OF THE UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT**

12.22 The Committee noted the information contained in document MEPC 64/12/4, as well as that provided orally by the Secretariat, concerning the outcome of the United Nations Conference on Sustainable Development (Rio+20), held in Rio de Janeiro, Brazil, 20-22 June 2012, which marked the twentieth anniversary of the 1992 United Nations Conference on Environment and Development (UNCED), in Rio de Janeiro, Brazil and the tenth anniversary of the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa. The objective of the Conference was to reaffirm the commitment of the principles of the Rio Declaration on Environment and Development and past action plans by securing renewed political commitment for sustainable development, assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development, and addressing new and emerging challenges.

12.23 The Committee noted that in the lead-up to Rio+20, the IMO Secretariat had contributed to a number of reports and publications and participated in the preparatory process for the Rio+20 Conference. During the Conference, IMO participated in a high-level Round Table on "Looking at the way forward in implementing the expected outcomes of the

Conference" where the Secretary-General highlighted shipping's contribution to sustainable maritime development in environmental, social and economic aspects. IMO also led a side event on "Sustainable Maritime Development – Contribution of Maritime Transport to Green Growth and Inclusive Development", in partnership with the maritime industry and other stakeholders.

12.24 The Committee noted that other side-events with IMO's participation included "United Nations System: Together for the future we want", organized by the United Nations System Chief Executive Board for Coordination; "The Oceans Day at Rio+20", a high-level ocean event organized by Global Oceans Forum; "Rio+Social", a global event gathering technology, social media and global leaders; "Marine litter – preventing our oceans from becoming dumps" and "Greening the Blue World: Green Economy Approach for Oceans, Coasts and SIDS", both organized by UNEP.

12.25 The Committee recalled that, in his opening speech of this meeting, the Secretary-General had highlighted the outcome document of the Rio+20 Conference, entitled "The Future We Want", and IMO's own contribution to the follow-up of the United Nations led work within the context of Sustainable Development Goals. To this end, the Secretary-General defined eight key elements or "pillars" on which IMO's Sustainable Development Goals for shipping and the maritime industries should focus. These are:

- .1 safety culture and environmental stewardship;
- .2 energy efficiency;
- .3 new technology and innovation;
- .4 maritime education and training;
- .5 maritime security and anti-piracy actions;
- .6 maritime traffic management;
- .7 maritime infrastructure development; and
- .8 implementation of global standards developed, adopted and maintained by IMO.

12.26 In recalling his opening speech of this meeting, the Secretary-General stated that, as a result of Rio+20, the United Nations has been taking serious initiatives to generate an overarching set of sustainable development goals, which are a very important opportunity for the Organization and the shipping industry to generate a concept of sustainable development goals for the maritime industry and the shipping industry. He continued that the future of this global economy and welfare, all depends on the concept of sustainable development, and without shipping, as well as international transportation, we cannot really think about the future of the global economy.

12.27 The Secretary-General further stated that efforts should not be spared to generate a good concept for our sustainable development goals, with a view that IMO's contribution will be reflected in the overarching sustainable development goals which will be established by the United Nations. In this connection, under the leading role of the Council, the MEPC, the Technical Co-operation Committee, as well as the Maritime Safety Committee will have their roles to play to move towards our sustainable development goals.



12.28 The delegation of Brazil, in expressing their appreciation to the Secretary-General's remarks and the preparation of document MEPC 64/12/4 by the Secretariat, made a statement on the outcome of Rio+20, set out in annex 24.

12.29 The delegation of China, in expressing their appreciation to the Secretary-General's remarks, associated themselves with the statement made by the delegation of Brazil. The Chinese delegation further stressed that, in the process of making international regulations and providing the legislative framework for shipping, the Organization should endeavour to ensure the sustainable development of the shipping industry, and that any measure taken should be practicable and feasible, as well as alleviating any potential negative impacts to it.

### 13 STATUS OF CONVENTIONS

13.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection as at 18 June 2012 (MEPC 64/13), as follows:

- .1 annex 1, showing the status of the IMO conventions and other instruments relating to marine environment protection;
- .2 annex 2, showing the status of MARPOL;
- .3 annex 3, showing the status of the amendments to MARPOL;
- .4 annex 4, showing the status of the 1990 OPRC Convention;
- .5 annex 5, showing the status of the 2000 OPRC-HNS Protocol;
- .6 annex 6, showing the status of the 2001 AFS Convention;
- .7 annex 7, showing the status of the 2004 BWM Convention; and
- .8 annex 8, showing the status of the 2009 Hong Kong Convention.

13.2 The Committee also noted the following information provided by the Secretariat since document MEPC 64/13 was issued on 18 June 2012:

- .1 with regard to annex 2 on the status of MARPOL Convention:
  - Niue deposited its instrument of accession to MARPOL Annexes I, II, III, IV, V and VI on 27 June 2012;
  - the Netherlands deposited its instrument of accession to MARPOL Annex VI on 27 June 2012; and
  - the Republic of Indonesia deposited its instrument of accession to MARPOL Annexes III, IV, V and VI on 24 August 2012.
- .2 with regard to annex 7 on the status of the BMW Convention:
  - Denmark deposited its instrument of accession on 11 September 2012.

13.3 The Committee further noted the following information:

- .1 the delegation of Argentina stated that their Government would deposit their instrument of accession to the BWM Convention and MARPOL Annex VI soon; and
- .2 the delegations of the Russian Federation and the United States stated that their Governments had deposited their instrument of accession to the AFS Convention on 9 and 21 August 2012, respectively.

13.4 The Committee further noted that MSC 90, having noted that the information on the conventions, protocols and amendments thereto related to the work of the MSC and their status, as presented in a document to every session of the MSC, is also available on the IMO public website [www.imo.org](http://www.imo.org), agreed to discontinue the practice of producing hard-copy documents on the matter. MSC 90 also recommended that the MEPC discontinue hard-copy information on the status of the Conventions.

13.5 The Committee agreed to MSC 90's recommendation. Therefore, the item on "status of conventions" should be deleted from the agenda of the Committee for its future sessions.

#### **14 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS**

14.1 The Committee noted that the International Convention on the Control of Harmful Anti-Fouling Systems on Ships had been in force since 17 September 2008 and that, to date, the Convention has 62 Parties, representing 80.33 per cent of the gross tonnage of the world's merchant fleet. All those States that have not yet ratified this Convention were invited to do so at the earliest opportunity.

14.2 The Committee, noting that no documents had been submitted to the current session, invited Member States and observer organizations to provide information or proposals under this item to future sessions of the Committee, recognizing its importance for the smooth and coordinated implementation of the Anti-fouling Systems Convention.

#### **15 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS**

15.1 The Committee recalled that this is a standing item on the its agenda with the purpose of fostering compliance and dealing with implementation issues in respect of MARPOL and related instruments, mandatory or recommendatory.

15.2 The Committee, noting that no documents had been submitted to the current session, invited delegations and observers to submit relevant documents or information to the next session of the Committee.

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

16.1 The Committee noted the information provided in document MEPC 64/16 on the Organization's technical co-operation activities related to the protection of the marine environment, during the period from 1 December 2011 to 1 July 2012, under the Integrated Technical Co-operation Programme (ITCP) as well as under the major projects which are financed through external sources. These activities were aimed at assisting Member States in the implementation of the provisions of the relevant IMO instruments, including AFS, BWM, MARPOL, OPRC, OPRC-HNS, London Convention/Protocol and the Hong Kong Ship Recycling Convention.

16.2 The Committee further noted that, during the period under review, significant progress has been achieved through the major projects, namely the Marine Electronic Highway Demonstration Project; the GEF-UNDP-IMO GloBallast Partnerships project and its related initiatives, including the Global Industry Alliance (GIA); the GI WACAF project which aims at assisting the West, Central and Southern African region in implementing the OPRC Convention; the IMO-KOICA Project on building capacities in East Asian countries to address greenhouse gas (GHG) emissions from ships; the feasibility study on LNG-fuelled short-sea and coastal shipping in the wider Caribbean region; the IMO-KOICA-PEMSEA project on environmental sensitivity mapping in the gulf of Thailand and the EU-funded SAFEMED II project, implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) on behalf of IMO.

16.3 The Committee further noted that the sixty-second session of the Technical Co-operation Committee (TC 62) was held from 6 to 8 June 2012 and its report on that session was circulated under the symbol TC 62/15. The matters of interest to the Committee were summarized in document MEPC 64/12/3. In particular, the Committee noted that TC 62 considered and approved the ITCP biennial report for 2010-2011 and that TC 62 acknowledged with appreciation the Secretary-General's initiative on the Review and Reform of Technical Co-operation, relating to the creation of country profiles to address the real capacity-building needs of developing countries. The Committee also noted that TC 62 strongly supported the Secretary-General's strategic direction for technical co-operation, to be implemented, inter alia, through enhanced assistance in the formulation of national maritime transport policies for developing countries.

16.4 In summing up, the Chairman recalled that the constituent programmes of IMO's ITCP could only be delivered if the required funding is secured from IMO's internal resources and/or external donor contributions. He expressed appreciation for all the financial and in-kind contributions to the ITCP and major projects and invited Member States and international organizations to continue and, if possible, increase their appreciable support for IMO's technical co-operation activities so that successful delivery of the programme could be achieved.

## **17 ROLE OF THE HUMAN ELEMENT**

17.1 The Committee recalled that MSC 89, subject to the concurrence of MEPC 62, had agreed, in principle, to entrust a leading and coordinating role to the STW Sub-Committee for the implementation of the Organization's strategy to address the Human Element.

17.2 The Committee also recalled that MEPC 62, due to time constraints, had deferred the consideration of the decision of MSC 89 until MEPC 63.

17.3 The Committee further recalled that MEPC 63, having concurred with the decision of MSC 89, subject to review of this arrangement after a few years to decide if it had achieved the objectives, had agreed that the Committee could refer Human Element matters relating to environmental issues directly to the Joint MSC/MEPC Working Group on the Human Element, and that the Working Group should consider the issues referred to it, without further discussion in the plenary of the STW Sub-Committee.

17.4 The Committee, having noted that MSC 90 had noted its decision on the matter and given that there were items in the agenda of the STW Sub-Committee relevant to the work of the Committee, such as "Enhancing the efficiency and user-friendliness of the ISM Code", agreed to keep this item in its agenda for the next session.

## **18 NOISE FROM COMMERCIAL SHIPPING AND ITS ADVERSE IMPACTS ON MARINE LIFE**

18.1 The Committee recalled that MEPC 62, having noted that a new output had already been planned on the biennial agenda of the DE Sub-Committee to develop technical guidelines to address the issue of noise from commercial shipping and its adverse impacts on marine life, instructed the DE Sub-Committee to address this issue. MEPC 62 also decided to keep the item on the Committee's agenda to consider the outcome of the DE Sub-Committee on the matter.

### **Outcome of DE 56 on noise from commercial shipping and its impact on marine life**

18.2 The Committee noted that the DE Sub-Committee held its fifty-sixth session from 13 to 17 February 2012 and its report has been circulated under the symbol of DE 56/25. The Committee also noted that DE 56, having considered document DE 56/24 (United States), providing information on the issue and offering recommendations and a framework concerning the development of non-mandatory, technical guidelines to minimize underwater noise, in particular, identifying four specific high-focus areas that should be assessed for potential underwater noise reduction, i.e. propulsion, hull design, onboard machinery and operational modifications, established a Correspondence Group on Minimizing Underwater Noise, under the coordination of the United States, and instructed it to:

- .1 taking into account document DE 56/24 and the information contained in documents MEPC 59/19 and MEPC 60/18, giving special consideration to the priority focus areas identified in the two latter documents, continue to examine the available options for ship-quieting technologies and operational practices;
- .2 develop non-mandatory draft guidelines for reducing underwater noise from commercial ships; and
- .3 submit a report to DE 57.

18.3 The Committee invited DE 57 to report the outcome of this work to MEPC 65 (May 2013) for consideration.

## **19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES**

### **Items in the biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees relating to environmental issues**

19.1 The Committee noted that the biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees relating to environmental issues have been approved by MSC 90 and MEPC 63 and noted further that the post biennial agendas, as proposed by the said Sub-Committees, have been approved by MSC 90.

19.2 The Committee, having considered document MEPC 64/WP.3, approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues, as set out in annex 25.

### **Biennial agenda of the BLG Sub-Committee and provisional agenda for BLG 17**

19.3 The Committee recalled that MEPC 63 agreed to the planned outputs of the 2012-2013 biennium, taking into account the inclusion by BLG 16 of a new agenda item on the development of international measures for minimizing the transfer of invasive aquatic species through biofouling of ships.

19.4 The Committee noted that MSC 90 considered and approved the BLG Sub-Committee's planned outputs of the 2012-2013 biennium, including the unplanned outputs as proposed by BLG 16 on biofouling of ships.

19.5 The Committee noted that, pursuant of resolution A.1038(27) on the *High-level Actions and related planned outputs for 2012-2013 biennium*, the Secretariat, in consultation with the Chairman, consequently updated the planned outputs of the BLG Sub-Committee as approved by MSC 90 and MEPC 63 with the inclusion of all planned and unplanned outputs under the purview of the Sub-Committee.

19.6 The Committee, having considered annex 1 to document MEPC 64/WP.4, approved the revised agenda of the BLG Sub-Committee and the provisional agenda for BLG 17 and requested the Secretariat to inform the MSC accordingly. The biennial agenda of the BLG Sub-Committee and the provisional agenda for BLG 17, as approved, are set out in annex 26.

#### **Biennial agenda of the FSI Sub-Committee and provisional agenda for FSI 21**

19.7 The Committee noted that MSC 90 and MEPC 63 approved the biennial agenda of the FSI Sub-Committee for the 2012-2013 biennium and the provisional agenda for FSI 21.

19.8 The Committee further noted that the biennial agenda of the FSI Sub-Committee, as approved by MSC 90 and MEPC 63, has been consequentially updated based on the planned outputs for the MSC and MEPC for the 2012-2013 biennium.

19.9 The Committee, having considered annex 2 to document MEPC 64/WP.4, approved the updated biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21 and requested the Secretariat to inform the MSC accordingly. The biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21, as approved, are set out in annex 27.

#### **Report on the status of the planned outputs for the MEPC for the 2012-2013 biennium**

19.10 The Committee noted that, in accordance with paragraph 9.1 of the *Guidelines on the application of the Strategic Plan and the High-level Action of the Organization* adopted by resolution A.1013(26), the reports on the status of planned outputs included in the High-level Action Plan and priorities for the 2012-2013 biennium should be prepared and annexed to the report of each session of the sub-committees and committees, and to the biennial report of the Council to the Assembly. Such report should separately identify unplanned outputs accepted for inclusion in the biennial agendas.

19.11 The Committee further noted that resolution A.1013(26) also requests that, in preparing such report, each organ of the Organization should consolidate therein all the reports on the status of planned outputs which it has received since its previous report.

19.12 The Committee noted that, pursuant to resolution A.1038(27), the Assembly requested the MEPC to take specific action on the approved *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*, in particular table 2 on the High-level actions and related planned outputs in full observance of the Guidelines contained in resolution A.1013(26).

19.13 The Committee, having considered document MEPC 64/WP.5 on the report on the status of planned outputs for MEPC for the 2012-2013 biennium as contained in resolution A.1038(27), which was updated based on the outcome of MEPC 63 and MSC 90,

endorsed the status of planned outputs for the 2012-2013 biennium and authorized the Secretariat to update the status of planned outputs for the 2012-2013 biennium, taking into account the progress made at this session. The updated report on the status of planned outputs for the MEPC for 2012-2013 biennium is set out in annex 28.

### **Activities, priorities and plan of meeting-weeks of the Committees and their subsidiary bodies for the 2014-2015 biennium**

19.14 The Committee recalled that paragraph 3.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2) requires that, at the end of the first year of the biennium, the Committee Chairmen should submit to their respective committees a joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium, for consideration in the subsequent year, with a view to inclusion in the Secretary-General's relevant budget proposals.

19.15 The Committee noted that, in preparing the activities and priorities of the Committees and their subsidiary bodies (MEPC 64/WP.6), advice was sought from the Chairmen of the sub-committees on the number of sessions their sub-committees would need for the 2014-2015 biennium, based on the sub-committees' present biennial agendas and anticipated needs regarding work which might be required during the next biennium.

19.16 The Committee recalled that the Secretary-General provided information to the Council (C 108/3/3) on a possible future restructuring of the sub-committees, and that the Council, having expressed its appreciation and support for his initiative, noted that C 109 will consider the above matter in more detail and, in this regard, proposals contained in document MEPC 64/WP.6 have been prepared on the basis of the current sub-committees arrangements and might be subject to change following consideration by the Council and the Committees of any change to the sub-committees' structure.

19.17 The Committee further noted that, with regard to activities and priorities of the Committees, the Chairman noted that the Assembly, at its twenty-seventh session, had approved resolution A.1038(27) on the *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*, which identified the high-level actions, including priorities for specific items for the respective Committees, necessary to achieve the strategic objectives in the *Strategic Plan for the Organization (for the six-year period 2012-2017)* (resolution A.1037(27)).

19.18 The Committee further noted that the Chairmen also noted the provisions of resolution A.900(21), which sets out the objectives of the Organization in the 2000s and provides specific directions as to the areas on which the Committees should focus their attention during the current decade, as well as the provisions of resolution A.901(21) *on IMO and technical co-operation in the 2000s*.

19.19 The Committee recalled that MEPC 63 and MSC 90 had approved the biennial agendas of the sub-committees, including priorities for each output and target completion dates or number of sessions needed to complete them as shown in annex 29 of the report of MSC 90 (MSC 90/28/Add.1).

19.20 Taking into account the technical workload of the Organization and budgetary constraints, the priorities assigned by the Assembly in resolution A.1038(27) to subjects for consideration by the MSC and MEPC and the advice provided by the Chairmen of the Sub-Committees, the Committee:

- .1 did not agree to the proposed two (2) meeting-weeks for the FP and DE Sub-Committees, respectively, for 2014 footnoted in the plan of meeting-weeks for the MSC and MEPC for the biennium 2014-2015;
- .2 noted that C 109 agreed on the reduction of sessions requiring interpretation to eight per sub-committee meetings (C 109/3/1, paragraph 25) and, on this basis, did not agree to the proposed 10 plenary sessions of the DE Sub-Committee in each of the next two sessions regardless of any reduction in the number of meeting-weeks;
- .3 noted the suggestions of some delegations that Member States should prioritize the planned/unplanned outputs to be given to sub-committees with respect to their own priorities and the Chairmen of the sub-committees should be encouraged to attend the Committees' meetings; and
- .4 approved, subject to the concurrent decision by MSC 91, the plan of meeting-weeks for the MSC and MEPC and their subsidiary bodies for the biennium 2014-2015, as listed in the table below, for inclusion in the Secretary-General's relevant budget proposals:

Year	MSC	MEPC	BLG	DSC	FP	FSI	COMSAR	NAV	DE	SLF	STW	Total
2014	2.5	2	1	1	1*	1	1	1	1**	1	1	13.5
2015	1.5	1	1	1	1	1	1	1	1	1	1	11.5
<b>Grand total (weeks)</b>												<b>25</b>

#### **Items to be included in the agendas of MEPC 65, MEPC 66 and MEPC 67**

19.21 The Committee, having considered document MEPC 64/WP.7 and taking into account the decisions made at this session, approved the items to be included in the agendas for MEPC 65, MEPC 66 and MEPC 67 and the proposed groups, as set out in annex 29.

#### **Dates for MEPC 65, MEPC 66 and MEPC 67**

19.22 The Committee noted that MEPC 65 would be held from 13 to 17 May 2013 and that MEPC 66 and MEPC 67 were tentatively scheduled to be held in March 2014 and October 2014, respectively.

#### **Working/review/drafting groups at MEPC 65**

19.23 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 65:

- .1 Ballast Water Review Group;

\* The Chairman of FP has proposed two meeting-weeks in 2014, on the basis that no FP session has been held in 2012, the bulky agenda and the urgent matters postponed during 2012.

\*\* The Chairman of DE has proposed two meeting-weeks in 2014. However, this number could be reduced if the Sub-Committee is permitted to have 10 plenary sessions requiring interpretation in a five-day period, in each of the next two sessions.

- .2 Working Group on Air Pollution and Energy efficiency;
- .3 Working Group on the Draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the Improvement of Energy efficiency of Ships; and
- .4 Drafting Group on Amendments to Mandatory Instruments.

### **Correspondence groups**

19.24 The Committee agreed to establish the following intersessional Correspondence Group, which would report to MEPC 65:

- .1 Correspondence Group on Ship Recycling;
- .2 Correspondence Group on Energy efficiency for Ships;
- .3 Correspondence Group on Assessment of Technological Developments to Implement the Tier III NO<sub>x</sub> Emission Standard under MARPOL Annex V; and
- .4 Correspondence Group on the Assembly Resolution on the Application of BWM Convention.

### **Intersessional meetings**

19.25 The Committee agreed to hold the following intersessional meetings, subject to approval by the Council:

- .1 OPRC/HNS Technical Group to be held in the week before MEPC 65 in May 2013, which should report to MEPC 65; and
- .2 ESPH Working Group to be held in October 2013.

## **20 APPLICATION OF THE COMMITTEES' GUIDELINES**

20.1 The Committee recalled that MEPC 63 and MSC 90 agreed to the request of C/ES.26, in accordance with paragraph 4 of resolution A.1013(26), to include in the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.2) the checklist for identifying administrative burdens to be used when preparing the analysis of implications, which is required when submitting proposals for inclusion of unplanned outputs.

20.2 The Committee noted that the Committees' Guidelines, with the addition of the checklist, had been disseminated as MSC-MEPC.1/Circ.4/Rev.2 and that its application will be adhered to in the conduct of the work of the Committee.

## **21 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2013**

21.1 The Committee, in accordance with rule 17 of its Rules of Procedure, unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman and Mr. Arsenio Dominguez (Panama) as Vice-Chairman, both for 2013.



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## 22 ANY OTHER BUSINESS

### **Marine Environmental Awareness Raising Posters: Sargasso Sea**

22.1 The Committee noted that document MEPC 64/INF.24 (GlobalMET Ltd, IUCN, Nautical Institute and WWF) contained an example of a poster which aims to raise marine environmental awareness of seafarers and others about sensitive sea areas frequented by ships and the associated environmental and marine life features. The Sargasso Sea was chosen as the first of a series of similar proposed posters because of concerns about the impacts of ships on the fauna and flora of this unique region. The posters can be displayed in messrooms on board ships, as well as in shore-based academies and elsewhere and can be purchased at: <http://www.maritimetraining.com/Search/sargasso>.

### **The Protection and Management of the Sargasso Sea: Summary Science Case and Supporting Evidence Case**

22.2 The Committee also noted that document MEPC 64/INF.25 (IUCN) contained the summary of a recent publication entitled "The Protection and Management of the Sargasso Sea: Summary Science Case and Supporting Evidence Case". The report provides the scientific and other supporting evidence of the importance of the Sargasso Sea located within the North Atlantic sub-tropical gyre and will be used as part of the process to secure international recognition of the importance of the Sargasso Sea and of establishing appropriate management and precautionary regimes within existing instruments and organizations such as the IMO and the International Convention for the Conservation of Atlantic Tuna. The full report can be viewed or downloaded at: <http://www.sargassoalliance.org/case-for-protection>.

### **The Expo 2012 Yeosu Korea and the launch of the Oceans Compact**

22.3 The Committee further noted that document MEPC 64/INF.32 (Secretariat) provided information about the 2012 International Exposition, held in Yeosu, Republic of Korea, from 12 May to 12 August 2012. IMO provided input to the Expo, both as part of the permanent United Nations exhibition, and in a temporary exhibition showcasing IMO's work for the wider audience.

22.4 The Committee also further noted information about the Oceans Compact, a new initiative on ocean matters by the United Nations Secretary-General, which was launched during the Yeosu Expo. The Oceans Compact sets out a strategic vision for the United Nations system to deliver more coherently and effectively on its ocean-related mandates, consistent with the Rio+20 outcome document "The Future we want". The Oceans Compact will be accompanied by an integrated and results-based "Action Plan" which will be overseen by the UN-Oceans coordinating mechanism to which IMO is a member. A time-bound Advisory Group that includes Executive Heads of involved United Nations system organizations, high-level policy-makers, scientists, leading ocean experts, private sector representatives, representatives of non-governmental organizations and civil society organizations will facilitate stakeholder dialogue and accelerate support in various quarters for concrete actions towards the common goal of "Healthy Oceans for Prosperity".

### **Other issues**

22.5 The Committee noted the invitation by the observer from ISCO to environmental NGOs to provide input on its work related to the development of Knowledge-based Response Planning for Marine Incidents involving oil and HNS and its intention to formalize this invitation by letter in the coming weeks.

22.6 The observer from IACS informed the Committee of the recent addition to the information on their website related to easy and free-of-charge access to IACS Unified Interpretations (UIs), consisting of a new spreadsheet that provides a means of linking IACS UIs to MARPOL, MEPC circulars and other IMO instruments. Details can be found at: [www.iacs.org.uk/publications.aspx?pageid=4&sectionid=4](http://www.iacs.org.uk/publications.aspx?pageid=4&sectionid=4).

### **Actions requested of other IMO bodies**

22.7 The actions requested of other IMO bodies are summarized as follows (paragraph numbers are those of the report of MEPC 64).

22.8 The Maritime Safety Committee, at its ninety-first session, is invited to:

- .1 note that the MEPC 64 approved, subject to concurrent decision by MSC 91, the draft MEPC-MSC Circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions, and the need to finalize, at MSC 91, the above-mentioned circular, bearing in mind that the entry into force date of chapter 4 of MARPOL Annex VI will be 1 January 2013 (paragraphs 4.112.6 and 4.112.7);
- .2 note that MEPC 64 adopted, by resolution MEPC.225(64), the 2012 amendments to the IBC Code (paragraph 6.5 and annex 12);
- .3 note that MEPC 64 approved the draft Assembly resolution on the revised Guidelines on implementation of the ISM Code by Administrations, subject to concurrent decision of MSC 91 (paragraph 11.24 and annex 17);
- .4 note that MEPC 64 approved the draft Assembly resolution on the revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, subject to concurrent decision of MSC 91 (paragraph 11.24 and annex 18);
- .5 note that MEPC 64 approved the revised MEPC-MSC circular on the Guidelines for the operational implementation of the ISM Code by companies, subject to concurrent decision of MSC 91 (paragraph 11.25);
- .6 consider, with the view to addressing, the concern with regard to the proposed addition of a footnote to paragraph 1.2.3.2 of the ISM Code in relation to MSC.1/Circ. 1371 (paragraph 11.26)
- .7 note that MEPC 64 approved the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, with a view to submission to the Assembly, at its twenty-eighth session, for adoption, subject to concurrent decision of MSC 91 (paragraph 11.43 and annex 19);
- .8 note that MEPC 64 approved the draft amendments to MARPOL to make the III Code and auditing mandatory, with a view to adoption at MEPC 66 (after the envisaged adoption of the III Code at A 28) (paragraph 11.46 and annex 20);
- .9 note that MEPC 64 approved the draft Code for recognized organizations (RO Code), with a view to adoption at MEPC 65, subject to concurrent decision of MSC 91 (paragraph 11.62);

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- .10 note that MEPC 64 approved the draft amendments to MARPOL Annexes I and II to make the RO Code mandatory, for circulation, with a view to adoption at MEPC 65 (paragraph 11.63 and annex 23);
  - .11 note that the actions taken by MEPC 64 on the outcome of MSC 90 on all issues of relevance to it under the relevant items of its agenda (paragraphs 12.2 to 12.5);
  - .12 note that MEPC 64 concurred with the views of MSC 90 on the outcome of the fifth session of the Joint Working Group on the Member State Audit Scheme, particularly on the issue of confidentiality in the context of a mandatory audit scheme (paragraph 12.14 to 12.20);
  - .13 note that MEPC 64 agreed to MSC 90's recommendation with regard to discontinuing hard-copy information on the status of the Conventions (paragraph 13.5);
  - .14 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25);
  - .15 note that MEPC 64 approved the revised agenda of the BLG Sub-Committee and the provisional agenda for BLG 17 (paragraph 19.6 and annex 26);
  - .16 note that MEPC 64 approved the updated biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21 (paragraph 19.9 and annex 27); and
  - .17 note that MEPC 64 approved, subject to concurrent decision by MSC 91, the plan of meeting-weeks for the MSC and MEPC and their subsidiary bodies for the biennium 2014-2015, for inclusion in the Secretary-General's relevant budget proposals (paragraph 19.20).

22.9 The Sub-Committee on Bulk Liquids and Gases (BLG), at its seventeenth session, is instructed to:

- .1 develop a BWM circular on the application of the BWM Convention to Offshore Support Vessels based on the proposals in documents MEPC 64/2/14 and MEPC 64/2/20 (paragraph 2.29);
- .2 in developing sampling and analysis procedures for port State control, take into account MEPC 64's decision that such procedures should be no more stringent than what is required for Type Approval of ballast water management systems (paragraph 2.36);
- .3 note that MEPC 64 invited Member Governments and international organizations to submit case studies including quantitative data and information to document problems with the supply, operation and suitability of Type-Approved ballast water management systems to the BLG Sub-Committee to facilitate more informed analysis of these aspects (paragraph 2.38.4);

- .4 review resolution MEPC.175(58) on information reporting on type approved ballast water management systems, taking into account text contained in annex 1 of document MEPC 64/WP.8 (paragraph 2.38.4);
- .5 prepare additional guidance with regard to application of the provisions contained in Guidelines (G8), including expansion of BWM.2/Circ.28 (paragraph 2.38.5);
- .6 consider the proposals made in document MEPC 64/2/15 on monitoring and sampling of certain ballast water management systems and advise the MEPC accordingly, noting that MEPC 64 extended deadline for submissions of more than six pages commenting on document MEPC 64/2/15 to Friday, 30 November 2012 (paragraph 2.38.6);
- .7 note that MEPC 64 approved MEPC.1/Circ.795 on unified interpretation for continuous-feed type shipboard incinerators (paragraph 4.25);
- .8 note MEPC 64's view that, in order to progress the development of the procedures on sampling of fuel oil being used on board matter, it would be necessary for future submissions to demonstrate the compelling need for such procedures and to provide concrete proposals on the matter (paragraph 4.112.9);
- .9 note that MEPC 64 adopted, by resolution MEPC.225(64), the 2012 amendments to the IBC Code (paragraph 6.5 and annex 12);
- .10 note that MEPC 64 approved, in general, the report of BLG 16 (paragraph 11.2);
- .11 note that MEPC 64 endorsed the decisions taken by BLG 16 regarding the outcome of ESPH 17 (paragraph 11.3);
- .12 note that MEPC 64 endorsed BLG 16's evaluation of the Trade-named mixtures presenting safety hazards, for inclusion in List 3 of the MEPC.2/Circular (paragraph 11.4);
- .13 note that MEPC 64 endorsed BLG 16's evaluation of cargo tank cleaning additives found to meet the requirements of regulation 13.5.2 of MARPOL Annex II, for inclusion in the next edition of the MEPC.2/Circular (paragraph 11.5);
- .14 note that MEPC 64 approved MEPC.1/Circ.761/Rev.1 on the amendments to the 2011 Guidelines for the carriage of blends of petroleum oil and biofuels (paragraph 11.6);
- .15 note that MEPC 64 approved MEPC.1/Circ.792 on guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft (paragraph 11.8); and
- .16 note that MEPC 64 approved the revised agenda of the BLG Sub-Committee and the provisional agenda for BLG 17 (paragraph 19.6 and annex 26).

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22.10 The Sub-Committee on Flag State Implementation (FSI), at its twenty-first session, is instructed to:

- .1 in developing sampling and analysis procedures for port State control, take into account MEPC 64's decision that such procedures should be no more stringent than what is required for Type Approval of ballast water management systems (paragraph 2.36);
- .2 consider document MEPC 64/7/6 with a view to defining when survey and certification requirements could be exempted for unmanned and non-self-propelled barges under a specific MARPOL Annex (paragraph 7.19);
- .3 in the context of revision of MSC-MEPC.3/Circ.3 and the related GISIS module, not to eliminate the information on pollution incidents, in view of the fact that this information is used for purposes beyond casualty investigations and is relevant to the work of the OPRC-HNS Technical Group (paragraph 8.3.4);
- .4 note that MEPC 64 approved, in general, the report of FSI 20 (paragraph 11.28);
- .5 note that MEPC 64 endorsed FSI 20's decision to consider, at its next session, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements (paragraph 11.30);
- .6 note that MEPC 64 endorsed FSI 20's invitation to interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session of the FSI Sub-Committee, in particular on domestic legislation, including the frequency of such reporting and the language in which information should be provided (paragraph 11.31);
- .7 examine in detail the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the request of A 27 to the Council, to establish the Ad Hoc Steering Group for Reducing Administrative Requirements (resolution A.1043(27)), with a view to avoiding any duplication of work (paragraph 11.32);
- .8 note that MEPC 64 endorsed FSI 20's decision to further clarify the meaning of "originals" to be carried on board at a future session (paragraph 11.33);
- .9 initiate revisions to the Revised list of certificates and documents required to be carried on board ships (FAL.2/Circ.123-MEPC.1/Circ.769-MS-C.1/Circ.1409), as may be necessary, noting that MEPC 64 requested the Secretariat to prepare a note containing those requirements, which may result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the Procedures for PSC, as appropriate (paragraph 11.34);
- .10 in the context of FSI 20's request to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, note the MEPC 64's view that it would not be appropriate to extend the scope of the relevant planned

- output (5.2.1.18 of HLAP for 2012 and 2013) and the GlobalReg (paragraph 11.37);
- .11 note that MEPC 64 requested the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and to establish a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office (paragraph 11.39);
- .12 in respect of FSI 20's proposal to request the Secretariat to invite States depositing instruments of ratification to submit relevant and related domestic documents leading to the ratification that could be made accessible to other States, note that MEPC 64 concurred with the view of TC 62 (paragraph 11.40);
- .13 note that MEPC 64 approved the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, with a view to submission to the Assembly, at its twenty-eighth session, for adoption, subject to concurrent decision of MSC 91 (paragraph 11.43 and annex 19);
- .14 note that MEPC 64 approved the draft amendments to MARPOL to make the III Code and auditing mandatory, with a view to adoption at MEPC 66 (after the envisaged adoption of the III Code at A 28) (paragraph 11.46 and annex 20);
- .15 note that MEPC 64 endorsed FSI 20's recommendation concerning future amendments to the III Code and the applicable provisions of the mandatory instruments (paragraph 11.48);
- .16 develop a new non-mandatory instrument in the form of an Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption (paragraph 11.49);
- .17 note that MEPC 64 endorsed FSI 20's request to the Secretariat to further communicate with the ISO Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations to adjust the text of the RO Code (paragraph 11.51);
- .18 note that MEPC 64 approved the draft Code for recognized organizations (RO Code), with a view to adoption at MEPC 65, subject to concurrent decision of MSC 91 (paragraph 11.62);
- .19 note that MEPC 64 approved the draft amendments to MARPOL Annexes I and II to make the RO Code mandatory, for circulation, with a view to adoption at MEPC 65 (paragraph 11.63 and annex 23); and
- .20 note that MEPC 64 approved the updated biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21 (paragraph 19.9 and annex 27).

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22.11 The Sub-Committee on Ship Design and Equipment (DE), at its fifty-seventh session, is instructed to:

- .1 in the context of developing the draft Polar Code, bear in mind MEPC 63's decisions on how to make the Polar Code mandatory and that the Code should only include new issues and additional requirements which do not appear in other instruments (paragraph 11.12);
- .2 note that MEPC 64 approved draft amendments to the Condition Assessment Scheme (CAS) (resolution MEPC.94(46)) which is mandatory under MARPOL Annex I, for circulation, with a view to adoption at MEPC 65 (paragraph 11.13 and annex 16);
- .3 note that MEPC 64 adopted, by resolution MEPC. 227(64), *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants* (paragraph 11.61 and annex 22);
- .4 note that MEPC 64 endorsed the recommendation of DE 56 that incinerators with a capacity greater than 1,500 kW and up to 4,000 kW can be type-approved under the existing *Standard Specification for Shipboard Incinerators* (resolution MEPC.76(40), as amended by resolution MEPC.93(45)) (paragraph 11.22); and
- .5 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25).

22.12 The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), at its eighteenth session, is instructed to:

- .1 consider how the long-term implementation of the provisions of MARPOL Annex V concerning cargo residues could be facilitated by amendments to the International Maritime Solid Bulk Cargoes Code (paragraph 7.26); and
- .2 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25).

22.13 The Sub-Committee on Standards of Training and Watchkeeping (STW), at its forty-fourth session, is instructed to:

- .1 note that MEPC 64 approved draft Assembly resolution on the revised Guidelines on implementation of the ISM Code by Administrations, subject to concurrent decision of MSC 91 (paragraph 11.24 and annex 17);
- .2 note that MEPC 64 approved draft Assembly resolution on the revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, subject to concurrent decision of MSC 91(paragraph 11.24 and annex 18);
- .3 note that MEPC 64 approved the revised MEPC-MSA circular on Guidelines for the operational implementation of the ISM Code by companies, subject to concurrent decision of MSC 91(paragraph 11.25);

- .4 consider, with the view to addressing, the concern with regard to the proposed addition of a footnote to paragraph 1.2.3.2 of the ISM Code (paragraph 11.26); and
- .5 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25).

22.14 The Sub-Committee on Safety of Navigation (NAV), at its fifty-ninth session, is instructed to note that MEPC 64 designated, by resolution MEPC.226 (64), the Saba Bank as a Particularly Sensitive Sea Area (paragraph 9.4 and annex 15).

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## ANNEX 1

### STATEMENT BY THE OBSERVER OF ICS ON THE REPORT OF THE BALLAST WATER REVIEW GROUP

Thank you, Mr. Chairman, for allowing us to respond to the report of the Ballast Water Review Group.

Whilst we certainly appreciate the valiant efforts of the chairman to progress the discussions; we are very disappointed that the very real concerns of industry have been yet again to a large extent sidelined or ignored.

With few exceptions, the tenor of the working group report suggests that all is rosy in the developing world of ballast water treatment system availability and efficacy, as well as the capacity of the global shipbuilding and repair community to cope with the vast number of vessels which will be required to install systems in the future according to the implementation schedule.

We are particularly disappointed that the existing identified challenges for moving type-approved systems from controlled test conditions to the real world of vessel operations, which we and others elaborated on during the review group discussions have been disregarded.

We wish to emphasize the point that the Ballast Water Management Convention was NOT designed to assure the ability of a ballast water treatment system to meet the D-2 standard in the vacuum of a test facility. Rather the Convention was designed to assure the ability to meet the D-2 standard by a system installed on an operating vessel. It is clear that enforcement and compliance actions will not be taken against treatment system manufacturers or test facilities but rather against shipowners and their crews who have installed a type-approved system that, when subject to the variabilities of the global operating environment, fails to perform as required by the Convention. These variabilities have resulted in documented failures of systems which have already been issued type approvals, failures caused by a variety of operating conditions including but not limited to variable salinities, flow rates, water temperature and levels of suspended sediment. We believe Type Approval D-2 compliance verification should not simply be restricted to operation on a wet Wednesday in July with a specific water temperature of 17.2 degrees Celcius. A type-approved system should generally be expected to operate effectively under all normal operating conditions encountered.

We are consequently disappointed at the unwillingness of the review group to pursue reopening of the Guidelines (G8). We do appreciate the sensitivities expressed by some delegations in this regard. While not agreeing with the decision, we respect the review group's decision to attempt to correct these inadequacies through revision and updating of resolution MEPC.175(58). In fact, we would suggest that the review group's recognition of the need to update these documents implicitly recognizes the problems with the current Guidelines (G8).

The current Guidelines (G8) provide a great deal of flexibility to Administrations in the issuance of type approvals, this leads to varying degrees of robustness in the type approval process, and in fact, in the certification itself as regards essential test condition parameters, which we believe should be included as part of the type approval documentation. While we generally support flexible implementation of any program, flexibility which results in variable test results impacting the real world operating capability of a system installed aboard ship

cannot be supported. Guidance on guidance to voluntary guidelines surely cannot be an appropriate way to support such important legislation. This has again reinforced our earlier concerns regarding PSC sampling for compliance which we believed would have been alleviated by the pragmatic way forward suggested in our submission.

Yet again it is apparent that the legislators ignore realities in blindly pursuing the status quo. This was an opportunity to provide a final much needed fix to the very real type approval problems that have been highlighted to, and recognized by, the majority of the review group.

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**ANNEX 2**

**RESOLUTION MEPC.222(64)**

**Adopted on 5 October 2012**

**2012 GUIDELINES FOR THE SURVEY AND CERTIFICATION  
OF SHIPS UNDER THE HONG KONG CONVENTION**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on the Safe and Environmentally Sound Recycling of Ships held in May 2009 adopted the *Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009* (the Hong Kong Convention) together with six Conference resolutions,

NOTING that Article 5 of the Hong Kong Convention prescribes that ships subject to survey and certification shall be surveyed and certified in accordance with the regulations in the Annex to the Hong Kong Convention,

NOTING ALSO that regulation 10.2 of the Annex to the Hong Kong Convention requires that surveys of ships for the purpose of enforcement of the provisions of the Hong Kong Convention shall be carried out taking into account the guidelines developed by the Organization,

NOTING FURTHER that regulations 11.1 and 11.11 of the Annex to the Hong Kong Convention require that the International Certificate on Inventory of Hazardous Materials and the International Ready for Recycling Certificate shall be issued taking into account the guidelines developed by the Organization,

HAVING CONSIDERED, at its sixty-fourth session, the draft 2012 Guidelines for the Survey and Certification of Ships under the Hong Kong Convention developed by the Working Group on Ship Recycling,

1. ADOPTS the *2012 Guidelines for the survey and certification of ships under the Hong Kong Convention*, as set out in the annex to this resolution;
2. INVITES Governments to apply the *2012 Guidelines for the survey and certification of ships under the Hong Kong Convention* upon the entry into force of the Convention; and
3. REQUESTS the Committee to keep the Guidelines under review.

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## ANNEX

### 2012 GUIDELINES FOR THE SURVEY AND CERTIFICATION OF SHIPS UNDER THE HONG KONG CONVENTION

#### 1 INTRODUCTION

##### 1.1 Objective of the guidelines

Article 5 of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, (hereafter referred to as "the Convention") prescribes that each party shall ensure that ships flying its flag or operating under its authority and subject to survey and certification are surveyed and certified in accordance with the regulations in the annex to the Convention. The purpose of this document is to provide guidelines for the survey and certification of ships under the Convention (hereafter referred to as "the guidelines"), covered in "Part C – Survey and certification" of the annex to the Convention (regulations 10 to 14). These guidelines will assist Administrations and recognized organizations in the uniform application of the provisions of the Convention and help shipowners, shipbuilders, suppliers, ship recycling facilities and other interested parties to understand the process of conducting surveys and issuing and endorsing certificates.

##### 1.2 Approach of the guidelines

These guidelines provide the procedures for conducting surveys to ensure that ships comply with the Convention, and the requirements for issuing and endorsing an International Certificate on Inventory of Hazardous Materials and issuing an International Ready for Recycling Certificate.

1.3 These guidelines apply to surveys of ships of 500 gross tonnage and above, as specified in article 3 of the Convention.

1.4 In the event that a new survey method is developed, or in the event that the use of a certain Hazardous Material is prohibited and/or restricted, or in the light of any other relevant experience gained, these guidelines may need to be revised in the future.

#### 2 DEFINITIONS

The terms used in these guidelines have the same meaning as those defined in article 2 of the Convention and regulation 1 of the annex to the Convention, unless expressly provided otherwise.

2.1 "Date of Construction", as referred to in the forms of the International Certificate on Inventory of Hazardous Materials and the International Ready for Recycling Certificate, means the date used by the Administration to determine whether the ship is a "new ship" or an "existing ship" in accordance with the relevant provisions of regulations 1.3 and 1.4 of the Annex to the Convention.

#### 3 SURVEYS

##### 3.1 Initial survey

The aim of the initial survey is to verify whether part I of the Inventory of Hazardous Materials has been prepared in accordance with the Convention requirements. There are different requirements for the initial surveys of new ships and for those of existing ships.

### 3.1.1 Initial survey for new ships<sup>1</sup>

3.1.1.1 In the case of a new ship, an initial survey should be conducted before the ship is put in service.

3.1.1.2 Prior to the initial survey for a new ship, a request for the initial survey should be submitted by the shipowner or shipyard to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials, as follows:

- .1 name of ship;
- .2 distinctive number or letters;
- .3 port of registry;
- .4 gross tonnage;
- .5 IMO number;
- .6 name and address of shipowner;
- .7 IMO registered owner identification number;
- .8 IMO company identification number; and
- .9 date of construction.

3.1.1.3 The request for an initial survey for a new ship should be supplemented by Part I of the Inventory of Hazardous Materials – which identifies Hazardous Materials contained in ship structure and equipment, their location and approximate quantities – along with the Material Declaration and Supplier's Declaration of Conformity in accordance with the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* (resolution MEPC.197(62), as amended), and all other documents used to develop the Inventory of Hazardous Materials.

3.1.1.4 The survey should verify that part I of the Inventory of Hazardous Materials identifies the Hazardous Materials contained in the ship structure and equipment, their location and approximate quantities, by checking the Material Declaration and Supplier's Declaration of Conformity, and should clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. The survey should also verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through onboard visual inspection.

3.1.1.5 The International Certificate on Inventory of Hazardous Materials should be issued either by the Administration or by any person or organization authorized by it, after successful completion of the initial survey, to any new ships to which regulation 10 of the annex to the Convention applies.

### 3.1.2 Initial survey for existing ships

3.1.2.1 In the case of an existing ship, an initial survey should be conducted before the International Certificate on Inventory of Hazardous Materials is issued and not later than five years after the entry into force of the Convention. The initial survey should be harmonized with the renewal surveys required by other applicable statutory instruments of the Organization, in line with regulations 5.2 and 10.5 of the annex to the Convention and with the principles established in resolution A.1053(27), as amended (*Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011*).

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<sup>1</sup> In ascertaining whether a ship is a "new ship" or an "existing ship" according to the Convention, the term "a similar stage of construction" in regulation 1.4.2 of the annex to the Convention means the stage at which:

- .1 construction identifiable with a specific ship begins; and
- .2 assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

3.1.2.2 Prior to the initial survey for an existing ship, a request for the initial survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials as listed in paragraph 3.1.1.2 above.

3.1.2.3 The request for an initial survey for an existing ship should be supplemented by Part I of the Inventory of Hazardous Materials, and/or the visual/sampling check plan developed in accordance with the *2011 Guidelines for the development of the inventory of hazardous materials*.

3.1.2.4 Part I of the Inventory of Hazardous Materials – which identifies Hazardous Materials contained and/or potentially contained in ship structure and equipment, their location and approximate quantities – should be developed through a visual check and/or sampling check on board the ship, based on the visual/sampling check plan in accordance with the *2011 Guidelines for the development of the inventory of hazardous materials*. It should then be submitted by the shipowner to the Administration or a recognized organization along with supporting information such as the report of the visual/sampling check and/or any Material Declaration and Supplier's Declaration of Conformity.

3.1.2.5 The visual/sampling check plan and Part I of the Inventory of Hazardous Materials should be prepared by personnel with the requisite knowledge and experience to conduct the assigned task, in accordance with the *2011 Guidelines for the development of the inventory of hazardous materials*, as may be amended.

3.1.2.6 The survey should verify that Part I of the Inventory of Hazardous Materials identifies the Hazardous Materials contained and/or potentially contained in the ship structure and equipment, their location and approximate quantities, by checking supporting information such as the report of the visual check and/or sampling check and/or any Material Declaration and Supplier's Declaration of Conformity. The survey should also clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. Classification as "potentially containing hazardous materials" should be noted in the remarks column of the Inventory of Hazardous Materials. The survey should further verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through onboard visual inspection.

3.1.2.7 The International Certificate on Inventory of Hazardous Materials should be issued either by the Administration or by any person or organization authorized by it, after successful completion of the initial survey, to any existing ships to which regulation 10 of the annex to the Convention applies, except for existing ships for which an initial and a final survey are conducted at the same time; in such cases, only an International Ready for Recycling Certificate should be issued.

## **3.2 Renewal survey**

3.2.1 A renewal survey should be carried out at intervals specified by the Administration not exceeding five years.

3.2.2 Prior to the renewal survey, a request for the renewal survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials as listed in paragraph 3.1.1.2 above.

3.2.3 The request for a renewal survey should be supplemented by the latest version of part I of the Inventory of Hazardous Materials, and Material Declaration and Supplier's Declaration of Conformity regarding any change, replacement or significant repair of structure, equipment, systems, fittings, arrangements and material since the last survey.

3.2.4 The survey should verify that part I of the Inventory of Hazardous Materials is properly maintained and updated to reflect changes in ship structure and equipment, by checking Material Declaration and Supplier's Declaration of Conformity, and should clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. The survey should also verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through on-board visual inspection. The survey should further verify that any decision by the shipowner to delete equipment, system and/or area previously classed as "potentially containing hazardous materials" from Part I of the Inventory of Hazardous Materials is based on clear grounds for believing that the equipment, system and/or area in question contain no Hazardous Materials.

3.2.5 A new International Certificate on Inventory of Hazardous Materials should be issued either by the Administration or by any person or organization authorized by it after successful completion of the renewal survey, in accordance with regulation 11 of the annex to the Convention.

### **3.3 Additional survey**

3.3.1 An additional survey, either general or partial according to the circumstances, may be conducted at the request of the shipowner after change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and material, which has an impact on the Inventory of Hazardous Materials.

3.3.2 Prior to the additional survey, a request for the additional survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data required for the International Certificate on Inventory of Hazardous Materials as listed in paragraph 3.1.1.2 above.

3.3.3 The request for an additional survey should be supplemented by the latest version of part I of the Inventory of Hazardous Materials, and Material Declaration and Supplier's Declaration of Conformity regarding any change, replacement or significant repair of structure, equipment, systems, fittings, arrangements and material since the last survey.

3.3.4 The survey should verify that Part I of the Inventory of Hazardous Materials is properly maintained and updated to reflect changes in ship structure and equipment, by checking Material Declaration and Supplier's Declaration of Conformity, and should clarify that the ship complies with regulations 4 and 5 of the annex to the Convention. The survey should also verify that the Inventory of Hazardous Materials, especially the location of Hazardous Materials, is consistent with the arrangements, structure and equipment of the ship, through on-board visual inspection. The survey should further verify that any decision by the owner to delete equipment, system and/or area previously classed as "potentially containing hazardous materials" from Part I of the Inventory of Hazardous Materials is based on clear grounds for believing that the equipment, system and/or area in question contain no Hazardous Materials.

3.3.5 The International Certificate on Inventory of Hazardous Materials should be endorsed either by the Administration or by any person or organization authorized by it after successful completion of the additional survey, in accordance with regulation 11 of the annex to the Convention.

### **3.4 Final survey**

3.4.1 A final survey should be conducted before a ship is taken out of service and before the recycling of the ship has started.

3.4.2 Prior to the final survey, a request for the final survey should be submitted by the shipowner to the Administration or to a recognized organization along with the ship data listed in paragraph 3.1.1.2 above and the Ship Recycling Facility data required for the International Ready for Recycling Certificate as follows:

- .1 name of the Ship Recycling Facility(ies);
- .2 distinctive Recycling Company identity number (as listed on the Document of Authorization to conduct Ship Recycling (DASR));
- .3 full address; and
- .4 date of expiry of DASR.

In cases where multiple Ship Recycling Facilities are involved, the appropriate information for all the Facilities should be provided prior to the final survey.

3.4.3 The request for a final survey should be supplemented by:

- .1 the International Certificate on Inventory of Hazardous Materials, the Inventory of Hazardous Materials, and Material Declaration and Supplier's Declaration of Conformity regarding any change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements and/or material since the last survey;
- .2 the approved Ship Recycling Plan; and
- .3 a copy of the DASR.

3.4.4 Prior to the final survey:

- .1 Part I of the Inventory of Hazardous Materials should be properly maintained and updated to reflect changes in ship structure and equipment, and Part II for operationally generated wastes and Part III for stores should be developed by the shipowner taking account of planned or expected operations before the arrival at the Ship Recycling Facility, and of the *2011 Guidelines for the development of the inventory of hazardous materials*, as may be amended; and
- .2 the Ship Recycling Plan should be developed by the authorized Ship Recycling Facility, taking account of information including the Inventory of Hazardous Materials provided by the shipowner; as required by regulation 9 of the annex to the Convention, the Ship Recycling Plan should be either explicitly or tacitly approved by the Competent Authority authorizing the Ship Recycling Facility.



3.4.5 The survey should verify the following:

- .1 that the Inventory of Hazardous Materials as required by regulation 5.4 of the annex to the Convention is in accordance with the requirements of the Convention, including that part I of the Inventory of Hazardous Materials is properly maintained and updated to reflect changes in ship structure and equipment since the last survey, and that parts II and III of the Inventory of Hazardous Materials identify the Hazardous Materials on board the ship, their location and approximate quantities; planned or expected operations during the period between the final survey and the arrival at the Ship Recycling Facility should be taken into consideration;
- .2 that the Ship Recycling Plan, as required by regulation 9 of the annex to the Convention, properly reflects the information contained in the Inventory of Hazardous Materials as required by regulation 5.4 and contains information concerning the establishment, maintenance and monitoring of Safe-for-entry and Safe-for-hot-work conditions; in the case of tacit approval of the Ship Recycling Plan, the written acknowledgement of receipt of the Ship Recycling Plan sent by the Competent Authority in accordance with regulation 9.4 and the end date of the 14-day review period should also be verified;
- .3 that the Ship Recycling Facility(ies) where the ship is to be recycled holds a valid DASR in accordance with the Convention; and
- .4 that any decision by the shipowner to delete equipment, system and/or area previously classed as "potentially containing hazardous materials" from the Part I of the Inventory of Hazardous Materials is based on clear grounds for believing that the equipment, system and/or area in question contain no Hazardous Materials.

3.4.6 The International Ready for Recycling Certificate should be issued either by the Administration or by any person or organizations authorized by it, after successful completion of the final survey, to any ships to which regulation 10 of the annex to the Convention applies.

### **3.5 Flag transfer**

3.5.1 The certificates cease to be valid when a ship transfers to the flag of another State and the Government of the State to which the ship transfers should not issue new certificates until it is fully satisfied that the Inventory of Hazardous Materials is being properly maintained and that there have been no unauthorized changes to the structure, machinery or equipment. When so requested, the Government of the State whose flag the ship was formerly entitled to fly is obliged to forward as soon as possible to the new Administration a copy of the certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports and records. When fully satisfied by an inspection that the Inventory of Hazardous Materials is being properly maintained and that there have been no unauthorized changes, the new Administration may, in order to maintain harmonization of the surveys, give due recognition to initial and subsequent surveys carried out by or on behalf of the former Administration and issue new certificates having the same expiry date as the certificates that ceased to be valid because of the change of flag.

3.5.2 The Government of the State to which the ship transfers should also make sure that the Inventory of Hazardous Materials complies with the legislation, guidelines and any additional requirements of this State.

3.5.3 If the flag transfer takes place after the final survey and after the International Ready for Recycling Certificate has been issued, the Government of the State to which the ship transfers should not issue the new certificate until fully satisfied that the conditions on the basis of which the International Ready for Recycling Certificate had been issued remain valid.

#### **4 SURVEYS OF SHIPS PRIOR TO ENTRY INTO FORCE OF THE CONVENTION**

4.1 Prior to the entry into force of the Convention, an Administration may conduct surveys of ships in accordance with these guidelines, and may then issue a statement of compliance to that effect.

4.2 Ships capable of documenting full compliance with the Convention through such a statement of compliance may be issued with a certificate on that basis upon entry into force of the Convention, subject to any additional requirements by the Administration. For the certificate to be issued, it may not be necessary for the ships to prepare the visual/sampling check plan required by regulation 5.2 of the annex to the Convention if the Inventory of Hazardous Materials has been developed in accordance with the process stipulated in either paragraph 4.1 or 4.2 of the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* and has been verified through the process of issuing the statement of compliance.

#### **5 MARKET SURVEILLANCE**

5.1 Each party may undertake market surveillance whereby sample analyses are conducted on equipment or materials which are on their market complete with Material Declaration and Supplier's Declaration of Conformity and which have not yet been placed on board, in order to ensure the appropriate enforcement of article 9 of the Convention and the accuracy of the Material Declaration and Supplier's Declaration of Conformity.

5.2 Where Material Declaration and Supplier's Declaration of Conformity are detected by market surveillance to be inaccurate, each party and the Organization should take the necessary measures by applying articles 10 and 12 of the Convention.

5.3 When conducting market surveillance and taking the necessary measures under these guidelines, all possible efforts should be made not to impose an excessive burden on suppliers, ships and ship recycling facilities.

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**ANNEX 3**

**RESOLUTION MEPC.223(64)**

**Adopted on 5 October 2012**

**2012 GUIDELINES FOR THE INSPECTION OF SHIPS  
UNDER THE HONG KONG CONVENTION**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on the Safe and Environmentally Sound Recycling of Ships held in May 2009 adopted the *Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009* (the Hong Kong Convention) together with six Conference resolutions,

NOTING that article 8 of the Hong Kong Convention prescribes that a ship to which the Hong Kong Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with the Convention, taking into account the guidelines developed by the Organization,

HAVING CONSIDERED, at its sixty-fourth session, the draft 2012 Guidelines for Inspection of Ships under the Hong Kong Convention developed by the Working Group on Ship Recycling,

1. ADOPTS the *2012 Guidelines for the inspection of ships under the Hong Kong Convention*, as set out in the annex to this resolution;
2. INVITES Governments to apply the *2012 Guidelines for the inspection of ships under the Hong Kong Convention* upon the entry into force of the Convention; and
3. REQUESTS the Committee to keep the Guidelines under review.

\* \* \*

## ANNEX

### 2012 GUIDELINES FOR THE INSPECTION OF SHIPS UNDER THE HONG KONG CONVENTION

#### 1 GENERAL

1.1 This document is intended to provide basic guidance for conducting port State control inspections in compliance with the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, (hereafter referred to as "the Convention") and to afford consistency in conducting these inspections, recognizing deficiencies and applying control procedures.

1.2 The regulations of the Convention contain the following compliance provisions:

- .1 an International Certificate on Inventory of Hazardous Materials is required for all ships, except ships of less than 500 gross tonnage, ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly, and existing ships for which both an initial survey and a final survey are conducted at the same time, in which case the International Ready for Recycling Certificate is issued after the survey;
- .2 Administrations may establish appropriate alternative measures to demonstrate compliance by ships of less than 500 gross tonnage and/or ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of the State whose flag the ship is entitled to fly; and
- .3 an International Ready for Recycling Certificate is required for all ships of 500 gross tonnage or above being taken out of service and before the recycling of the ship has started.

1.3 Article 8 of the Convention provides for control procedures to be followed by a State party with regard to foreign ships visiting its ports. The *Procedures for Port State Control, 2011*, adopted through Assembly resolution A.1052(27), apply in addition to these guidelines.

#### 2 INSPECTIONS OF SHIPS REQUIRED TO CARRY AN INTERNATIONAL CERTIFICATE ON INVENTORY OF HAZARDOUS MATERIALS OR INTERNATIONAL READY FOR RECYCLING CERTIFICATE

##### 2.1 Initial inspections

2.1.1 After boarding and having been introduced to the master or responsible ship's officer, the port State control officer (PSCO) should verify that there is on board the International Certificate on Inventory of Hazardous Materials (regulation 11.1)<sup>1</sup> or the International Ready for Recycling Certificate (regulation 11.11), both supplemented by the Inventory of Hazardous Materials, and examine reports of previous port State control inspections.

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<sup>1</sup> As required by regulations 5.2 and 11.1, for existing ships, an International Certificate on Inventory of Hazardous Materials, accompanied by the verified Inventory of Hazardous Materials, shall be issued not later than five years after the entry into force of the Convention, except for those ships for which both an initial survey and a final survey are conducted at the same time.

2.1.2 The validity of the International Certificate on Inventory of Hazardous Materials or International Ready for Recycling Certificate should also be confirmed by verifying that the certificate is properly completed and signed and that the required surveys have been performed, and that the identification/verification number on the Inventory of Hazardous Materials corresponds to that shown on the certificate(s).

2.1.3 If the certificate and the Inventory of Hazardous Materials are valid and appropriate, and the PSCO's general impressions and visual observations on board confirm compliance with the Convention, the PSCO should generally confine the inspection to any reported deficiencies.

2.1.4 If, however, the PSCO's general impressions or observations on board reveal clear grounds (see paragraph 2.1.5) for believing that the condition of the ship, or its structure or equipment, do not correspond substantially with the particulars of the certificate or with the Inventory of Hazardous Materials, the PSCO may proceed to a more detailed inspection.

2.1.5 Clear grounds to conduct a more detailed inspection include:

- .1 evidence that a certificate required by the Convention is missing or clearly invalid;
- .2 evidence that the Inventory of Hazardous Materials required by the Convention is missing or clearly invalid;
- .3 the absence of structure or equipment identified in part I of the Inventory of Hazardous Materials;
- .4 the absence of an entry in part I of the Inventory of Hazardous Materials for structure or equipment that the PSCO believes to contain Hazardous Materials listed in appendices 1 and 2 to the Convention<sup>2</sup>; and
- .5 no evidence of implementation of a procedure on board the ship for maintaining part I of the Inventory of Hazardous Materials.

## 2.2 More detailed inspections

The PSCO should verify that controls of Hazardous Materials listed in appendix 1 to the Convention are effectively implemented, referring to relevant certificates<sup>3</sup> or documents that may specify structure or equipment presumed to contain these Hazardous Materials. The PSCO should note that detailed inspections are limited to confirming whether effective controls of Hazardous Materials listed in appendix 1 to the Convention are in place. Failure to update the Inventory of Hazardous Materials should not, therefore, constitute a detainable deficiency, but any inconsistencies in the Inventory should be reported to the flag Administration of that ship, and should be redressed at the time of the next survey.

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<sup>2</sup> For this purpose, a reference should be made to the indicative list that identifies any equipment, system and/or area on board that is presumed to contain Hazardous Materials, as noted in section 2.2 of appendix 5 of the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* (resolution MEPC.197(62), as amended).

<sup>3</sup> For example, the International Air Pollution Prevention (IAPP) Certificate should be referred to for ozone-depleting substances.

## **2.3 Detainable deficiencies**

2.3.1 In exercising its functions, the PSCO should use professional judgment to determine whether to detain a ship until any noted deficiencies are corrected or to allow it to sail with certain deficiencies that do not pose an unreasonable threat to the safe and environmentally sound recycling of ships. In doing so, the PSCO should be guided by the principles and requirements of the Convention.

2.3.2 In order to assist the PSCO in the use of these guidelines, there follows a list of deficiencies which are considered to be of such a serious nature that they may warrant the detention of the ship involved:

- .1 failure to carry a valid International Certificate on Inventory of Hazardous Materials, or, if appropriate, a valid International Ready for Recycling Certificate;
- .2 non-compliance with the control measures for Hazardous Materials listed in appendix 1 to the Convention.

## **3 INSPECTIONS OF NON-PARTY SHIPS**

3.1 Ships of non-Parties to the Convention are not entitled to be issued with an International Certificate on Inventory of Hazardous Materials or an International Ready for Recycling Certificate. Therefore, the PSCO should ask for documentation that contains the same information as in the above certificates supplemented by the Inventory of Hazardous Materials and take this into account in determining compliance with the relevant requirements of the Convention.

3.2 In all other aspects the PSCO should be guided by the procedures for ships required to carry a certificate.

3.3 The PSCO should ensure that, in accordance with article 3.4 of the Convention, no more favourable treatment is applied to ships of non-Parties to the Convention.

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#### ANNEX 4

### **STATEMENT BY THE DELEGATION OF VENEZUELA ON THE DRAFT MEPC RESOLUTION ON PROMOTION OF TECHNICAL CO-OPERATION AND TRANSFER OF TECHNOLOGY RELATING TO THE IMPROVEMENT OF ENERGY EFFICIENCY OF SHIPS**

Thank you Mr. Chairman. I think that the Venezuelan position and its concerns in historical terms with respect to our conduct on this matter are more than clear, and we also recognize the position of the other parties in general, which is why we are maintaining our commitment to joining the search for solutions to the greatest possible satisfaction of the parties. We recognize the tremendous and inconceivable effort that we parties have made under the excellent chairmanship of Mr. Arsenio Domínguez, which has led us to a clearly positive outcome.

We support your summary, although having observed the debate, we would like to add that, over and above what we predicted and analysed, it still surprises us that we continue to be somewhat deadlocked and that this causes such complications for us as an organization. This makes us think that what is becoming evident here is a serious breach and even weakness in our decision-making system in the Organization and its Member States.

In our opinion we are reaping the fruits of past decisions. We refer to when an instrument like this amendment to MARPOL Annex VI emerges, apparently by majority decision. We believe that perhaps we should look back and evaluate it, and would accordingly put forward the following considerations:

1. We must seek consistency with the policies of fairness and equality among peoples which are enshrined within a principle lying at the heart of the United Nations, and which are also binding. The autonomy or specialized nature of this organization should not be a reason to isolate ourselves, still less distance ourselves from universal principles in environmental matters.
2. Historically the Venezuelan State has opposed discrimination, and these amendments could present a serious problem for countries whose inability to comply with the requirements established could lead to the decline or weakening of their economies. For Venezuela, it is unacceptable to attempt to speak of market measures, which is why we are taking the liberty of calling upon the participants in this forum to join forces, venturing to add that we congratulate them on their good judgement in having postponed discussion of that subject until our next meeting, MEPC 65, after this matter has been resolved;
3. Prior to any discussion of Market-based Measures in relation to MARPOL Annex VI, it will be necessary to identify, discuss and approve mechanisms to facilitate technology transfer and funding for capacity creation in order to enable compliance with the new rules on energy efficiency of ships. As we well know, we are trying here to find the flexibility to apply decisions step by step, taking first things first, and thereby wisely creating the win-win situation that is so necessary.

We request that our statement be included in the report. Lastly, I thank the plenary for its indulgence and patience throughout my statement. Thank you very much.

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**ANNEX 5**

**STATEMENT BY THE OBSERVER OF ICOMIA ON THE REVIEW OF THE  
STATUS OF THE TECHNOLOGICAL DEVELOPMENTS TO IMPLEMENT  
TIER III NO<sub>x</sub> EMISSION STANDARDS**

Thank you Mr. Chairman.

We wish to express our thanks and admiration to Mr. Samulski for his excellent work in leading the Correspondence Group in the Tier III review.

ICOMIA fully supports IMO's commitment to emissions reductions. In addition to our contribution to the Correspondence Group we have also been committed to increasing wider Large Yacht industry Tier III awareness and have encouraged the development of technological solutions. As stated in our contribution to the Correspondence Group interim report, there is no doubt technologies are available to meet Tier III.

While we remain optimistic for the outcome, we have concerns that have yet to be satisfied that all yacht designs will be able to accommodate the demands of SCR treatment and remain commercially viable. Until then, we hope the Committee agrees with our view that all aspects of Tier III compliance including considerations of the certification requisites vs. meeting Tier III under operational conditions must be assessed in every possible detail and we shall continue to contribute to the CG in the next phase of its work.

Finally Mr. Chairman, we would be grateful if this intervention is recorded in the report of the committee.

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## ANNEX 6

### STATEMENTS BY THE DELEGATIONS OF CHINA, DENMARK AND GREECE ON THE REPORT OF THE WORKING GROUP ON AIR POLLUTION AND ENERGY EFFICIENCY (MEPC 64/WP.11)

#### **Guidelines for the calculation of the coefficient $f_w$ (paragraph 7)**

##### ***Statement by the delegation of China***

As demonstrated in China's submission MEPC 64/4/28, the theoretical model of the calculation of  $f_w$  in the current draft Guidelines is too complicated for implementation, as it takes into consideration both the frequency spectrum and the wave direction spread function, which is not mature at this stage.

China has proposed two options for the revision of the model in its submission, which is, either to remove the wave direction spread function from the model; or to add the calculation and verification of wave added resistance in oblique regular wave in the model. Unfortunately, the Working Group did not have thorough discussions on this issue as well as China's proposals, and as a result, China's proposals were not properly reflected in the draft Guidelines.

In order to ensure the applicability and practicability of the draft Guidelines, China is of the view that the draft Guidelines should take into account China's proposals and should only be circulated for implementation on a trial basis at this stage. The Committee is requested to review this issue at its future sessions when sufficient data would become available.

##### ***Statement by the delegation of Greece***

In relation to paragraph 7.2.3 (MEPC 64/WP.11), Greece pointed out that retaining the words "if calculated" in the EEDI guidelines, means that  $f_w$  and  $EEDI_{\text{weather}}$  value may not be calculated. Greece is of the view that the disentangling of  $f_w$  from the regulation EEDI value, allowed the early completion of the regulations under Chapter 4 of MARPOL Annex VI, and in the opinion of Greece, this was done with the understanding that when guidelines for the regulation of  $f_w$  were ready, the value of  $f_w$  and the resulting  $EEDI_{\text{weather}}$  value of the vessel would be prominently reported in the ship's EEDI Technical File. Greece emphasized that while the regulation 20 "attained EEDI" value is a theoretical sea trial value, the  $EEDI_{\text{weather}}$  is a truer indication of a ship's actual energy efficiency for its whole operating life.

Following advice from Chairman of WG, it was agreed that the issue of reporting  $f_w$  and  $EEDI_{\text{weather}}$  will be discussed in depth at next session, after the current trial period of the draft interim guidelines of the coefficient  $f_w$ .

#### **Ro-ro cargo ships and ro-ro passenger ships (paragraph 12)**

##### ***Statement by the delegation of Denmark***

Denmark is seriously concerned about the use of MEPC 64/4/14 as a basis for the further work on ro-ro ships. By introducing the ships speed in a correction factor as proposed, the influence of the propulsion power is eliminated and there will be no incentive to reduce the power and thus the CO<sub>2</sub> burden of the ships. In several cases the EEDI will be lowered when the power is increased – this will not reduce CO<sub>2</sub> emissions from this segment of ships.

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## ANNEX 7

### UNIFIED INTERPRETATIONS TO MARPOL ANNEX VI

#### Regulation 2

##### Definitions

Regulation 2.23 reads as follows:

- "23      *New ships* means a ship:
- .1          for which building contract is placed on or after 1 January 2013; or
  - .2          in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 July 2013; or
  - .3          the delivery of which is on or after 1 July 2015."

##### **Interpretation:**

For application of the definition "new ships" specified in regulation 2.23 of MARPOL Annex VI to each Phase specified in table 1 of regulation 21 of MARPOL Annex VI, it should be interpreted as follows:

1.          the date specified in regulation 2.23.1 of MARPOL Annex VI should be replaced with the start date of each Phase;
2.          the date specified in regulation 2.23.2 of MARPOL Annex VI should be replaced with the date 6 months after the start date of each Phase; and
3.          the date specified in regulation 2.23.3 of MARPOL Annex VI, should for Phase 1, 2 and 3 be replaced with the date 48 months after the start date of each Phase.

With the above interpretations, the required EEDI of each Phase is applied to the following new ship which falls into one of the categories defined in regulations 2.25 to 2.31 of MARPOL Annex VI and to which chapter 4 of MARPOL Annex VI is applicable.

(a)      The required EEDI of Phase 0 is applied to the following new ship:

1.          for which the building contract is placed in Phase 0, and the delivery is before 1 January 2019; or
2.          the building contract of which is placed before Phase 0, and the delivery is on or after 1 July 2015 and before 1 January 2019; or

in the absence of a building contract,

3.          the keel of which is laid or which is at a similar stage of construction on or after 1 July 2013 and before 1 July 2015, and the delivery is before 1 January 2019; or

4. the keel of which is laid or which is at a similar stage of construction before 1 July 2013, and the delivery is on or after 1 July 2015 and before 1 January 2019.

(b) The required EEDI of Phase 1 is applied to the following new ship:

1. for which the building contract is placed in Phase 1, and the delivery is before 1 January 2024; or
2. the building contract of which is placed before Phase 1, and the delivery is on or after 1 January 2019 and before 1 January 2024; or

in the absence of a building contract,

3. the keel of which is laid or which is at a similar stage of construction on or after 1 July 2015 and before 1 July 2020, and the delivery is before 1 January 2024; or
4. the keel of which is laid or which is at a similar stage of construction before 1 July 2015, and the delivery is on or after 1 January 2019 and before 1 January 2024.

(c) The required EEDI of Phase 2 is applied to the following new ship:

1. for which the building contract is placed in Phase 2, and the delivery is before 1 January 2029; or
2. the building contract of which is placed before Phase 2, and the delivery is on or after 1 January 2024 and before 1 January 2029; or

in the absence of a building contract,

3. the keel of which is laid or which is at a similar stage of construction on or after 1 July 2020 and before 1 July 2025, and the delivery is before 1 January 2029; or
4. the keel of which is laid or which is at a similar stage of construction before 1 July 2020, and the delivery is on or after 1 January 2024 and before 1 January 2029.

(d) The required EEDI of Phase 3 is applied to the following new ship:

1. for which the building contract is placed in Phase 3; or
2. in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 July 2025; or
3. the delivery of which is on or after 1 January 2029.

Regulation 2.24 reads as follows:

- "24 *Major Conversion* means in relation to chapter 4 of this Annex a conversion of a ship:

- .1 which substantially alters the dimensions, carrying capacity or engine power of the ship; or
- .2 which changes the type of the ship; or
- .3 the intent of which in the opinion of the Administration is substantially to prolong the life of the ship; or
- .4 which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the present Convention not applicable to it as an existing ship; or
- .5 which substantially alters the energy efficiency of the ship and includes any modifications that could cause the ship to exceed the applicable required EEDI, as set out in regulation 21 of this annex."

**Interpretation:**

1 For regulation 2.24.1 of MARPOL Annex VI, any substantial change in hull dimensions and/or capacity (e.g. change of length between perpendiculars ( $L_{PP}$ ) or change of assigned freeboard) should be considered a major conversion. Any substantial increase of total engine power for propulsion (e.g. 5 per cent or more) should be considered a major conversion. In any case, it is the Administration's authority to evaluate and decide whether an alteration should be considered as major conversion, consistent with chapter 4 of MARPOL Annex VI.

2 Notwithstanding paragraph 1, for regulation 2.24.5 of MARPOL Annex VI, the effect on attained EEDI as a result of any change of ship's parameters, particularly any increase in total engine power for propulsion, should be investigated. In any case, it is the Administration's authority to evaluate and decide whether an alteration should be considered as major conversion, consistent with chapter 4 of MARPOL Annex VI.

3 A company may, at any time, voluntarily request re-certification of EEDI with IEE Certificate reissuance on the basis of any new improvements to the ship efficiency that are not considered to be major conversion.

4 In regulation 2.24.4 of MARPOL Annex VI, terms "new ship" and "existing ship" should be understood as they are used in MARPOL Annex I regulation 1.9.1.4, rather than as the defined terms in regulations 2.22 and 2.23.

5 The term "a ship" referred to in regulation 5.4.2 of MARPOL Annex VI is interpreted as "new ship".

Regulation 2.30 reads as follows:

"30 *Refrigerated cargo carrier* means a ship designed exclusively for the carriage of refrigerated cargoes in holds."

**Interpretation:**

Ships dedicated to the carriage of fruit juice in refrigerated cargo tanks should be categorized as refrigerated cargo carrier.

**Regulation 5**  
*Surveys*

Regulation 5.4.4 reads as follows:

- "4 For existing ships, the verification of the requirement to have a SEEMP on board according to regulation 22 shall take place at the first intermediate or renewal survey identified in paragraph 1 of this regulation, whichever is the first, on or after 1 January 2013."

**Regulation 6**  
*Issue or endorsement of a Certificates*

Regulation 6.4 reads as follows:

- "4 An International Energy efficiency Certificate for the ship shall be issued after a survey in accordance with the provisions of regulation 5.4 of this Annex to any ship of 400 gross tonnage and above before that ship may engage in voyages to ports or offshore terminals under the jurisdiction of other Parties."

**Regulation 22**  
*Ship Energy efficiency Management Plan (SEEMP)*

Regulation 22.1 reads as follows:

- "1 Each ship shall keep on board a ship specific Ship Energy efficiency Management Plan (SEEMP). This may form part of the ship's Safety Management System (SMS)."

***Interpretation:***

1 The International Energy efficiency Certificate (IEEC) shall be issued for both new and existing ships to which chapter 4 of MARPOL Annex VI applies.

2 The SEEMP required by regulation 22.1 of MARPOL Annex VI is not required to be placed on board an existing ship to which this regulation applies until such time as the verification survey specified in regulation 5.4.4 of MARPOL Annex VI is carried out.

3 For existing ships, a Ship Energy efficiency Management Plan (SEEMP) required in accordance with regulation 22 shall be verified on board according to regulation 5.4.4, and an IEEC shall be issued, not later than the first intermediate or renewal MARPOL Annex VI chapter 2 survey, whichever is the sooner, on or after 1 January 2013, i.e. a survey connected to an intermediate/renewal survey of the IAPP Certificate.

4 The intermediate or renewal survey referenced in 2 relates solely to the timing for the verification of the SEEMP on board, i.e. these IAPPC survey windows will also become the IEEC initial survey date for existing ships. The SEEMP is however a survey item solely under the new MARPOL Annex VI, chapter 4, and is not a survey item relating to IAPPC surveys.

5 In the event that the SEEMP is not found on board during the first intermediate/renewal survey of the IAPP Certificate on or after 1 January 2013, then the RO should seek the advice of the Administration concerning the issuance of an IEEC and be



guided accordingly. However, the validity of the IAPP Certificate is not impacted by the lack of a SEEMP as the SEEMP is a survey item solely under the new MARPOL Annex VI, chapter 4, and not under the IAPPC surveys.

6 With respect to ships required to keep on board a SEEMP, such ships exclude platforms (including FPSOs and FSUs) and drilling rigs, regardless of their propulsion.

7 SEEMP should be established in a working language or languages understood by ship's personnel.

## Regulation 8 *Form of Certificates*

Regulation 8.1 reads as follows:

"1 The International Air Pollution Prevention Certificate shall be drawn up in a form corresponding to the model given in appendix I to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy."

## Appendix 1 *Form of International Air Pollution Prevention (IAPP) Certificate (Regulation 8)*

Section 2.3 of supplement to International Air Pollution Prevention Certificate reads as follows:

### "2.3 Sulphur oxides (SO<sub>x</sub>) and particulate matter (regulation 14)

2.3.1 When the ship operates outside of an Emission Control Area specified in regulation 14.3, the ship uses:

- .1 fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the limit value of:
  - 4.50% m/m (not applicable on or after 1 January 2012); or ..
  - 3.50% m/m (not applicable on or after 1 January 2020); or ..
  - 0.50% m/m, and/or .....
- .2 an equivalent arrangement approved in accordance with regulation 4.1 as listed in 2.6 that is at least as effective in terms of SO<sub>x</sub> emission reductions as compared to using a fuel oil with a sulphur content limit value of:
  - 4.50% m/m (not applicable on or after 1 January 2012); or ..
  - 3.50% m/m (not applicable on or after 1 January 2020); or ..
  - 0.50% m/m .....

2.3.2 When the ship operates inside an Emission Control Area specified in regulation 14.3, the ship uses:

- .1 fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the limit value of:
  - 1.00% m/m (not applicable on or after 1 January 2015); or ..
  - 0.10% m/m, and/or .....
- .2 an equivalent arrangement approved in accordance with regulation 4.1 as listed in 2.6 that is at least as effective in terms of SO<sub>x</sub> emission reductions as compared to using a fuel oil with a sulphur content limit value of:
  - 1.00% m/m (not applicable on or after 1 January 2015); or ..
  - 0.10% m/m .....

***Interpretation:***

Section 2.3 of the supplement ("as documented by bunker delivery notes") allows for an "x" to be entered in advance of the dates indicated in all of the relevant check boxes recognizing that the bunker delivery notes, required to be retained on board for a minimum period of three years, provide the subsequent means to check that a ship is actually operating in a manner consistent with the intent as given in section 2.3.

**Regulation 16.9**

*Shipboard incineration*

Regulation 16.9 reads as follows:

"For incinerators installed in accordance with the requirements of paragraph 6.1 of this regulation the combustion chamber gas outlet temperature shall be monitored at all times the unit is in operation. Where that incinerator is of the continuous-feed type, waste shall not be fed into the unit when the combustion chamber gas outlet temperature is below 850°C. Where that incinerator is of the batch-loaded type, the unit shall be designed so that the combustion chamber gas outlet temperature shall reach 600°C within five minutes after start-up and will thereafter stabilize at a temperature not less than 850°C."

***Interpretation:***

For application of this regulation the term "waste shall not be fed into the unit" should be interpreted as follows:

The introduction of sludge oil, generated during normal operation of a ship, into a continuous-feed type incinerator during the warm-up process at combustion chamber temperatures above 500°C\* in order to achieve the normal operation combustion chamber temperature of 850°C is allowed. The combustion chamber flue gas outlet temperature should reach 850°C within the period of time specified in the manufacturer's operations manual but should not be more than five minutes.

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\* For the introduction of sludge oil into the incinerator, two conditions need to be fulfilled to secure smokeless and complete combustion:

- .1 the combustion chamber flue gas outlet temperature has to be above 850°C as required by regulation 16.9 of MARPOL Annex VI to ensure smokeless combustion; and
- .2 the combustion chamber temperature (material temperature of the fire brickwork) has to be above 500°C to ensure a sufficient evaporation of the burnable components of the sludge oil.

**ANNEX 8**

**RESOLUTION MEPC.224(64)**

**Adopted on 5 October 2012**

**AMENDMENTS TO THE 2012 GUIDELINES ON THE METHOD OF CALCULATION OF  
THE ATTAINED ENERGY EFFICIENCY DESIGN INDEX (EEDI) FOR NEW SHIPS**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution,

RECALLING ALSO that, at its sixty-second session, the Committee adopted, by resolution MEPC.203(62), amendments to the annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (inclusion of regulations on energy efficiency for ships in MARPOL Annex VI),

NOTING the amendments to MARPOL Annex VI adopted at its sixty-second session by inclusion of a new chapter 4 for regulations on energy efficiency for ships, will enter into force on 1 January 2013,

NOTING ALSO that regulation 20 (Attained EEDI) of MARPOL Annex VI, as amended, requires that the Energy efficiency Design Index shall be calculated taking into account the guidelines developed by the Organization,

NOTING FURTHER that the 2012 Guidelines on the method of calculation of the attained Energy efficiency Design Index (EEDI) for new ships were adopted at its sixty-third session,

RECOGNIZING that the amendments to MARPOL Annex VI requires the adoption of relevant guidelines for smooth and uniform implementation of the regulations and to provide sufficient lead time for industry to prepare,

HAVING CONSIDERED, at its sixty-fourth session, amendments to the 2012 Guidelines on the method of calculation of the attained Energy efficiency Design Index (EEDI) for new ships,

1. ADOPTS the amendments to the 2012 Guidelines on the method of calculation of the attained Energy efficiency Design Index (EEDI) for new ships, as set out at annex to the present resolution;
2. INVITES Administrations to take the annexed Guidelines into account when developing and enacting national laws which give force to and implement provisions set forth in regulation 20 of MARPOL Annex VI, as amended;
3. REQUESTS the Parties to MARPOL Annex VI and other Member Governments to bring the annexed Guidelines related to the Energy efficiency Design Index (EEDI) to the attention of shipowners, ship operators, shipbuilders, ship designers and any other interested groups; and
4. AGREES to keep these Guidelines under review in light of the experience gained.

ANNEX

**AMENDMENTS TO 2012 GUIDELINES ON THE METHOD OF CALCULATION OF THE  
ATTAINED ENERGY EFFICIENCY DESIGN INDEX (EEDI) FOR NEW SHIPS**

1 Paragraphs 2.5.2 and 2.5.3 are replaced by the following:

"2 **Shaft Generator**

In case where shaft generator(s) are installed,  $P_{PTO(i)}$  is 75 per cent of the rated electrical output power of each shaft generator.

For calculation of the effect of shaft generators two options are available:

**Option 1:**

.1 The maximum allowable deduction for the calculation of  $\Sigma P_{ME(i)}$  is to be no more than  $P_{AE}$  as defined in paragraph 2.5.6. For this case,  $\Sigma P_{ME(i)}$  is calculated as:

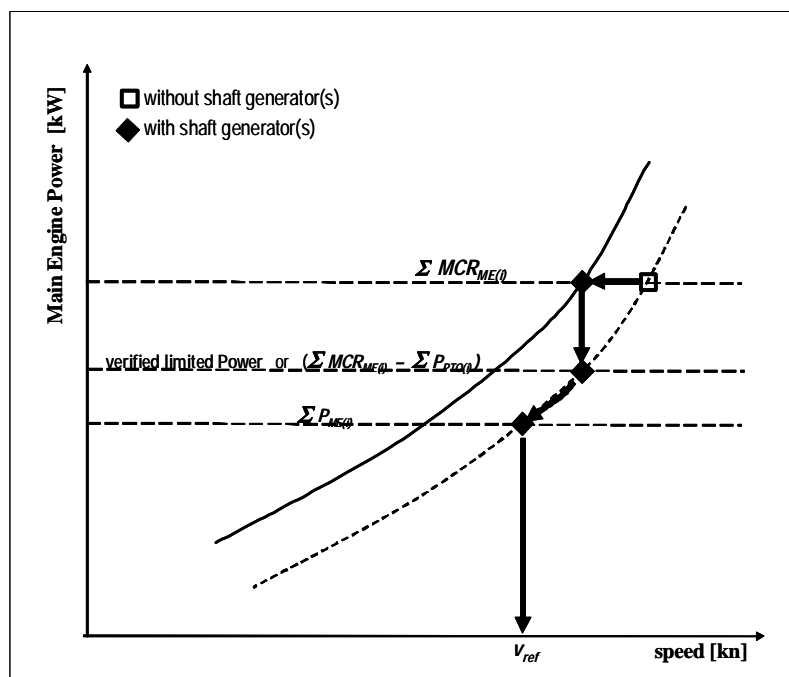
$$\sum_{i=1}^{nME} P_{ME(i)} = 0.75 \times \left( \sum MCR_{ME(i)} - \sum P_{PTO(i)} \right) \quad \text{with } 0.75 \times \sum P_{PTO(i)} \leq P_{AE}$$

or

**Option 2:**

.2 Where an engine is installed with a higher rated power output than that which the propulsion system is limited to by verified technical means, then the value of  $\Sigma P_{ME(i)}$  is 75 per cent of that limited power for determining the reference speed,  $v_{ref}$  and for EEDI calculation.

The following figure gives guidance for determination of  $\Sigma P_{ME(i)}$ :



### .3 Shaft motor

In case where shaft motor(s) are installed,  $P_{PTI(i)}$  is 75 per cent of the rated power consumption of each shaft motor divided by the weighted average efficiency of the generator(s), as follows:

$$\sum P_{PTI(i)} = \frac{\sum (0.75 \cdot P_{SM, \max(i)})}{\eta_{Gen}}$$

Where:

$P_{SM, \max(i)}$  is the rated power consumption of each shaft motor

$\eta_{Gen}$  is the weighted average efficiency of the generator(s)

The propulsion power at which  $v_{ref}$  is measured, is:

$$\sum P_{ME(i)} + \sum P_{PTI(i), Shaft}$$

Where:

$$\sum P_{PTI(i), Shaft} = \sum (0.75 \cdot P_{SM, \max(i)} \cdot \eta_{PTI(i)})$$

$\eta_{PTI(i)}$  is the efficiency of each shaft motor installed

Where the total propulsion power as defined above is higher than 75 per cent of the power the propulsion system is limited to by verified technical means, then 75 per cent of the limited power is to be used as the total propulsion power for determining the reference speed,  $v_{ref}$  and for EEDI calculation.

In case of combined PTI/PTO, the normal operational mode at sea will determine which of these to be used in the calculation.

**Note:** The shaft motor's chain efficiency may be taken into consideration to account for the energy losses in the equipment from the switchboard to the shaft motor, if the chain efficiency of the shaft motor is given in a verified document."

2 Paragraphs 2.5.6.1 and 2.5.6.2 are replaced by the following:

".1 For ships with a total propulsion power ( $\sum MCR_{ME(i)} + \frac{\sum P_{PTI(i)}}{0.75}$ ) of 10,000 kW or above,  $P_{AE}$  is defined as:

$$P_{AE (\sum MCR_{ME(i)} \geq 10,000 kW)} = \left( 0.025 \times \left( \sum_{i=1}^{nME} MCR_{ME(i)} + \frac{\sum_{i=1}^{nPTI} P_{PTI(i)}}{0.75} \right) \right) + 250$$

.2 For ships with a total propulsion power ( $\sum MCR_{ME(i)} + \frac{\sum P_{PTI(i)}}{0.75}$ ) below 10,000 kW,  $P_{AE}$  is defined as:

$$P_{AE (\sum MCR_{ME(i)} < 10,000 kW)} = \left( 0.05 \times \left( \sum_{i=1}^{nME} MCR_{ME(i)} + \frac{\sum_{i=1}^{nPTI} P_{PTI(i)}}{0.75} \right) \right)$$

"

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**ANNEX 9**

**AMENDMENTS TO FOOTNOTE 2 OF THE 2012 GUIDELINES ON SURVEY AND  
CERTIFICATION OF THE ENERGY EFFICIENCY DESIGN INDEX (EEDI)**

1 Footnote 2 in paragraph 4.3.8 of annex is amended as follows:

"<sup>2</sup> ITTC Recommended Procedure 7.5-04-01-01.2 is considered as preferable standard."

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## ANNEX 10

### STATEMENT BY THE DELEGATION OF EGYPT ON MARKET-BASED MEASURES FOR INTERNATIONAL SHIPPING

Mr. Chairman, Honourable Secretary-General, distinguished delegates,

Please allow me, on behalf of the Egyptian Government, to express my deep appreciation to the efforts exerted by the IMO for the prevention of air pollution and the reduction of greenhouse gas emissions from ships through the MARPOL Convention and London Protocol; such as the adoption of annex VI that regulates not only the prevention of air pollution from ships and emission control but also mandatory technical and operational energy efficiency measures, in addition to ocean fertilization and carbon sequestration. The binding character of the procedures taken by IMO in this regards is efficient to significantly reduce the GHG emissions noting that maritime transport is considered the cleanest transport mode. Although it carries more than 90 per cent of the world trade, the emissions generated from ships represent only 3 per cent. In other words, the shipping sector is the least responsible for global warming.

Therefore, we see that the proposal to levy additional charge on ships' bunkers to provide funds to mitigate climate change is not a sound one.

In this context, Egypt has very serious concerns about the Market-based Measures for the following reason:

- .1 the imposition of a global levy would lead to the increase of the cost of seaborne trade which will affect the end-consumers. The developing countries will be the most affected by the imposition of such levy as it will be an economic burden on them and will also have its negative impacts on the international competitiveness of their exports. It will also cause an increase in the costs of their imports which will be reflected on the welfare of their people suffering already from a very low income per-capita;
- .2 the proposed measures will raise the prices of imports causing the change of the competition conditions between countries and between similar products, creating favourable trading conditions for certain countries and unfavourable trading conditions for others, which is contradicting to the free trade principle that GATT is based upon;
- .3 the economic burden imposed on the shipping industry may lead to modal shift to less efficient transport modes; and
- .4 most of the MBM proposals lack of details and are not compatible with UNFCCC principles of common but differentiated responsibility.

In conclusion, Egypt is against putting any additional financial burdens on developing countries and any future regulatory regime must be so deigned that international shipping as such is not capped and thus causes severe disruption to global trade and development.

I hope that many of you will share the same opinion.

Finally, we will be grateful if this statement is included in the report of this meeting.

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## ANNEX 11

### STATEMENT BY A REPRESENTATIVE OF THE UNFCCC SECRETARIAT ON UNFCCC MATTERS

Mr. Chairman, distinguished delegates, Ladies and Gentlemen,

Thank you for giving me the opportunity to address the 64th session of IMO's Marine Environmental Protection Committee (MEPC) on behalf of the UNFCCC Secretariat.

As you know, to effectively address climate change and to adapt to its adverse effects, a comprehensive global regime is needed that reflects the dynamic of the modern world and builds on international cooperation across all countries and all economic sectors.

One year ago, here at the sixty-second session of the MEPC, Parties took an important decision and adopted a package of technical and operational measures to increase energy efficiency in international maritime transport. This decision is an important contribution of the international shipping sector to the emerging global climate change regime, and highlights IMO's key role in leading GHG emission reduction from international shipping.

From the agenda of the MEPC for this week it becomes clear that further work will be done to operationalize and strengthen the adopted technical and operational measures, and to support developing countries to implement them. Also, the MEPC will continue looking at the proposed Market-based Measures for international shipping. This is very encouraging, and can send a strong signal to the negotiating process under the UNFCCC to reconfirm that the IMO is the international body with competencies to address GHG emissions from international shipping in an efficient way and in multilateral setting.

I would like to use this opportunity to inform your meeting on the recent development under the UNFCCC: i) that is relevant for international maritime transport, and ii) recent development in climate finance.

#### **Recent development under the UNFCCC in relation to the GHG emissions from international maritime and aviation transport**

In the recent negotiations GHG emissions from international maritime and aviation transport have continued to be addressed under the agenda item on cooperative sectoral approaches of the Ad Hoc Working Group on Long Term Cooperative Action (AWG-LCA), as well as under the Work plan on enhancing mitigation ambition of the Ad Hoc Working Group on the Durban Platform for Enhanced Mitigation (ADP).

In Durban, the COP decided to launch a work plan on enhancing mitigation ambition to identify a range of actions that can close the ambition gap under the ADP (Decision 1/CP.17, paragraph 7). During the first meetings under the ADP in Bonn and last month in Bangkok, Parties highlighted, among others, the international aviation and maritime transport as sectors with significant mitigation potential. They acknowledged the important role ICAO and IMO could play in the context of the new ADP process in advancing the considerations on how to reduce the emissions from these sectors.

Under the AWG-LCA agenda item on sectoral approaches this year, Parties worked towards a decision in Doha. During the informal session last month in Bangkok, Parties put forward five options on how to address emissions from international aviation and maritime transport.<sup>1</sup>

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<sup>1</sup> Informal note from the Bangkok session, capturing the five options on international aviation and maritime transport is available on the UNFCCC website.

These options show convergence in some elements and divergence in others. Throughout the year Parties continued to recognize the role of ICAO and IMO in addressing GHG emissions from international transport and stressed that these emissions should be best addressed in a multilateral setting. Diverging views remained on the principles that should guide actions to reduce GHG emissions from international transport.

I am confident that with leadership and political will by Parties an agreement could be reached in Doha on sectoral approaches. The work of the MEPC this week could be very helpful in this context.

### **Recent development under the UNFCCC in relation to climate finance**

I am aware that the issue of climate finance is of importance to the international shipping sector, and I would like to invite you to contribute actively to the on-going discussions on this issue.

In Cancun and Durban, Parties set up and further developed an institutional infrastructure under the UNFCCC to assist developing country Parties in addressing their climate change related needs and to assist them in their contributions to global climate change mitigation actions.

With regard to climate finance, Parties established the **Standing Committee** that is in the heart of the climate finance infrastructure, to assist the COP in exercising its functions in relation to the financial mechanism of the Convention. They also established the **Green Climate Fund (GCF)** as an operating entity of the financial mechanism, and launched the **work programme on long-term finance** which is analysing options for the mobilization of resources and work on climate-related financing needs of developing countries. The GCF provides several opportunities for Parties and stakeholders to contribute to its on-going discussions.

The Standing Committee is mandated to organize a forum for the communication and continued exchange of information among bodies and entities dealing with climate change finance to promote linkages and coherence. During its first meeting of the Standing Committee last month in Bangkok, its members supported the use of the forum to get in contact with a range of relevant stakeholders, to promote the exchange of information and views on various climate finance related issues.

The work programme on long-term finance builds on a transparent and inclusive approach. Recent workshops and social media activities have created widespread attention from a range of stakeholders and allowed a large audience to participate in the discussions. The co-chairs invite all interested stakeholders to continue getting in touch directly and contribute to the on-going discussions on long-term finance.<sup>2</sup>

Mr. Chairman, Ladies and Gentlemen, on behalf of the UNFCCC Secretariat, I am looking forward to working with you to jointly address one of the biggest challenges of our time – global climate change.

Thank you.

(Annexes 12 to 29 are contained in document MEPC 64/23/Add.1)

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<sup>2</sup> All materials and information are accessible on the UNFCCC website:  
[http://unfccc.int/cooperation\\_support/financial\\_mechanism](http://unfccc.int/cooperation_support/financial_mechanism).