

MARINE ENVIRONMENT PROTECTION  
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72nd session  
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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS SEVENTY-SECOND SESSION**

<b>Section</b>		<b>Page</b>
1	INTRODUCTION – ADOPTION OF THE AGENDA	4
2	DECISIONS OF OTHER BODIES	5
3	CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	6
4	HARMFUL AQUATIC ORGANISMS IN BALLAST WATER	13
5	AIR POLLUTION AND ENERGY EFFICIENCY	21
6	FURTHER TECHNICAL AND OPERATIONAL MEASURES FOR ENHANCING THE ENERGY EFFICIENCY OF INTERNATIONAL SHIPPING	30
7	REDUCTION OF GHG EMISSIONS FROM SHIPS	33
8	IDENTIFICATION AND PROTECTION OF SPECIAL AREAS, ECAs AND PSSAs	45
9	POLLUTION PREVENTION AND RESPONSE (URGENT MATTERS EMANATING FROM THE FIFTH SESSION OF THE SUB-COMMITTEE)	45
10	REPORTS OF OTHER SUB-COMMITTEES	46
11	DEVELOPMENT OF MEASURES TO REDUCE RISKS OF USE AND CARRIAGE OF HEAVY FUEL OIL AS FUEL BY SHIPS IN ARCTIC WATERS	49
12	TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT	52
13	CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES	53

<b>Section</b>		<b>Page</b>
14	APPLICATION OF THE COMMITTEES' METHOD OF WORK	54
15	WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES	54
16	ANY OTHER BUSINESS	59
17	ACTION REQUESTED OF OTHER IMO ORGANS	61

#### **LIST OF ANNEXES**

ANNEX 1	RESOLUTION MEPC.296(72) – AMENDMENTS TO REGULATIONS A-1 AND D-3 OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004
ANNEX 2	RESOLUTION MEPC.297(72) – AMENDMENTS TO REGULATION B-3 OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004
ANNEX 3	RESOLUTION MEPC.298(72) – DETERMINATION OF THE SURVEY REFERRED TO IN REGULATION B-3, AS AMENDED, OF THE BWM CONVENTION
ANNEX 4	RESOLUTION MEPC.299(72) – AMENDMENTS TO REGULATIONS E-1 AND E-5 OF THE INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004
ANNEX 5	RESOLUTION MEPC.300(72) – CODE FOR APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS (BWMS CODE)
ANNEX 6	RESOLUTION MEPC.301(72) – AMENDMENTS TO MARPOL ANNEX VI (ECAs AND REQUIRED EEDI FOR RO-RO CARGO AND RO-RO PASSENGER SHIPS)
ANNEX 7	RESOLUTION MEPC.302(72) – AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (IBC CODE)
ANNEX 8	RESOLUTION MEPC.303(72) – AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (BCH CODE)
ANNEX 9	UNIFIED INTERPRETATION OF APPENDIX I (FORM OF THE INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE) OF THE BWM CONVENTION
ANNEX 10	DRAFT AMENDMENTS TO REGULATION 14 OF MARPOL ANNEX VI AND THE FORM OF THE SUPPLEMENT TO THE IAPP CERTIFICATE

- ANNEX 11 RESOLUTION MEPC.304(72) – INITIAL IMO STRATEGY ON REDUCTION OF GHG EMISSIONS FROM SHIPS
- ANNEX 12 BIENNIAL STATUS REPORT OF THE PPR SUB-COMMITTEE FOR THE 2018-2019 BIENNIUM AND PROVISIONAL AGENDA FOR PPR 6
- ANNEX 13 STATUS REPORT OF THE OUTPUTS OF MEPC FOR THE 2018-2019 BIENNIUM
- ANNEX 14 ITEMS TO BE INCLUDED IN THE AGENDAS OF MEPC 73 AND MEPC 74
- ANNEX 15 STATEMENT BY THE SECRETARY-GENERAL ON THE ADOPTION OF THE INITIAL IMO STRATEGY ON REDUCTION OF GHG EMISSIONS FROM SHIPS
- ANNEX 16 STATEMENTS BY DELEGATIONS AND OBSERVERS

## **1 INTRODUCTION – ADOPTION OF THE AGENDA**

1.1 The seventy-second session of the Marine Environment Protection Committee was held at IMO Headquarters from 9 to 13 April 2018, chaired by Mr. H. Saito (Japan). The Vice-Chair of the Committee, Mr. H. Conway (Liberia), was also present.

1.2 The session was attended by delegations from Members and Associate Members; representatives from United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document MEPC 72/INF.1.

1.3 The session was also attended by the Chairs of the Council, Mr. X. Zhang (China); the Facilitation Committee, Mr. Y. Melenas (Russian Federation); and the Governing Bodies of the London Convention and Protocol, Mrs. A. Prempeh (Ghana).

### **Opening address of the Secretary-General**

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which is available at the IMO website at the following link:

<http://www.imo.org/en/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings/Pages/MEPC-72-opening.aspx>

1.5 The Chair 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 for the session (MEPC 72/1) and, having noted the annotations thereto (MEPC 72/1/1), agreed to be guided by the provisional timetable (MEPC 72/1/1, annex 2, as revised), on the understanding that the timetable was subject to adjustments depending on the progress made each day.

### **Credentials**

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

### **Statements**

1.8 The Committee noted general statements urging it to make every effort to finalize and adopt the IMO Initial Strategy on the reduction of GHG emissions from ships at this session, listed in this paragraph in the order they were given, made by the delegations of the Marshall Islands, Solomon Islands, Kiribati, Tuvalu, Peru, Germany, the Philippines, Mexico, Chile, Estonia, Argentina, New Zealand, Vanuatu, Fiji, the Cook Islands, Palau, Panama, South Africa, Brazil, Australia and Saudi Arabia, as set out in annex 16.

1.9 The Committee noted the statement made by the delegation of the Islamic Republic of Iran regarding difficulties in acquiring the necessary visas to participate in this session of the Committee, and the information provided by the Secretary-General about the efforts made by the relevant authorities in the United Kingdom to resolve the issue.

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## 2 DECISIONS OF OTHER BODIES

2.1 The Committee, having noted the decisions of MSC 98 (MEPC 72/2), TC 67 (MEPC 72/2/1), C 118 (MEPC 72/2/2), C/ES.29 (MEPC 72/2/3), LC 39/LP 12 (MEPC 72/2/4) and A 30 (MEPC 72/2/5) with regard to its work, agreed to take action as appropriate under the relevant agenda items and as indicated below.

### Outcome of MSC 98

2.2 The Committee recalled that MEPC 71 had taken action on the matters emanating from MSC 98 specified in paragraphs 2.1 to 2.11 of document MEPC 72/2, as described in the report of MEPC 71 (MEPC 71/17).

2.3 Having noted the concurrent decision by MSC 98 (MSC 98/23, paragraph 14.3 and annex 26), the Committee approved MSC-MEPC.2/Circ.12/Rev.2 on *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process*.

### Outcome of C/ES.29

2.4 The Committee noted, in particular, that the Council had endorsed the holding of the following intersessional meetings:

- .1 the twenty-fourth session of the PPR Working Group on the Evaluation of Safety and Pollution Hazards of Chemicals (ESPH 24), to take place from 1 to 5 October 2018;
- .2 the third session of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 3), to take place from 3 to 6 April 2018; and
- .3 the intersessional meeting on consistent implementation of regulation 14.1.3 of MARPOL Annex VI, to take place from 9 to 13 July 2018.

### Outcome of LC 39/LP 12

2.5 Having noted, in particular, the outcome of LC 39/LP 12 on the development of advice on the disposal of fibreglass vessels, the Committee invited Member Governments and international organizations to forward any information concerning disposal of fibreglass vessels that could be of assistance to the LC/LP Parties to the LC/LP Secretariat ([olcp@imo.org](mailto:olcp@imo.org)).

### Outcome of A 30

2.6 Having considered the outcome of A 30 (MEPC 72/2/5), the Committee noted, in particular, that A 30 had adopted the following resolutions of general interest:

- .1 *Strategic Plan for the Organization for the six-year period 2018 to 2023* (resolution A.1110(30)); and
- .2 *Application of the Strategic Plan of the Organization* (resolution A.1111(30)).

2.7 The Committee also noted the following six resolutions under the joint responsibility of MSC and MEPC:

- .1 *IMO Ship Identification Number Scheme* (resolution A.1117(30));
- .2 *Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations* (resolution A.1118(30));
- .3 *Procedures for port State control, 2017* (resolution A.1119(30));
- .4 *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2017* (resolution A.1120(30));
- .5 *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1121(30)); and
- .6 *Code for the Transport and Handling of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels (OSV Chemical Code)* (resolution A.1122(30)).

2.8 With regard to the action requested of it by the Assembly (MEPC 72/2/5, paragraph 15), the Committee agreed to:

- .1 consider, under agenda item 14 (Application of the Committees' method of work), possible changes to 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.5) as a consequence of the adoption of resolution A.1111(30) (see paragraphs 14.1 to 14.3);
- .2 refer the first consolidated audit summary report (CASR), containing lessons learned from 18 mandatory audits completed in 2016 (Circular Letter No.3772), to III 5 for consideration and analysis under its agenda item on "Analysis of consolidated audit summary reports", and instruct the Sub-Committee to report the outcome of its considerations to the Committee; and
- .3 consider document A 30/11/1 (Australia et al.) on Sustainable Development Goal 14 and marine plastic litter, together with the comments made at A 30, under agenda item 15 (Work programme of the Committee and subsidiary bodies), in conjunction with documents MEPC 72/15 and MEPC 72/15/Corr.1 (Iceland et al.) and MEPC 72/15/2 (FAO).

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

#### **Amendments to mandatory instruments**

3.1 The Committee was invited to consider and adopt proposed amendments to:

- .1 regulations A-1 and D-3 of the BWM Convention, concerning the Code for Approval of Ballast Water Management Systems;

- .2 regulation B-3 of the BWM Convention, concerning the implementation schedule of ballast water management for ships, together with a consequential draft MEPC resolution related to the determination of the survey referred to in regulation B-3 of the BWM Convention;
- .3 regulations E-1 and E-5 of the BWM Convention, concerning endorsements of additional surveys on the International Ballast Water Management Certificate;
- .4 MARPOL Annex VI concerning ECAs and the required EEDI for ro-ro cargo ships and ro-ro passenger ships;
- .5 the IBC Code, concerning the Model form of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and
- .6 the BCH Code, concerning the Model form of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.

3.2 The Committee was also invited to adopt the draft Code for Approval of Ballast Water Management Systems (BWMS Code), which was approved by MEPC 71.

3.3 The Committee noted that the text of the aforementioned amendments to MARPOL, the IBC Code and the BCH Code had been circulated, in accordance with article 16(2)(a) of MARPOL, to all IMO Members and Parties to MARPOL by Circular Letter No.3770, of 8 September 2017.

3.4 The Committee also noted that the text of the aforementioned amendments to the BWM Convention had been circulated, in accordance with article 19(2)(a) of the BWM Convention, to all IMO Members including Parties to the BWM Convention by Circular Letter No.3771, of 8 September 2017.

3.5 The Committee agreed to consider two additional documents under this agenda item, i.e. documents MEPC 72/4/5 (Secretariat) containing a draft unified interpretation of appendix I of the BWM Convention and MEPC 72/5/10 (Republic of Korea) containing proposed provisions for early application of the amendment to the required EEDI for ro-ro cargo ships and ro-ro passenger ships.

#### **Draft amendments to regulation B-3 of the BWM Convention**

3.6 The Committee recalled that MEPC 71 had considered and approved draft amendments to regulation B-3 of the BWM Convention concerning the implementation schedule of ballast water management for ships, with a view to adoption at this session, as set out in annex 1 to document MEPC 72/3/1 (Secretariat). The Committee was also invited to consider, with a view to adoption, an associated resolution related to the determination of the survey referred to in regulation B-3 of the BWM Convention set out in annex 2 to the aforementioned document.

3.7 Having noted that no comments had been submitted on the draft amendments or the draft resolution related to determination of the survey, the Committee confirmed their respective contents, subject to editorial improvements, if any.

3.8 The Committee agreed that the entry-into-force date of the amendments to regulation B-3 of the BWM Convention would be 13 October 2019.

**Consideration and adoption of the draft BWMS Code, consequential amendments to regulations A-1 and D-3 of the BWM Convention and unified interpretation of appendix I of the BWM Convention**

3.9 The Committee recalled that MEPC 71 had considered and approved the draft text of the BWMS Code (MEPC 71/17/Add.1, annex 5) and the draft consequential amendments to regulations A-1 and D-3 of the BWM Convention to make the BWMS Code mandatory (MEPC-72/3, annex), with a view to adoption at this session, in conjunction with the adoption of the BWMS Code.

***Unified interpretation of appendix I of the BWM Convention***

3.10 The Committee recalled that MEPC 71, having considered document MEPC 71/4/18 (IACS) containing a draft unified interpretation on how the International Ballast Water Management Certificate should be completed, approved, in principle, a unified interpretation of appendix I (Form of the International Ballast Water Management Certificate) of the BWM Convention, for final approval at this session.

3.11 The Committee considered document MEPC 72/4/5 (Secretariat), containing the text of the draft unified interpretation.

3.12 The observer from IACS suggested that the draft unified interpretation should not only apply to the original Guidelines (G8) (resolution MEPC.174(58)) and the 2016 G8 Guidelines (resolution MEPC.279(70)), but also to the BWMS Code in order to provide appropriate clarity on what was meant by the word "installed" in all three instruments. Further to this observation, the view of the observer from IACS was that this matter could be resolved by the addition of extra text in the annex to the draft unified interpretation to ensure that it was equally applicable to the BWMS Code and requested that this matter be referred to the Drafting Group on Amendments to Mandatory Instruments.

3.13 The Committee, having considered the matter, concurred with the draft unified interpretation of appendix I of the BWM Convention, as set out in the annex to document MEPC-72/4/5, and agreed to refer the document to the Drafting Group for finalization, taking into account the comments and proposals made in plenary, notably those raised by the observer from IACS.

***BWMS Code and amendments to regulations A-1 and D-3 of the BWM Convention***

3.14 The Committee, having considered the proposed modifications to paragraph 2.43.3.1 of the draft BWMS Code, as set out in paragraph 3 of document MEPC 72/3/3 (Secretariat), agreed to the proposed text and referred it to the Drafting Group for inclusion in the final text of the draft Code.

3.15 The Committee considered documents MEPC 72/3/9 and MEPC 72/3/9/Corr.1 (Jamaica et al.) proposing further modifications to regulation D-3 of the BWM Convention and the draft BWMS Code to clarify the application dates of the different revisions of Guidelines (G8) (i.e. Guidelines (G8), the 2016 Guidelines (G8) and the BWMS Code).

3.16 Following consideration of the proposal, the Committee agreed to the aforementioned further modifications to regulation D-3 of the BWM Convention and the draft BWMS Code.



3.17 The Committee considered document MEPC 72/3/8 (France), proposing the inclusion of a reference to the *Guidance on System Design Limitations (SDL) of ballast water management systems and their monitoring*, agreed at PPR 5 (that would be submitted to MEPC 73 for approval), within the BWMS Code by revising the definition of System Design Limitations (SDL) in paragraph 3.14 of the Code.

3.18 The Committee, having concurred with the proposed modifications, referred the document to the Drafting Group for further consideration.

3.19 Having agreed on the aforementioned modifications to the draft amendments subject to editorial improvements, if any, the Committee concurred that the entry-into-force date of the amendments to regulations A-1 and D-3 of the BWM Convention would be 13 October 2019.

3.20 The Committee also agreed to the final text of the BWMS Code, as further amended, subject to editorial improvements, if any, and concurred that its entry-into-force date would be 13 October 2019. Having noted that, in light of the agreed further modifications to the draft Code (see paragraph 3.16), operative paragraph 5 of the draft requisite resolution to the BWMS Code would become superfluous and therefore should be deleted, the Committee instructed the Drafting Group to address this as part of its work.

#### **Draft amendments to regulations E-1 and E-5 of the BWM Convention**

3.21 The Committee recalled that MEPC 71 had considered and adopted the draft amendments to regulations E-1 and E-5 of the BWM Convention, concerning endorsements of additional surveys on the International Ballast Water Management Certificate, with a view to adoption at this session, as set out in annex 1 to document MEPC 72/3/2.

3.22 Having noted that no comments had been submitted on the draft amendments, the Committee confirmed their contents, subject to editorial improvements, if any.

3.23 The Committee noted the concerns raised by one delegation with regard to the regulatory gap created by the entry into force of the BWM Convention in September 2017 and the entry into force of these amendments in October 2019 with regard to relevant survey requirements and that the suggested way forward was to consider the possibility of early application of the above-mentioned amendments.

3.24 Noting the general support for this proposal, the Committee instructed the Drafting Group to include an additional paragraph on early application in the draft requisite resolution on the amendments to regulations E-1 and E-5 of the BWM Convention.

3.25 The Committee agreed that the entry-into-force date of the amendments to regulations E-1 and E-5 of the BWM Convention would be 13 October 2019.

#### **Draft amendments to MARPOL Annex VI concerning ECAs and the required EEDI for ro-ro cargo ships and ro-ro passenger ships**

3.26 The Committee recalled that MEPC 71 had considered and approved draft amendments to MARPOL Annex VI concerning ECAs and the required EEDI for ro-ro cargo ships and ro-ro passenger ships, with a view to adoption at this session, as set out in the annex to document MEPC 72/3/4 (Secretariat).

3.27 The Committee noted that, as requested by MEPC 71 (MEPC 71/17, paragraph 5.59.3), the Secretariat, having received relevant background data from the co-sponsors of document MEPC 71/5/14 (Denmark et al.), had confirmed the data used for the proposed reference lines for ro-ro cargo ships and ro-ro passenger ships.

3.28 The Committee considered document MEPC 72/3/7 (CESA and IACS) proposing modifications to the draft amendments to regulation 21 of MARPOL Annex VI that aimed to clarify the scope of application of the amended regulation, i.e. to clarify that the amendments would apply from phase 2 onwards.

3.29 While there were differing views on the proposal, the majority of those who spoke concurred with the new proposed revised text of regulation 21 set out in the annex to MEPC 72/3/7, noting that it provided more clarity with regard to the application than the text of the draft amendment set out in document MEPC 72/3/4. Consequently, the Committee agreed to refer document MEPC 72/3/7 to the Drafting Group to be used as a basis for developing the final text of the revised regulation 21 of MARPOL Annex VI.

3.30 The Committee considered document MEPC 72/5/10 (Republic of Korea) proposing early application of the amendments to regulation 21 of MARPOL Annex VI and an associated draft MEPC circular to implement this proposed voluntary early application.

3.31 The Committee, having agreed in principle with the proposal, instructed the Drafting Group to introduce an additional paragraph in the associated resolution related to early application when preparing the finalized text of the amendments.

3.32 Having decided on the various proposals, the Committee agreed that the entry-into-force date of the amendments to MARPOL Annex VI would be 1 September 2019.

#### **Draft amendments to the IBC Code and the BCH Code**

3.33 The Committee recalled that MEPC 71 had considered and approved the draft amendments to the IBC Code concerning the Model form of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, with a view to adoption at this session, as set out in the annex to document MEPC 72/3/5 (Secretariat).

3.34 The Committee also recalled that MEPC 71 had considered and approved the draft amendments to the BCH Code concerning the Model form of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, with a view to adoption at this session, as set out in the annex to document MEPC 72/3/6 (Secretariat).

3.35 Having noted that no comments had been submitted on the draft amendments, the Committee confirmed their respective contents, subject to editorial improvements, if any.

3.36 The Committee agreed that the entry-into-force date of the respective amendments to the IBC Code and the BCH Code would be 1 January 2020.

#### **Establishment of a drafting group**

3.37 The Committee established the Drafting Group on Amendments to Mandatory Instruments and instructed it, taking into account comments, proposals and decisions made in plenary, to prepare:

- .1 the final text of the draft amendments to regulations B-3, A-1, D-3, E-1 and E-5 of the BWM Convention, together with the associated MEPC resolutions;

- 
- .2 the final text of the draft amendments to MARPOL Annex VI, together with the associated MEPC resolution, using document MEPC 72/3/7 as the base document for the amendments to regulation 21, also taking into account the early application provisions proposed in document MEPC 72/5/10;
  - .3 the final text of the draft amendments to the IBC Code, together with the associated MEPC resolution;
  - .4 the final text of the draft amendments to the BCH Code, together with the associated MEPC resolution;
  - .5 the final text of the draft unified interpretation of appendix I of the BWM Convention using document MEPC 72/4/5 as the basis; and
  - .6 the final text of the BWMS Code, together with the associated resolution.

### **Report of the Drafting Group**

3.38 Having considered the report of the Drafting Group (MEPC 72/WP.6), the Committee approved it in general and took action as indicated hereunder.

### **Regulations A-1 and D-3 of the BWM Convention**

3.39 The Committee considered the final text of the draft amendments to regulations A-1 and D-3 of the BWM Convention to make the BWMS Code mandatory (MEPC 72/WP.6, annex 1) and adopted the amendments by resolution MEPC.296(72), as set out in annex 1.

3.40 In adopting resolution MEPC.296(72), the Committee determined, in accordance with article 19(2)(e)(ii) of the BWM Convention, that the amendments would be deemed to have been accepted on 13 April 2019 (unless, prior to that date, more than one third of the Parties had notified the Secretary-General that they objected to the amendments) and would enter into force on 13 October 2019, in accordance with article 19(2)(f)(ii) of said Convention.

### **Amendments to regulation B-3 of the BWM Convention**

3.41 The Committee considered the final text of the draft amendments to regulation B-3 of the BWM Convention concerning the implementation schedule of ballast water management for ships (MEPC 72/WP.6, annex 2), and adopted the amendments by resolution MEPC.297(72), as set out in annex 2.

3.42 In adopting resolution MEPC.297(72), the Committee determined, in accordance with article 19(2)(e)(ii) of the BWM Convention, that the amendments would be deemed to have been accepted on 13 April 2019 (unless, prior to that date, more than one third of the Parties had notified the Secretary-General that they objected to the amendments) and would enter into force on 13 October 2019, in accordance with article 19(2)(f)(ii) of said Convention.

3.43 The Committee also adopted resolution MEPC.298(72), related to the determination of the survey referred to in regulation B-3 of the BWM Convention, as set out in annex 3.

### **Regulations E-1 and E-5 of the BWM Convention**

3.44 The Committee considered the final text of the draft amendments to regulations E-1 and E-5 of the BWM Convention, concerning endorsements of additional surveys on the International Ballast Water Management Certificate (MEPC 72/WP.6, annex 4) and adopted the amendments by resolution MEPC.299(72), as set out in annex 4.

3.45 In adopting resolution MEPC.299(72), the Committee determined, in accordance with article 19(2)(e)(ii) of the BWM Convention, that the amendments would be deemed to have been accepted on 13 April 2019 (unless, prior to that date, more than one third of the Parties had notified the Secretary-General that they objected to the amendments) and would enter into force on 13 October 2019, in accordance with article 19(2)(f)(ii) of said Convention.

### **BWMS Code**

3.46 The Committee considered the final text of the draft Code for Approval of Ballast Water Management Systems (BWMS Code) (MEPC 72/WP.6, annex 5).

3.47 The Committee reviewed the issue raised by the Drafting Group, i.e. the apparent conflict between the information contained in paragraph 2.57.12.1 of the annex to the Code, which the Drafting Group had placed in square brackets pending consideration by the Committee, and that found in paragraph 2.4 of the Code. Having concurred that the information contained in these two paragraphs was indeed in conflict, the Committee agreed to delete paragraph 2.57.12.1 and to consolidate the information in paragraph 2.57.12.2 into the text of the chapeau of paragraph 2.57.12.

3.48 Further to these amendments, the Committee adopted the Code by resolution MEPC.300(72), as set out in annex 5.

3.49 In adopting resolution MEPC.300(72), the Committee invited Parties to the BWM Convention to note that the BWMS Code would take effect on 13 October 2019 upon entry into force of the associated amendments to the BWM Convention (see paragraph 3.40).

### **Amendments to MARPOL Annex VI**

3.50 The Committee considered the final text of the draft amendments to MARPOL Annex VI concerning ECAs and the required EEDI for ro-ro cargo ships and ro-ro passenger ships (MEPC 72/WP.6, annex 6) and adopted the amendments by resolution MEPC.301(72), as set out in annex 6.

3.51 In adopting resolution MEPC.301(72), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to MARPOL Annex VI would be deemed to have been accepted on 1 March 2019 (unless, prior to that date, objections were communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and would enter into force on 1 September 2019, in accordance with article 16(2)(g)(ii) of the Convention.

### **Amendments to the IBC Code**

3.52 The Committee considered the final text of the draft amendments to the IBC Code concerning the Model form of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk (MEPC 72/WP.6, annex 7) and adopted the amendments by resolution MEPC.302(72), as set out in annex 7.

3.53 In adopting resolution MEPC.302(72), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to the IBC Code would be deemed to have been accepted on 1 July 2019 (unless, prior to that date, objections were communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and would enter into force on 1 January 2020, in accordance with article 16(2)(g)(ii) of the Convention.

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

3.54 The Committee considered the final text of the draft amendments to the BCH Code concerning the Model form of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk (MEPC 72/WP.6, annex 8) and adopted the amendments by resolution MEPC.303(72), as set out in annex 8.

3.55 In adopting resolution MEPC.303(72), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to the BCH Code would be deemed to have been accepted on 1 July 2019 (unless, prior to that date, objections were communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and would enter into force on 1 January 2020, in accordance with article 16(2)(g)(ii) of the Convention.

#### **Unified interpretation of appendix I of the BWM Convention**

3.56 The Committee approved the unified interpretation of appendix I (Form of the International Ballast Water Management Certificate) of the BWM Convention, as set out in annex 9, and instructed the Secretariat to circulate it by means of BWM.2/Circ.66.

3.57 Further to the recommendation of the Drafting Group, the Committee instructed the Secretariat to update the unified interpretation with appropriate references to the BWMS Code and to submit this to the Committee at a future session, following the entry into force of the Code.

#### **Instructions to the Secretariat**

3.58 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic texts, to make any editorial corrections that might be identified as appropriate, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which require action by the Parties to MARPOL and the Parties to the BWM Convention.

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

### **General**

4.1 The Committee, having recalled that the BWM Convention entered into force on 8 September 2017, noted that the number of Contracting Governments was currently 69, representing 75.11% of the world's merchant fleet tonnage.

## **Consideration and approval of ballast water management systems**

4.2 The Committee noted that the thirty-fifth meeting of the GESAMP-Ballast Water Working Group (GESAMP-BWWG 35) had been held from 8 to 10 November 2017 at IMO Headquarters, chaired by Mr. J. Linders, and that its report had been issued as document MEPC 72/4/3 and Corr.1. During the meeting, GESAMP-BWWG had reviewed one proposal for approval of a ballast water management system (BWMS) that made use of Active Substances, submitted by Norway.

### ***Final Approval***

4.3 Having considered the report of GESAMP-BWWG 35, the Committee agreed that the provisions of the *Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation* (BWM.2/Circ.27) had been appropriately applied in the proposal for Final Approval of the Envirocleanse inTank™ BWTS (Bulk Chemical Variation), submitted by Norway in document MEPC 72/4.

4.4 The Committee, having considered the recommendation contained in annex 4 of the report of GESAMP-BWWG 35, agreed not to grant Final Approval to the Envirocleanse inTank™ BWTS (Bulk Chemical Variation).

4.5 The Committee invited the Administration of Norway to verify that all the concerns and issues raised in the report of the thirty-fifth meeting of GESAMP-BWWG (MEPC 72/4/3, annex 4) were fully addressed prior to any subsequent re-submission for Final Approval.

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

4.6 The Committee noted that the next regular meeting of GESAMP-BWWG (i.e. the thirty-sixth meeting) had been scheduled to take place from 4 to 7 June 2018, and detailed information could be found in BWM.2/Circ.65.

### ***Type approval of ballast water management systems***

4.7 The Committee noted the information regarding the latest type-approved BWMS provided in the following documents:

- .1 MEPC 72/INF.2 (Singapore) on the type approval of the Semb-Eco LUV 250, Semb-Eco LUV 500, Semb-Eco LUV 750, Semb-Eco LUV 1000 and Semb-Eco LUV 1500 ballast water management systems; and
- .2 MEPC 72/INF.19 (Norway) on the type approval of the Alfa Laval PureBallast 3.2 ballast water management system.

4.8 The Committee thanked the delegations of Norway and Singapore for the information provided.

### ***Review of Procedure for approval of ballast water management systems that make use of Active Substances (G9)***

4.9 The Committee recalled that MEPC 71, having considered the report of the Eighth Stocktaking Workshop on the activity of GESAMP-BWWG (MEPC 71/4/7), had requested GESAMP-BWWG to specify what amendments it recommended to Procedure (G9) and its possible mandatory nature as a consequence of the review of Guidelines (G8), with a view to deciding on the possible future need to review Procedure (G9) following consideration of such recommendations.

4.10 The Committee considered the recommendations of GESAMP-BWWG that Procedure (G9) should be revised and made mandatory, as a consequence of the revision of Guidelines (G8), and that a broader review of Procedure (G9) should be initiated, as it dated from 2008 and would benefit from various updates and improvements based on the experience accumulated from the evaluation of BWMS approval applications over the years.

4.11 Following brief discussion, the Committee instructed the Ballast Water Review Group to further consider these recommendations and to advise the Committee on action to be taken, as appropriate.

### **Experience-building phase**

4.12 The Committee recalled that MEPC 71 had adopted resolution MEPC.290(71) on *The experience-building phase associated with the BWM Convention* and had requested the Secretariat to provide an assessment, for consideration by MEPC 72, of the expected budgetary implications for the Organization, if the data gathering and analysis plan for the experience-building phase were to be approved at a future session. The Committee recalled also that MEPC 71, having considered a proposal to invite Member States and other stakeholders to provide financial contributions in order to enable the Secretariat to support the data gathering and analysis activities associated with the experience-building phase, had agreed that consideration of the budgetary implications was necessary before deciding on the matter.

4.13 The Committee recalled further that MEPC 71 had encouraged Member States and interested parties to commence the data gathering associated with the experience-building phase at their earliest convenience, in anticipation of the future approval of the data gathering and analysis plan.

4.14 In this connection, the Committee considered document MEPC 72/4/2 (Secretariat), addressing the expected budgetary implications of the data gathering and analysis plan for the experience-building phase associated with the BWM Convention.

4.15 All delegations that spoke recognized the importance of the experience-building phase and expressed their support for its purpose and objectives. Several delegations also stated that they would be willing to support the experience-building phase in terms of provision of information to the Organization as well as possible financial contribution.

4.16 With regard to specific options for financially supporting the experience-building phase, some delegations proposed to invite Member Governments and international organizations to advise the Committee at its next session on such support that they would be providing. Other delegations expressed the view that the experience-building phase should not have any impact on the Organization's budget and supported the option of a Junior Professional Officer (JPO) at least as a starting point.

4.17 Having noted that a JPO had recently joined the Marine Biosafety team in the Marine Environment Division, the Committee requested the Secretariat to initiate the necessary actions for the implementation of the experience-building phase and, noting also that financial contributions were still solicited, to update it at its next session about any pledges for financial support that might be received, so that an informed decision could then be made.

4.18 The Committee also instructed the Ballast Water Review Group, taking into account the decisions just made, to further consider, with a view to finalization, the draft data gathering and analysis plan for the experience-building phase, using annex 13 to document MEPC 71/WP.9 as the basis.

**Amendments to BWM.2/Circ.33 and BWM.2/Circ.43**

4.19 The Committee recalled that MEPC 71 had approved in principle the revised *Guidance on scaling of ballast water management systems* (BWM.2/Circ.33) and *Guidance for Administrations on the type approval process for ballast water management systems in accordance with Guidelines (G8)* (BWM.2/Circ.43), for final approval at MEPC 72 in conjunction with the adoption of the BWMS Code.

4.20 The Committee had for its consideration documents MEPC 72/4/1 (Secretariat), containing the text of the draft revised guidances, and MEPC 72/4/6 (Denmark), containing comments on the draft revised BWM.2/Circ.33 and proposing an alternative draft.

4.21 The Committee referred the draft revised *Guidance on scaling of ballast water management systems* (BWM.2/Circ.33) to the Ballast Water Review Group for finalization, using annex 1 to document MEPC 72/4/1 as the basis and taking into account document MEPC-72/4/6.

4.22 Having considered the draft revised *Guidance for Administrations on the type approval process for ballast water management systems in accordance with Guidelines (G8)* (BWM.2/Circ.43), the Committee agreed that references to the Guidelines (G8) should be replaced with references to the BWMS Code and referred the draft guidance to the Ballast Water Review Group for finalization, using annex 2 to document MEPC 72/4/1 as the basis.

**Outcome of III 4 on matters related to ballast water management**

4.23 The Committee recalled that the fourth session of the Sub-Committee on Implementation of IMO Instruments (III 4) had been held from 25 to 29 September 2017 and the report of that session had been circulated as documents III 4/15 and III 4/15/Add.1.

4.24 The Committee had for its consideration the following matters related to ballast water management emanating from III 4:

- .1 validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning; and
- .2 review of the Survey Guidelines under the HSSC in relation to the BWM Convention in light of the 2016 Guidelines (G8).

***Validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning***

4.25 The Committee recalled that MEPC 71, in instructing III 4 to incorporate the *Interim Survey Guidelines for the purpose of the International Convention for the Control and Management of Ships' Ballast Water and Sediments under the Harmonized System of Survey and Certification* (BWM.2/Circ.7) in the draft 2017 HSSC Guidelines, had also instructed III 4 to introduce provisions in the HSSC Guidelines for validating the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning, as agreed by MEPC 70.

4.26 The Committee recalled also that III 4 had agreed to a new survey item (BI) 1.1.2.19 to address this instruction of MEPC 71, which was subsequently included in the 2017 version of the HSSC Guidelines adopted by A 30 through resolution A.1120(30).



4.27 The Committee recalled further that III 4 had invited MEPC 72 to consider whether detailed aspects of the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning needed to be addressed.

4.28 In this context, the Committee had for its consideration the relevant parts of the report of III 4 as well as document MEPC 72/4/11 (IACS) containing comments and proposals on this matter.

4.29 In the ensuing discussion, it was noted that validation of BWMS in conjunction with their commissioning was essentially mandated by regulation E-1.1.1 of the BWM Convention and paragraphs 8.2.5 and 8.3.6 of the BWMS Code; however, the regulatory basis for survey item (BI) 1.1.2.19 was not complete with regard to sampling and analysis. In this regard, several delegations expressed the view that sampling and analysis should be compulsory as part of this validation in order to verify that a BWMS had been installed properly on board a ship, and that this could be done through the development of guidance or an amendment of regulation E-1.1.

4.30 In light of this, the Committee instructed the Ballast Water Review Group to further consider the matter and advise the Committee accordingly.

***Review of the Survey Guidelines under the HSSC in relation to the BWM Convention in light of the 2016 Guidelines (G8)***

4.31 The Committee recalled that III 4, having recognized the complications arising from the fact that there were three different versions of Guidelines (G8) that might be applicable to BWMS installed on board existing and new ships, and different requirements among these versions, had requested MEPC 72 to consider whether a review of the Survey Guidelines under the HSSC in relation to the BWM Convention was required in light of the *2016 Guidelines for approval of ballast water management systems (G8)*.

4.32 The Committee recalled further the suggestion contained in paragraph 7 of document MEPC 72/4/11 (IACS), using the various versions of specifications for oil discharge, monitoring and control systems as an example.

4.33 In light of this suggestion, the Committee instructed the III Sub-Committee to review the Survey Guidelines accordingly.

**Application of the BWM Convention to specific ship types**

***Rescue tug boats***

4.34 The Committee considered document MEPC 72/4/8 (Turkey) on the challenges faced by rescue tug boats in complying with the BWM Convention.

4.35 In the ensuing discussion, some delegations supported the concerns expressed by the delegation of Turkey and proposed that they could be addressed by an amendment of article 3.2 of the BWM Convention, as proposed in document MEPC 72/4/8, or by the development of guidance, while suggesting that similar concerns might also be applicable for other specialized ship types. Other delegations did not support the document and expressed the view that there were already provisions in the BWM Convention and associated Guidelines allowing these issues to be addressed, such as in regulations A-3 and A-5 or Guidelines (G3), which could be amended if necessary.

4.36 In conclusion, the Committee invited the delegation of Turkey to submit a proposal for a new output at a future session in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5), taking into account the comments and concerns expressed at this session.

#### ***Unmanned non-self-propelled (UNSP) barges***

4.37 The Committee considered document MEPC 72/4/9 (Denmark and Singapore) on the challenges faced by unmanned non-self-propelled barges in complying with the BWM Convention.

4.38 Noting the discussion that had just taken place on document MEPC 72/4/8, the Committee invited the co-sponsors to submit a proposal for a new output to develop guidance on the application of the BWM Convention to unmanned non-self-propelled barges at a future session in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5).

#### **Contingency measures in the ballast water management plan**

4.39 The Committee recalled that MEPC 71 had approved BWM.2/Circ.62 on *Guidance on contingency measures under the BWM Convention*, having noted the agreement of the Ballast Water Review Group that the *Guidelines for ballast water management and development of ballast water management plans (G4)* should be reviewed as a part of the experience-building phase associated with the BWM Convention.

4.40 In this connection, the Committee considered document MEPC 72/4/4 (IACS), proposing that the ballast water management plan (BWMP) should not be amended to accommodate the elements introduced by BWM.2/Circ.62, until such time as an amendment of the BWMP would be required due to a revision of the Guidelines (G4) or the installation of a ballast water management system.

4.41 In the ensuing discussion, it was recognized that the inclusion of information on contingency measures in the BWMP was important, while there was also some support for the document. One delegation suggested that regulation B-1.2 of the BWM Convention could be interpreted to mandate such an inclusion of information and that a unified interpretation on this might be needed. Several delegations proposed that the Ballast Water Review Group could be tasked to consider and clarify this issue.

4.42 In light of the above, the Committee instructed the Ballast Water Review Group to further consider the issue of contingency measures in the ballast water management plan and advise the Committee accordingly.

#### **Recording of the operation of ballast water pumps**

4.43 The Committee considered document MEPC 72/4/7 (Islamic Republic of Iran) containing a proposal to monitor ballast water exchange or treatment operations on board ships through recording the operation of ballast water pumps and the position using the Global Positioning System (GPS).

4.44 There was some support for this proposal as well as some concerns expressed about the need for such a measure; however, it was also noted that the delegation of the Islamic Republic of Iran was prepared to submit a proposal for a new output.

4.45 In conclusion, the Committee invited the delegation of the Islamic Republic of Iran to submit a proposal for a new output to develop guidance on recording the operation of ballast water pumps at a future session in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5), taking into account the comments and concerns expressed at this session.

#### **Development of a model course under the BWM Convention**

4.46 The Committee considered document MEPC 72/4/10 (China) containing a proposal to develop a model course under the BWM Convention to standardize the training, certification and watchkeeping for seafarers related to ballast water management.

4.47 In the ensuing discussion, the majority of delegations that spoke expressed support for the proposal, while some delegations were of the view that more information should be compiled first regarding the specific needs for seafarer training on ballast water management. It was also noted that a training module on the BWM Convention had been developed under the GloBallast project, which could be considered as a basis for the development of any course. Furthermore, it was noted that the HTW Sub-Committee might not be the appropriate body to develop such a model course, which would instead be better suited for the PPR Sub-Committee, but this could be determined as part of the consideration of any proposal for a new output.

4.48 In conclusion, the Committee invited the delegation of China to submit a proposal for a new output at a future session in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5), taking into account the comments and concerns expressed at this session.

#### **Information on other matters related to ballast water management**

4.49 The Committee noted the information contained in document MEPC 72/INF.7 (FOEI), containing a report on the evaluation of shipboard ballast water treatment performance particularly in Arctic waters, and thanked FOEI for the information provided.

#### **Establishment of the Ballast Water Review Group**

4.50 The Committee established the Ballast Water Review Group and instructed it, taking into consideration the comments and decisions made in plenary, to:

- .1 consider the recommendations of GESAMP-BWWG that Procedure (G9) should be revised and made mandatory, as a consequence of the revision of Guidelines (G8), taking into account the proposed draft amendments to Procedure (G9), set out in annex 5 of the report attached to document MEPC 72/4/3, and advise the Committee accordingly;
- .2 consider whether a broader review of Procedure (G9) should be initiated and advise the Committee accordingly;
- .3 further consider, with a view to finalization, the draft data gathering and analysis plan for the experience-building phase, using document MEPC 71/WP.9, annex 13 as the basis;
- .4 finalize the draft revised *Guidance on scaling of ballast water management systems* (BWM.2/Circ.33), using document MEPC 72/4/1 as the basis and taking into account document MEPC 72/4/6;

- .5 finalize the draft revised *Guidance for Administrations on the type approval process for ballast water management systems in accordance with Guidelines (G8)* (BWM.2/Circ.43), using document MEPC 72/4/1 as the basis;
- .6 consider whether detailed aspects of the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning needed to be addressed, taking into account also the comments made in document MEPC 72/4/11, and advise the Committee accordingly; and
- .7 further consider the issue of contingency measures in the ballast water management plan and advise the Committee accordingly.

### **Report of the Ballast Water Review Group**

4.51 Having considered the report of the Ballast Water Review Group (MEPC 72/WP.9), the Committee approved it in general and took action as outlined hereunder.

#### ***Review of the Procedure for approval of ballast water management systems that make use of Active Substances (G9)***

4.52 The Committee agreed with the Group's recommendation that Procedure (G9) should be revised as a consequence of the revision of Guidelines (G8), and that it was not necessary to make Procedure (G9) into a code under the Convention.

#### ***Data gathering and analysis plan for the experience-building phase***

4.53 The Committee approved the BWM.2 circular on *Data gathering and analysis plan for the experience-building phase*, set out in annex 2 of the Group's report, and requested the Secretariat to issue it as BWM.2/Circ.67.

4.54 The Committee also concurred with the view of the Group that further consideration of document PPR 5/5/2 (ICES) at PPR 6 was required, with a view to the addition of an annex on analytical procedures for sampling and analysis to the data gathering and analysis plan for the experience-building phase.

#### ***Amendments to BWM.2/Circ.33 and BWM.2/Circ.43***

4.55 The Committee approved BWM.2/Circ.33/Rev.1 on revised *Guidance on scaling of ballast water management systems*.

4.56 The Committee approved BWM.2/Circ.43/Rev.1 on revised *Guidance for Administrations on the type approval process for ballast water management systems*.

#### ***Validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning***

4.57 The Committee invited interested Member Governments and international organizations to submit comments on the text in annex 5 of the Group's report with a view to the finalization, at MEPC 73, of guidance on the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning.

4.58 The Committee also invited interested Parties to submit proposals for an amendment to regulation E-1.1.1 of the BWM Convention.

#### ***Contingency measures in the ballast water management plan***

4.59 The Committee invited Member Governments and international organizations to submit proposals to clarify when elements introduced by the *Guidance on contingency measures under the BWM Convention* (BWM.2/Circ.62) should be included in ballast water management plans.

#### ***Future work***

4.60 The Committee noted the request of the Group on the re-establishment of the Review Group at MEPC 73, in accordance with the provisions of regulation D-5 of the BWM Convention.

## **5 AIR POLLUTION AND ENERGY EFFICIENCY**

5.1 The Committee agreed to consider under this agenda item, in addition to the 17 documents submitted, relevant items from urgent matters emanating from PPR 5 (MEPC 72/9), together with commenting document MEPC 72/9/1.

### ***AIR POLLUTION FROM SHIPS***

#### **Consistent implementation of regulation 14.1.3 of MARPOL Annex VI**

#### ***Draft amendments to MARPOL Annex VI for a prohibition on the carriage of non-compliant fuel oil***

5.2 The Committee recalled that MEPC 71 had approved the new output on "Consistent implementation of regulation 14.1.3 of MARPOL Annex VI", for inclusion in the PPR Sub-Committee's biennial agenda for 2018-2019 and the provisional agenda for PPR 5, with a target completion year of 2019.

5.3 The Committee noted that PPR 5 had developed draft amendments to MARPOL Annex VI for a prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship, as set out in the annex to document MEPC 72/9 for its approval, with a view to adoption at MEPC 73.

5.4 In this regard, the Committee considered document MEPC 72/9/1 (IBIA and IPIECA), proposing minor modifications to the draft amendments to regulation 14.1 of MARPOL Annex VI and the corresponding text for the Supplement to the IAPP Certificate to ensure regulatory clarity that the carriage ban did not apply to fuel oil carried as cargo on board a ship.

5.5 In the ensuing discussion, the following comments, inter alia, were made:

- .1 the proposed modifications to the draft text of amendments to regulation 14.1 contained in document MEPC 72/9/1 provided clarification that the prohibition on the carriage of non-compliant fuel oil did not apply to fuel oil carried as cargo on board a ship;
- .2 the text of the draft amendments to regulation 14.1 provided in document MEPC 72/9 was sufficiently clear;

- .3 the text in regulations should be drafted in singular form, in general, and "any" should be deleted from the text of draft amendments to regulations 14.1 and 14.1 provided in document MEPC 72/9; therefore, the text of the draft amendments to regulations 14.1 and 14.4 should be modified to read "The sulphur content of fuel oil used or carried for use on board a ship shall not exceed 0.50% m/m." and "While a ship is operating within an emission control area, the sulphur content of fuel oil used on board that ship shall not exceed 0.10% m/m.", respectively;
- .4 revised regulation 14.1 should include a clear link to an equivalent arrangement under regulation 4.1 of MARPOL Annex VI, to be consistent with the draft amendments to paragraph 2.3.3 of the IAPP Supplement contained in document MEPC 72/9;
- .5 noting concerns over the availability of compliant fuel oil in 2020, the Committee should be urged to consider some form of time delay on the implementation of the proposed prohibition on the carriage of non-compliant fuel oil;
- .6 draft amendments to MARPOL Annex VI concerning the prohibition on the carriage of non-compliant fuel oil should be finalized in a clear regulatory text and approved at this session, and the implementation of the prohibition should not be delayed;
- .7 should a safety issue be identified at the Intersessional Meeting on Consistent Implementation of Regulation 14.1.3 of MARPOL Annex VI, the issue should be reported directly to MSC 100; and
- .8 the regional availability was of concern especially in smaller and infrequently visited ports; a mechanism for publishing and sharing availability information in this respect would be crucial.

5.6 As requested, the full text of statements made by the delegations of the Islamic Republic of Iran, the Russian Federation, Saudi Arabia and INTERCARGO are set out in annex 16.

5.7 Following discussion, the Committee, having noted that the majority of delegations that spoke supported the approval of the draft amendments to MARPOL Annex VI for a prohibition on the carriage of non-compliant fuel oil at this session, instructed the Working Group on Air Pollution and Energy Efficiency to finalize draft amendments to regulation 14 of MARPOL Annex VI and the form of the Supplement to the IAPP Certificate, using the annex to document MEPC 72/9 as the basis, taking into account document MEPC 72/9/1, with a view to approval at this session. In addition, the Committee reiterated its decision at MEPC 71 that the PPR Sub-Committee should report to MSC any safety issues that might be identified with regard to low-sulphur fuel oil (MEPC 71/17, paragraph 14.27.3).

#### ***Intersessional Meeting on Consistent implementation of regulation 14.1.3 of MARPOL Annex VI***

5.8 The Committee, having considered the recommendation by PPR 5, authorized the Intersessional Meeting on Consistent implementation of regulation 14.1.3 of MARPOL Annex VI, scheduled for 9 to 13 July 2018, to report its outcome concerning the development of guidance on ship implementation planning for 2020 to MEPC 73, for consideration and action, as appropriate.

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**Framework of ISO 8217**

5.9 The Committee recalled that MEPC 71 had requested ISO to consider the framework of ISO 8217 with a view to ensuring consistency between the relevant ISO standards on marine fuel oils and the implementation of regulation 14.1.3 of MARPOL Annex VI.

5.10 The Committee, having noted the information provided in document MEPC 72/5/2 (Secretariat), in particular the initiation of the process to develop an ISO Publicly Available Specification (PAS) to provide detailed guidance to fuel suppliers and users as an interim solution to the development of a new or significantly revised standard, forwarded the document to the Intersessional Meeting for information. In this connection, the Committee, having noted updated information provided by the observer from ISO regarding the approval of PAS 23263 on *Guidelines for fuel suppliers and users regarding marine fuel quality considering the implementation of maximum 0.50% sulphur content in 2020*, invited ISO to keep the Committee updated on its progress at a future session.

**Proposal to add a definition of "sulphur content" in regulation 2 of MARPOL Annex VI**

5.11 The Committee, having considered document MEPC 72/5/7 (China), proposing the addition of a definition of "sulphur content" in regulation 2 of MARPOL Annex VI that would make ISO 8754:2003 or ISO 14596:2007 mandatory under MARPOL Annex VI as the test method of sulphur content of fuel oil, forwarded the document to the Intersessional Meeting for consideration. The observer from IBIA, in supporting that the matter raised in document MEPC 72/5/7 should be further considered, made a statement, as set out in annex 16.

**Fuel oil quality**

5.12 The Committee recalled that MEPC 71, having considered the report of the Correspondence Group on Fuel Oil Quality (MEPC 71/5/3 and MEPC 71/INF.8), providing draft best practice for fuel oil purchasers/users and draft best practice for Member States/coastal States, had:

- .1 invited interested Member Governments and international organizations to further consider the draft best practice for fuel oil purchasers/users and submit comments and proposals to this session, with a view to finalization;
- .2 re-established the Correspondence Group and instructed it to finalize the draft best practice for Member States/coastal States and submit a report to MEPC 73; and
- .3 reiterated its request at MEPC 69 to the fuel oil supply industry to develop draft best practice for fuel oil providers.

**Best practice for fuel oil purchasers/users**

5.13 The Committee considered document MEPC 72/5 (ICS et al.), proposing further modifications to the draft guidance on best practice for fuel oil purchasers/users for assuring the quality of fuel oil used on board ships ( MEPC 71/WP.8, annex 1).

5.14 In the ensuing discussion, the following comments, inter alia, were made:

- .1 many of the proposed changes in document MEPC 72/5 made the draft best practice more prescriptive, which could imply mandatory requirements; some guidance contained in the document would be better suited for best practices for fuel oil providers; and the fuel testing issue (paragraph 4.7.4.1 of annex 1 to document MEPC 71/WP.8) should not be deleted; and
- .2 engine manufacturers might introduce additional requirements on fuel oil quality specific to the engines manufactured by them, for example, for safety reasons, the asphaltene content of the fuel oil might be restricted.

5.15 Following discussion, the Committee instructed the Working Group on Air Pollution and Energy Efficiency to finalize the draft MEPC circular on guidance on best practice for fuel oil purchasers/users for assuring the quality of fuel oil used on board ships, using annex 2 to document MEPC 72/5 as the basis.

#### ***Best practice for fuel oil providers***

5.16 The Committee considered documents MEPC 72/5/6 and MEPC 72/INF.13 (both by IBIA), informing that IBIA had developed best practice guidance for suppliers for assuring the quality of bunkers delivered to ships, as set out in document MEPC 72/INF.13, and inviting it to consider whether IBIA best practice should be used as the basis for the development of IMO best practice for fuel oil providers.

5.17 In the ensuing discussion, the following comments, inter alia, were made:

- .1 IBIA best practice would be a good basis for IMO guidance and, therefore, it should be further considered by the Working Group; and
- .2 the guidance on "testing and interpretation of test results" provided in IBIA best practice referred to ISO 4259 but it should refer to appendix VI of MARPOL Annex VI.

5.18 Following discussion, the Committee instructed the Working Group on Air Pollution and Energy Efficiency to further consider documents MEPC 72/5/6 and MEPC 72/INF.13 and advise it accordingly.

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

5.19 The Committee recalled that the Kigali Amendment adopted at the twenty-eighth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP 28) in October 2016, which includes hydrofluorocarbons (HFCs) as part of its ambit, had met its requirements for entry into force and would enter into force on 1 January 2019.

5.20 The Committee noted the updated information on the decision by the Parties to the Montreal Protocol on the treatment of ozone-depleting substances (ODS) provided in document MEPC 72/5/1 (Secretariat) and requested the Secretariat to continue liaising with the Ozone Secretariat and to provide an update on the work of the Montreal Protocol for consideration at MEPC 74.



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## **Sulphur monitoring for 2017**

5.21 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* (resolution MEPC.192(61)), as amended by resolution MEPC.273(69), the results of sulphur monitoring should be presented to a subsequent session of the Committee every year.

5.22 In this regard, the Committee, having considered document MEPC 72/5/3 (Secretariat), noted the outcome of the monitoring of the worldwide average sulphur content of marine fuel oils supplied for use on board ships for 2017, based on information provided by three sampling and testing service providers, which identified the worldwide average sulphur content (i.e. three-year rolling average) of residual fuel oil as 2.54% and of distillate fuel oil as 0.08%; and requested the Secretariat to continue providing information on this matter annually to it.

5.23 The Russian Federation, in stressing that only 1.6% of the residual fuel oil was below 0.50% sulphur content in 2017, expressed its concerns over the availability of compliant fuel oil by 1 January 2020. As requested, the statement made by the delegation of the Russian Federation is set out in annex 16.

## **ENERGY EFFICIENCY OF SHIPS**

### **EEDI reviews required under regulation 21.6 of MARPOL Annex VI**

#### **Background**

5.24 The Committee recalled that:

- .1 in accordance with regulation 21.6 of MARPOL Annex VI, at the beginning of phase 1 and at the midpoint of phase 2, the Organization must review the status of technological developments and, if proven necessary, amend the time periods, the EEDI reference line parameters for relevant ship types and the reduction rate;
- .2 MEPC 70 had agreed to retain the current reduction rates, time periods and EEDI reference line parameters in the phase 2 requirements for ship types other than ro-ro cargo and ro-ro passenger ships;
- .3 MEPC 71 had approved draft amendments to regulation 21 of MARPOL Annex VI regarding EEDI requirements for ro-ro cargo and ro-ro passenger ships with a view to adoption at this session (see paragraph 3.50); and
- .4 MEPC 71 had established a Correspondence Group on EEDI Review beyond Phase 2, under the coordination of Japan and had instructed it to submit a progress report to this session, an interim report to MEPC 73 and a final report to MEPC 74.

**Report of the Correspondence Group on EEDI Review beyond Phase 2**

5.25 The Committee considered the report of the Correspondence Group on EEDI Review beyond Phase 2, submitted by Japan, as follows:

- .1 MEPC 72/5/4, providing the progress report of the Correspondence Group and proposing draft amendments to regulation 19.3 of MARPOL Annex VI concerning an exemption of ice class ships from EEDI requirements in regulations 20 and 21; and
- .2 MEPC 72/5/5 and MEPC 72/INF.12, providing the coordinator's summary of the Correspondence Group and participants' comments provided during the course of deliberation, respectively.

5.26 In the ensuing discussion, the following comments, inter alia, were made:

- .1 draft amendments to regulation 19.3 of MARPOL Annex VI proposed in paragraph 10 of document MEPC 72/5/4 were supported and IACS Polar Class referred to in the draft revised regulation 19.3 should also be included in future amendments to the *2014 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships* (resolution MEPC.245(66)), as amended;
- .2 noting that the proposed draft amendments to regulation 19.3 included the wording of "at least an ice class PC 5 of IACS or equivalent", such equivalency should be clearly determined; the application date of the draft amendments should be identified in MARPOL Annex VI; and as a consequence of the proposed amendments, the definition of "cargo ship having ice-breaking capability" in regulation 2.42 of MARPOL Annex VI would become superfluous and therefore should be deleted;
- .3 no decision on early implementation of EEDI phase 3 requirements should be taken until the work on the guidelines regarding minimum propulsion power had been completed so as to prevent underpowered ships being built which would be unable to operate safely in adverse weather conditions; and
- .4 while certain types of ships were performing better in terms of meeting EEDI requirements and a possible phase 4 of EEDI criteria for those types of ships could be introduced, the interval between phases should be kept on a five-year cycle.

5.27 Following discussion, the Committee:

- .1 noted the progress made by the Correspondence Group on EEDI Review beyond Phase 2 and instructed it to submit an interim report to MEPC 73, in accordance with the agreed terms of reference, taking into account the comments and decisions made at this session, as appropriate; and
- .2 instructed the Working Group on Air Pollution and Energy Efficiency to consider the proposed draft amendments to regulation 19.3 of MARPOL Annex VI as provided in paragraph 10 of document MEPC 72/5/4 and advise it accordingly.

***Reference line parameters ro-ro cargo and ro-ro passenger ships***

5.28 The Committee recalled that document MEPC 72/5/10 (Republic of Korea) had been considered under agenda item 3 (see paragraph 3.30).

***Reference line parameters for bulk carriers and tankers***

5.29 The Committee considered document MEPC 72/5/8 (China), providing its analysis of compliance of large tonnage bulk carriers and tankers with EEDI phase 2 and phase 3 requirements and proposing amendments to the reference line parameters for such ship type.

5.30 In the ensuing discussion, the following comments, inter alia, were made:

- .1 recalling that MEPC 70 had agreed to retain the current EEDI phase 2 requirements for ship types other than ro-ro cargo and ro-ro passenger ships and the review of the EEDI phase 3 requirements was currently being undertaken by the Correspondence Group on EEDI Review beyond Phase 2, it was suggested that document MEPC 72/5/8 be kept in abeyance until MEPC 73 or that it be forwarded to the Correspondence Group for consideration; and
- .2 noting the difficulties faced by large bulk carriers and tankers as described in document MEPC 72/5/8, the proposal to amend the reference lines for these ship types would be a pragmatic way forward.

5.31 Following discussion, the Committee:

- .1 having reiterated that MEPC 70 had agreed to retain the current reduction rates, time periods and EEDI reference line parameters in the phase 2 requirements for ship types other than ro-ro cargo and ro-ro passenger ships (MEPC 70/18, paragraph 5.31), agreed that the proposed approach to amend phase 2 EEDI requirements for large bulk carriers and tankers would not be taken forward; and
- .2 referred document MEPC 72/5/8 to the Correspondence Group on EEDI Review beyond Phase 2 for its consideration in terms of the EEDI requirements "beyond phase 2".

***EEDI database***

5.32 The Committee recalled that MEPC 71, having considered document MEPC 71/5/5 (Secretariat), had agreed that in the context of reporting of the EEDI information in the EEDI database to future sessions of the Committee:

- .1 the information should be posted in the MARPOL Annex VI module of GISIS; and
- .2 a summary and graphical representations of the EEDI information submitted should be presented to future sessions of the Committee as an information document.

5.33 In this regard, the Committee:

- .1 noted document MEPC 72/INF.8 (Secretariat), containing a summary of data and graphical representation for the 2,769 ships currently contained in the EEDI database;
- .2 noted that the Secretariat had posted the aggregated and anonymized data in the MARPOL Annex VI module in GISIS; and
- .3 requested the Secretariat to continue submitting a summary of EEDI information to its future sessions.

**Minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions**

5.34 The Committee recalled that MEPC 71, having considered relevant documents submitted to that session on the matter, had agreed to:

- .1 extend the application of the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.232(65)), as amended (2013 Interim Guidelines), to EEDI phase 2;
- .2 continue the discussion on this matter at this session and had invited interested Member Governments and international organizations to make every effort to further develop the draft revised 2013 Interim Guidelines and submit proposals to this session; and
- .3 keep MSC informed of the ongoing work.

5.35 In this regard, the Committee had for its consideration the following documents:

- .1 MEPC 72/5/9 (China), proposing amendments to the 2013 Interim Guidelines in light of the thrust deduction factor and the added resistance in waves; and
- .2 MEPC 72/INF.16 (China), providing information on an alternative numerical method for calculating quadratic transfer function of the added resistance in regular waves applied in the 2013 Interim Guidelines.

5.36 In the ensuing discussion, the following comments, inter alia, were made:

- .1 with regard to the proposed method of estimating added resistance due to waves, more data would be required to allow meaningful comparison between calculation and experiment in order to validate the proposed method; and
- .2 while acknowledging that the thrust deduction factor and wake fraction at low speed needed to be addressed, more background data of the proposal should be provided.

- 5.37 Following consideration, the Committee:
- .1 agreed that documents MEPC 72/5/9 and MEPC 72/INF.16 would not be considered further until more data had been provided; and
  - .2 reiterated its invitation to interested Member Governments and international organizations to make every effort to further develop the draft revision of the 2013 Interim Guidelines, for submission to MEPC 73.

#### **Relevant information on energy efficiency of ships**

- 5.38 The Committee noted:
- .1 document MEPC 72/INF.6 (ITTC), introducing updates of the ITTC Recommended Procedures and Guidelines concerning the determination and verification of the EEDI requirements; and
  - .2 document MEPC 72/INF.15 (China), providing information about a study on the application of ISO 15016:2015 during implementation of *Amendments to the 2014 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI)* (resolution MEPC.261(68)).

#### **ESTABLISHMENT OF THE WORKING GROUP ON AIR POLLUTION AND ENERGY EFFICIENCY**

- 5.39 The Committee established the Working Group on Air Pollution and Energy Efficiency and instructed it, taking into account comments and decisions made in plenary, to:
- .1 finalize draft amendments to regulation 14 of MARPOL Annex VI and the form of the Supplement to the IAPP Certificate, using the annex to document MEPC 72/9 as the basis, taking into account document MEPC 72/9/1, with a view to approval at this session;
  - .2 finalize the draft MEPC circular on guidance on best practice for fuel oil purchasers/users for assuring the quality of fuel oil used on board ships, using annex 2 to document MEPC 72/5 as the basis;
  - .3 consider documents MEPC 72/5/6 and MEPC 72/INF.13 and advise the Committee accordingly; and
  - .4 consider the proposed draft amendments to regulation 19.3 of MARPOL Annex VI, as provided in paragraph 10 of document MEPC 72/5/4, and advise the Committee accordingly.

#### **REPORT OF THE WORKING GROUP**

5.40 Having considered the relevant part of the report of the Working Group (MEPC 72/WP.8), the Committee approved the report in general and took action as indicated below.

***Draft amendments to MARPOL Annex VI for a prohibition on the carriage of non-compliant fuel oil***

5.41 The Committee noted the Group's view that it was not necessary to cross-reference the equivalent provisions in regulation 4.1 to the draft revised regulation 14.1 of MARPOL Annex VI. In this connection, the Committee clarified, at the request of the delegation of the Bahamas, that the carriage ban on non-compliant fuel oil was not applicable when an alternative arrangement approved under regulation 4.1 of MARPOL Annex VI was in use on board a ship.

5.42 The delegation of the Bahamas reserved its position on the draft amendment to regulation 14.1 of MARPOL Annex VI, stating that a plain reading of the text could conclude that the carriage of non-compliant fuel oil was prohibited in all circumstances. In this regard the delegation suggested that the regulatory text would be significantly improved by the addition of a clear link to regulation 4.1 of MARPOL Annex VI as set out in the draft revised paragraph 2.3.3 of the Supplement to the IAPP Certificate, and advised its intention to work with other delegations with a view to proposing a solution at MEPC 73, if necessary.

5.43 The Committee approved the draft amendments to regulation 14 of MARPOL Annex VI and the form of the Supplement to the IAPP Certificate concerning prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship, as set out in annex 10, and requested the Secretary-General to circulate them in accordance with MARPOL Article 16(2), with a view to adoption at MEPC 73.

***Guidance on best practice for fuel oil purchasers/users***

5.44 The Committee approved MEPC.1/Circ.875 on *Guidance on best practice for fuel oil purchasers/users for assuring the quality of fuel oil used on board ships*.

***Guidance on best practice for fuel oil suppliers***

5.45 The Committee concurred with the view of the Group that the draft best practice guidance for fuel oil suppliers as contained in document MEPC 72/INF.13 could form a basis for the development of IMO guidance and invited Member Governments and international organizations to submit comments on document MEPC 72/INF.13 to MEPC 73.

***Draft amendments to MARPOL Annex VI on the application of the EEDI regulations for ice class ships***

5.46 The Committee noted that the Group had suggested further modifications to regulation 19.3 of MARPOL Annex VI for consideration by the Correspondence Group on EEDI Review beyond Phase 2, under the coordination of Japan.<sup>1</sup>

5.47 In this regard, the Committee instructed the Correspondence Group to consider further how ships ice-strengthened in accordance with ice classes higher than IA Super should be defined and excluded from the EEDI regulations, taking into account comments and suggestions made at this session, and report back to MEPC 73.

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<sup>1</sup>

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## **6 FURTHER TECHNICAL AND OPERATIONAL MEASURES FOR ENHANCING THE ENERGY EFFICIENCY OF INTERNATIONAL SHIPPING**

6.1 The Committee recalled that MEPC 70 had adopted, by resolution MEPC.278(70), new regulation 22A of MARPOL Annex VI related to the data collection system for fuel oil consumption of ships, which had entered into force on 1 March 2018.

6.2 The Committee also recalled that:

- .1 MEPC 70 had adopted the *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* (resolution MEPC.282(70));
- .2 MEPC 71 had adopted the *2017 Guidelines for Administration verification of ship fuel oil consumption data* (resolution MEPC.292(71)) and the *2017 Guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database* (resolution MEPC.293(71)); and
- .3 MEPC 71 had approved MEPC.1/Circ.871 on *Submission of data to the IMO data collection system of fuel oil consumption of ships from a State not party to MARPOL Annex VI*.

### **IMO Ship Fuel Oil Consumption Database**

6.3 The Committee, having considered document MEPC 72/6 (Secretariat), providing information on the status of the development of the IMO Ship Fuel Oil Consumption Database, noted that the Database had been launched as a new module within the GISIS platform and Circular Letter No.3827 had been issued in March 2018, providing guidance for users in Administrations and recognized organizations.

6.4 The Committee, having considered the proposal contained in paragraph 9 of document MEPC 72/6 on the measures to ensure the completeness of the Database related to communication with Administrations, agreed that the following communications should be incorporated as features in the new GISIS module:

- .1 sending a list of ships falling under the scope of regulation 22A to the Administration for reference, in order to receive feedback in case of any discrepancies;
- .2 reminding Administrations which have failed to submit the data in the required form; and
- .3 requesting non-reporting Administrations to submit the data of all their registered ships falling under the scope of regulation 22A.

6.5 In this regard, the Committee requested the Secretariat to update the Database, taking into account the comments and decisions made at this session, and to provide a status report to MEPC 73.

### **Confirmation of compliance pursuant to regulation 5.4.5 of MARPOL Annex VI**

6.6 The Committee considered document MEPC 72/6/2 (IACS), providing a sample form of the confirmation of compliance for part II of the Ship Energy Efficiency Management Plan

(SEEMP) pursuant to regulation 5.4.5 of MARPOL Annex VI, and proposing to issue an MEPC circular to disseminate the form as a standard format.

6.7 Following consideration, the Committee instructed the Working Group on Air Pollution and Energy Efficiency, established under agenda item 5, to finalize the draft MEPC circular on standard format for the confirmation of compliance pursuant to regulation 5.4.5 of MARPOL Annex VI, using the annex to document MEPC 72/6/2 as the basis.

#### **Submission of the part II of the SEEMP**

6.8 The Committee considered document MEPC 72/6/3 (Republic of Korea), expressing its concern that submission of part II of the SEEMP on the ship fuel oil consumption data collection plan and corresponding verification might not be completed in time, and suggesting early submission of SEEMP part II and its timely verification.

6.9 In this connection, the Committee noted the information provided by the observer from IACS that its member societies, in their capacities as recognized organizations, had received less than 100 sets of the SEEMP part II, out of 31,000 ships that would be expected to be received by 31 December 2018, for approval in accordance with regulation 22.2 of MARPOL Annex VI.

6.10 Following consideration, the Committee instructed the Working Group on Air Pollution and Energy Efficiency, established under agenda item 5, to prepare a draft MEPC circular for early submission of SEEMP part II on the ship fuel oil consumption data collection plan and its timely verification.

#### **Proxy for transport work for ships that do not carry cargo**

6.11 The Committee recalled that MEPC 71, having considered document MEPC 71/6/2 (IMCA), had invited interested Member Governments and international organizations, in cooperation with IMCA, to submit proposals for guidance on how to deal with offshore and marine contracting vessels under the IMO data collection system.

6.12 The Committee had for its consideration the following documents:

- .1 MEPC 72/6/1 (IOGP and IMCA), providing information on the practical difficulty of defining appropriate and meaningful proxies for "transport work" for dynamically positioned (DP) ships in the offshore industry, and suggesting that the "transport work" proxy approach should not be applied to DP ships at the second stage of data analysis; and
- .2 MEPC 72/6/4 (Russian Federation), expressing the view that it was not appropriate to distinguish DP ships when considering proxies for "transport work", and suggesting that a comprehensive and uniform approach be applied when identifying the types of ships not engaged in "transport work".

6.13 Having noted the support by numerous delegations for the suggestion contained in document MEPC 72/6/1 that the second step of the three-step approach, i.e. data analysis, should not apply to dynamically positioned (DP) ships which are not engaged in "transport work", the Committee invited interested Member Governments and international organizations to submit relevant concrete proposals to a future session of the Committee, with a view to developing a comprehensive and uniform approach for identifying ships not engaged in "transport work".



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## Uncertainty Analysis of Methods Used to Measure Ship Fuel Oil Consumption

6.14 The Committee noted the information contained in document MEPC 72/INF.10 (Secretariat), concerning a study on *Uncertainty Analysis of Methods Used to Measure Ship Fuel Oil Consumption*, using funds provided by Transport Canada.

## Instructions to the Working Group on Air Pollution and Energy Efficiency

6.15 The Committee instructed the Working Group on Air Pollution and Energy Efficiency, established under agenda item 5, taking into account comments and decisions made in plenary, to:

- .1 finalize the draft MEPC circular on standard format for the confirmation of compliance pursuant to regulation 5.4.5 of MARPOL Annex VI, using the annex to document MEPC 72/6/2 as the basis; and
- .2 prepare a draft MEPC circular for early submission of SEEMP part II on the ship fuel oil consumption data collection plan and its timely verification.

## Report of the Working Group

6.16 Having considered the part of the report of the Working Group on Air Pollution and Energy Efficiency related to this agenda item (MEPC 72/WP.8, paragraphs 24 to 27 and annex 3), the Committee took action as indicated in the following paragraphs.

### Sample format for the confirmation of compliance, early submission of SEEMP part II and its timely verification

6.17 The Committee noted that the Group had agreed to address the issue of early submission of the SEEMP part II and its timely verification in the draft MEPC circular on the sample format for the confirmation of compliance pursuant to regulation 5.4.5 of MARPOL Annex VI.

6.18 In this regard, the Committee approved MEPC.1/Circ.876 on *Sample format for the confirmation of compliance, early submission of the SEEMP part II on the ship fuel oil consumption data collection plan and its timely verification pursuant to regulation 5.4.5 of MARPOL Annex VI*.

## 7 REDUCTION OF GHG EMISSIONS FROM SHIPS

7.1 The Committee recalled that MEPC 70 had approved the *Road map for developing a comprehensive IMO strategy on reduction of GHG emissions from ships* (the Road Map) (MEPC 70/18, annex 11), which foresaw the adoption of an Initial Strategy at this session of MEPC and a Revised Strategy at MEPC 80 (spring 2023).

7.2 The Committee recalled also that MEPC 71 had noted the draft outline of the structure of the Initial IMO GHG Strategy, developed by the Working Group established at that session, as follows:

- "1 Preamble/introduction/context including emission scenarios;
- 2 Vision;
- 3 Levels of ambition;  
Guiding Principles;

- 4 List of candidate short-, mid- and long-term further measures with possible timelines and their impacts on States;
- 5 Barriers and supportive measures; capacity-building and technical cooperation, R&D;
- 6 Follow-up actions towards the development of the revised Strategy; and
- 7 Periodic review of the Strategy."

7.3 The Committee noted that the second meeting of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 2) had been held from 23 to 27 October 2017 and that its report had been submitted to the Committee as document MEPC 72/7.

7.4 The Committee also noted that the third meeting of the Intersessional Working Group on Reduction of GHG emissions from ships (ISWG-GHG 3) had been held from 3 to 6 April 2018 and that its report had been submitted to the Committee as document MEPC 72/WP.5.

#### **UNFCCC matters**

7.5 The Committee noted the information provided by the Secretariat concerning the outcome of the United Nations Climate Change Conference (COP 23) held in Bonn, Germany, in November 2017. This included the forty-seventh session of the UNFCCC Subsidiary Body for Scientific and Technological Advice (SBSTA 47), which was retained as a body under the 2015 Paris Agreement and had on its agenda an item on "Emissions from fuel used for international aviation and maritime transport".

7.6 In this regard, the Committee noted a statement by the UNFCCC Secretariat, set out in annex 16, providing an update on UNFCCC matters, including a summary of the outcome of COP 23 in Bonn and the priorities for COP 24 in Katowice (Poland), in light of the outcome of COP 21 in Paris and the implications for the work of the Organization on reducing GHG emissions from international maritime transport.

7.7 The Committee took note of the information provided and requested the Secretariat to continue its well-established cooperation with the UNFCCC Secretariat and its attendance at relevant UNFCCC meetings, and to continue to bring the outcome of the Organization's work to the attention of appropriate UNFCCC bodies and meetings. In this context, the Committee noted that information on the ongoing work of IMO would be provided to SBSTA 48, scheduled for 30 April to 11 May 2018 in Bonn, Germany.

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

7.8 In addition to the reports of the second and third meetings of the Intersessional Working Group on Reduction of GHG emissions from ships, the Committee had for its consideration the following documents:

- .1 MEPC 72/7/1 and MEPC 72/INF.5 (INTERTANKO), providing information on a study on fuel consumption and activity data collected over five years on the fleet of an INTERTANKO member, aiming at better understanding ships' CO<sub>2</sub> emissions and the challenges in assessing the operational efficiency of ships;

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- .2 MEPC 72/7/2 (Norway), providing Norway's view on which candidate measures in the draft initial IMO GHG Strategy would give the highest reduction impact and should be taken further at this stage; and urging the Committee to decide on concrete actions, outputs and timelines in order to start implementing the candidate measures identified in the Strategy;
  - .3 MEPC 72/7/3 (Japan), providing an analysis on what level the GHG emissions reduction target in international shipping should be; suggesting that consistent with the long-term temperature goal under the Paris Agreement, the reduction targets with the highest possible ambition could only be achieved by continuous effort by the sector, supported by the supply of the alternative decarbonized fuels; and proposing 40% efficiency improvement by 2030, compared to 2008 level (short- to mid-term target) and 50% volume reduction by 2060, compared to 2008 level (long-term target);
  - .4 MEPC 72/7/4 (CESA), supporting an ambitious IMO GHG Strategy implementing a zero emission approach utilizing all technologies, focusing on short-term measures for both existing ships and future ships, including candidate measures, embracing incentives for rapid uptake of technology;
  - .5 MEPC 72/7/5 and MEPC 72/INF.17 (Russian Federation), providing results of a study on the assessment of harmful emissions including emissions of carbon oxide from ships operating in the Kola Bay area; stating that accumulated positive effects of current measures on energy efficiency and control of harmful air emissions from ships needed to be taken into account in the development of the Initial IMO Strategy; and recommending Member States to conduct similar studies and share results with the Organization to enable effective assessment of existing regulations and to provide solid information support for the development of new requirements on reduction of air emissions from ships;
  - .6 MEPC 72/7/6 (Canada), identifying measures that should be prioritized following agreement on the Initial IMO GHG Strategy, providing early deliverables for MEPC 72; and proposing a work plan to make early progress in a number of other areas, including for the Committee to:
    - .1 reaffirm the commitment of IMO to reach an agreement on an increase in the stringency of the 2025 EEDI standards and on the inclusion of additional phases, no later than 2020;
    - .2 commit to begin analysis of speed reductions as a measure at MEPC 73;
    - .3 invite submissions to MEPC 73 that further explore operational efficiency measures; and
    - .4 invite submissions on the development of a work plan to pursue an R&D programme for agreement at MEPC 73;
  - .7 MEPC 72/7/7 (France and Marshall Islands), calling the attention of the Committee to the "Tony de Brum Declaration" on reduction of greenhouse gas emissions from ships, which had been signed to date by 45 States;

- .8 MEPC 72/7/8 (WWF and CSC), providing information about the Talanoa Dialogue taking place under the UNFCCC and its Paris Agreement; and discussing opportunities for engagement in the Dialogue by IMO and the international maritime transport sector;
  - .9 MEPC 72/7/9 (Pacific Environment and CSC), commenting on documents MEPC 72/5/4 and MEPC 72/7/3, and calling on the Committee to ensure that decisions in respect of the GHG Strategy and the EEDI review were evidence-based; and
  - .10 MEPC 72/7/10 (WWF et al.), demonstrating how speed reduction could ease international shipping's path to zero GHG emissions by mid-century, and discussing the link between speed reduction and setting ambitious targets in the Initial IMO GHG Strategy.
- 7.9 In the ensuing discussion, the following comments, inter alia, were made:
- .1 the Initial GHG Strategy should be ambitious and have tangible targets that are in line with the goals of the Paris Agreement; the existing measures are not ambitious enough and thus do not adequately show the commitment of IMO to reducing GHG emissions from international shipping;
  - .2 both CBDR-RC and NMFT should be integrated in the Initial Strategy; to prevent differentiation between flag States, NMFT should be applied to technical measures while CBDR-RC should be applied to economic measures;
  - .3 on the levels of ambition, two options for finding a middle ground for quantifying the GHG emission targets include using indicative figures with a caveat to revise the figures in future depending on available data; and using adjusted figures to resolve concerns regarding the influence of external factors affecting GHG emissions that were not within the control of the shipping industry;
  - .4 there is a need to enhance the capabilities and capacity of developing countries to ensure successful implementation of any measures;
  - .5 the conceptual framework proposed in the annex to document ISWG-GHG 3/2/16 could be included in the Initial Strategy; concerns with regard to modal shift also need to be considered;
  - .6 developed countries in particular should take responsibility for solving the issue of GHG emissions from ships;
  - .7 the main purpose of the IMO Strategy is to enhance implementation of the Paris Agreement realizing a balanced, achievable and durable framework; the level of ambition should be practical, effective and objective taking into consideration the interests of all countries, but also based on evidence to avoid negative impacts on the sustainable development of shipping and trade;
  - .8 support the draft text in annex 1 of document MEPC 72/WP.5, which, although not ideal, was the result of compromise by all the Member States and should form the basis for discussions in the Working Group; fully support

- document MEPC 72/7/6, and MEPC 72/7/2, in principle, particularly on the need for further intersessional work; support document MEPC 72/7/1 and the identified associated study on energy efficiency indicators being held in abeyance for consideration at an appropriate future session;
- .9 it is critical for IMO to finalize the Initial GHG Strategy at MEPC 72; all countries should work together in the spirit of compromise and seek to finalize the Initial GHG Strategy through consensus;
- .10 support the measures, as listed in document MEPC 72/7/6, that should be prioritized following the agreement on the Initial GHG Strategy;
- .11 the very existence of several Member States in the Pacific region is at stake and there is an urgent need for action to prevent calamities that would otherwise befall these countries; industry is waiting for a strong signal from IMO; there is an urgent need to focus on the action plan to develop measures;
- .12 we should focus not on what divides us but on what unites us so as to demonstrate commitment to the Paris Agreement and the Sustainable Development Goals, in particular SDG 13 on Climate Action; there is a need to focus on the proposal to develop an action plan as set out in document MEPC 72/7/2;
- .13 the industry is committed to reducing GHG emissions and calling for IMO to send a clear signal to foster investment; technological solutions to reducing GHG emissions were already available but there was a need for investment;
- .14 there is a need to take into consideration the understanding underlying the Paris Agreement and Kyoto Protocol when developing the Initial Strategy;
- .15 there is a need for a credible and ambitious Initial Strategy to provide certainty to shipping; a need for clear short-term targets and a long-term absolute emissions reduction goal; data provided from the IMO data collection system will assist in refining the Initial Strategy, but this will not change the fact that there is already sufficient evidence for the Organization to take an informed decision now on action to address GHG emissions from ships; the Initial Strategy must set a framework for further action;
- .16 support IMO participation in the Talanoa dialogue and propose submission of document ISWG-GHG 1/2 and the adopted Initial Strategy to the portal, as proposed in document MEPC 72/7/8;
- .17 IMO as a specialized agency responsible for safe, secure and efficient shipping and the Initial Strategy will contribute to efforts under the Paris Agreement; the "Vision" needs to be more ambitious unless "Levels of ambition" are stronger;
- .18 technological resources are available; thank France and the Marshall Islands for the "Tony de Brum" Declaration; suggest impacts on States be analysed before adoption and the potential disproportionate negative effects be addressed; as part of the United Nations, we need to succeed together; and

- .19 there are valid points on all sides and a willingness to compromise is needed along with transparency and inclusiveness; IMO needs to identify for international shipping its fair share of global efforts to reduce GHG emissions in line with the Paris Agreement; all parties are encouraged to continue to work in the spirit of compromise.

7.10 The Committee noted the suggestion (see paragraph 7.9.16), supported by many delegations, that the Organization participate in the Talanoa dialogue, and that the Secretariat consider submitting relevant information, including the Initial Strategy, if adopted, to the portal, as proposed in document MEPC 72/7/8.

7.11 The delegations of Turkey and France made statements as set out in annex 16.

7.12 The Committee noted the progress made and approved the report of the second meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (MEPC 72/7).

7.13 The Committee approved the report of the third meeting of the Intersessional Working Group in general (MEPC 72/WP.5) and, in particular:

- .1 noted that the Group had agreed to consider as part of its deliberations the documents submitted to MEPC 72 under agenda item 7 (paragraph 9 of the report);
- .2 noted the discussion on draft text on "Levels of ambition" and "Guiding principles" and the progress made on the base text (paragraphs 41 to 46 of the report); and
- .3 forwarded to the Working Group on Reduction of GHG Emissions from Ships the consolidated draft text set out in annex 1 of the report, noting that further work was required for finalization, with a view to adoption.

#### **Establishment of a working group**

7.14 The Committee considered the draft terms of reference for the Working Group on Reduction of GHG Emissions from Ships to be established at this session, as set out in document MEPC 72/WP.2, and instructed it, taking into account the comments and decisions made in plenary and on the basis of the work of ISWG-GHG 3 (MEPC 72/WP.5), to:

- .1 finalize the draft MEPC resolution on the Initial IMO Strategy on reduction of GHG emissions from ships, with a view to adoption;
- .2 if time permitted, consider documents MEPC 72/7/2, MEPC 72/7/6, MEPC 72/7/9 and ISWG-GHG 3/2/16 and advise the Committee accordingly; and
- .3 consider the need for a fourth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships and, if required, prepare its draft terms of reference.

## Report of the Working Group

7.15 Having considered the report of the Working Group (MEPC 72/WP.7), the Committee approved it in general and took action as indicated hereunder.

### ***Adoption of the Initial IMO Strategy on reduction of GHG emissions from ships***

7.16 The Secretary-General made a statement, as set out in annex 15, in which he welcomed the progress made by the Working Group under the able leadership of its Chair, Mr. Sveinung Oftedal, and encouraged all delegations to show the best of IMO's cooperative spirit in accepting the text forwarded by the Working Group as a positive compromise solution able to keep everyone on board.

7.17 In the ensuing discussion, the vast majority of the delegations who spoke supported the adoption of the Initial Strategy and made, inter alia, the following comments:

- .1 this text is an initial step in a global effort; it represents a good balance between ambitious and realistic approaches; every Member State engaged fully in this effort and all of them are reflected in this important document;
- .2 negotiations were conducted in good faith so now let us stick together and embrace this essential work;
- .3 the Group has come to a compromise solution with a common approach at the end which embraces aspects of developed States, aspects of developing States and aspects of LDCs and SIDS; it is obvious that this document is going to steer the maritime sector towards a common solution for future steps;
- .4 the draft text presented by the Working Group can be fully supported; it provides a necessary middle ground to set ambitious targets which are acceptable to all; this Initial Strategy, while not perfect, sends a positive message to the world of IMO's continued leadership and that international shipping is united in its commitment to play its part in further reducing GHG emissions from ships;
- .5 the Initial Strategy is a good starting point and IMO must now agree on a quick implementation programme of actions;
- .6 the adoption of the deal has been very hard and has involved compromises by all countries; history has been made at IMO today; international shipping will now embark on the transition to a low emissions future;
- .7 the Initial Strategy and its Vision has our support and we are ready to play an active role in IMO's efforts to phase out GHG emissions from ships as well as in the realization of its efforts to accommodate the impacts of measures on developing countries, LDCs and SIDS;
- .8 the Committee needs now to move forward in adopting this Initial Strategy; we are looking forward to adopting revised levels of ambition in 2023;
- .9 we are not fully satisfied by the text but prepared to accept this as a good starting point;

- .10 this Initial Strategy is in line with Assembly Resolution A.1110(30); it is realistic and well balanced; it is beneficial and makes a great contribution to the work of the Organization;
- .11 this text is the highest possible progress the Group could make as of today; if the Strategy is adopted today, international shipping would be the most advanced sector with the most ambitious GHG reduction commitment;
- .12 in adopting the Initial Strategy, the Organization is taking the most important step forward in the 2016 Road Map; it is a fundamental step along the road of IMO to maintain its leadership in addressing GHG emissions from the shipping sector; with the exception of one delegation, all IMO Member States have accepted the full implementation of CBDR in the control of GHG emissions in the maritime sector; the levels of ambition included in the Strategy do not have any legal implications and are just estimates based on what we know at the moment and are indicators of the efforts which may be necessary to achieve the goals set in the Paris Agreement;
- .13 this Initial Strategy would set the first global approach to reducing GHG emissions from ships; the text represents a strong middle ground; it would drive change in providing greater confidence to industry while sending a strong signal to stimulate investment in the development of alternative fuels and new technologies;
- .14 full application of measures to all ships regardless of flag will be a critical aspect of the Strategy;
- .15 this Initial Strategy is inclusive and reaches the best balance possible; there is a need for quick and specific action;
- .16 the text of the draft Initial Strategy is an important and delicate package representing compromise among IMO Member States;
- .17 this Initial Strategy brings all IMO Member States into the new territory of energy-efficient shipping technology; new energy-efficient and eventually non-carbon emitting ships would have a significant effect on traditional shipping requirements and port services and on the skills required of seafarers; this Organization should consider the establishment of its own fund that could assist developing countries' shipping sectors, including those of LDCs and SIDS, in transitioning to become more energy-efficient; we call on the Organization and its membership to affirm and abide by the consensus principle in all our meetings including the ISWG-GHG 4, in which this delegation will actively participate in a constructive manner;
- .18 the Initial Strategy encompasses all elements required, and needs to be updated based on data, including from the fourth IMO GHG Study; there is a need to send a strong message irrespective of the fact that not all Member States are accepting to set a basis for environmental policy for the Organization; this will benefit future generations of humanity;
- .19 this major step made by IMO represents a positive step forward to ensure that the Organization continues to fulfil its mission and meets its commitments to the world in terms of climate change mitigation;



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- .20 we are all united in purpose and goal and we hope that the next phase of the journey will be characterized by the spirit of compromise of IMO;
- .21 the text could have been more ambitious; however, it does send a clear signal to the shipping sector, its investors and the scientific community that we believe strongly in their ability to move towards a carbon-free maritime transport; all Member States should now engage efforts in achieving the Strategy's objectives;
- .22 we are ready to fully adopt the Initial Strategy as this will facilitate future work; we win more than we lose, so strengthening us as an international organization, gaining in certainty above all and setting out a common future; it has been an extremely complicated task and the final draft text does not reflect fully the effort made; each and every Member State that took part needs to be recognized;
- .23 CBDR is not consistent with the transnational nature of international shipping; there is no shared understanding of the term "developing countries"; the draft Initial Strategy is carefully balanced and the best collective effort and a meaningful first step;
- .24 the Initial Strategy fulfils its main objectives sending a clear signal of where we are going and how we are going to get there; as an important milestone, it is a starting point and we need to work without delay to achieve the objectives;
- .25 we commend the way the work was conducted with transformational leadership and incredible results; there are no losers inside or outside this Organization;
- .26 this Initial Strategy is the very best balance and will ensure that the international shipping sector, in accordance with the Paris Agreement, will work towards maintaining global temperatures at a level acceptable to all; there have been concepts introduced which are not familiar to this Organization;
- .27 delegations have entered into honest and open exchange, and have explored every opportunity to come to a solution; we need to build on this, and to work collaboratively together to continue to improve the Strategy, and to develop and implement the follow-up actions and the action plan needed to ensure that emissions are reduced in the short term;
- .28 the Initial Strategy is the outcome of collective political will and will send a strong signal to the international community and will contribute in advancing the Organization's approach in addressing GHG emissions from international shipping;
- .29 the Initial Strategy accurately reflects compromises made, bridges in a delicate and balanced way most of the views expressed, and honours the Road Map;
- .30 for those not entirely happy with the outcome their concerns are understood and they are thanked for their contribution; IMO has delivered again and that is its legacy;

- .31 the Initial Strategy has included a special focus on capacity-building and technical cooperation that are crucial in the implementation stage particularly in light of the need to observe the CBDR-RC principle in paragraph 3.2.2; particularly pleased to note that the role of the maritime technology cooperation centre (MTCC) network is recognized and there is a need for additional financial support to this network going forward;
- .32 the text of the Initial Strategy proposed by the Group provides a balanced and future-oriented approach, not as a definite solution, but as an effective starting point and workable way forward, in the established IMO spirit of compromise and conciliation; it also sends a strong signal to the international community that IMO takes its responsibilities seriously; and
- .33 the Initial Strategy is supported as it reflects the optimal realistic compromise, is in tune with the objectives of the Paris Agreement and supports transition to a circular economy that is resource-efficient and has a reduced environmental footprint.

7.18 A number of other delegations, in expressing their appreciation for the efforts made by the Group, suggested that further work would be needed before the adoption of the Initial Strategy. The following views, inter alia, were expressed:

- .1 IMO's efforts to address GHG emissions from international shipping are supported; however, we cannot join the consensus, if any, on the adoption of the Initial Strategy, especially its paragraph 3.1;
- .2 the Initial Strategy represents an important step in the continued engagement of the shipping sector in reducing GHG emissions, in line with the Road Map established in 2016; it is an important starting point for further enhancing policies and measures by this Organization to deal with this complex issue that affects us all; we can move forward in this process, but reserve our position with respect to the indicative levels of ambition contained in paragraph 3 of the Initial Strategy, particularly under 3.1.3;
- .3 there are elements of the Initial Strategy that are unacceptable, however we will continue to constructively engage in future work related to this Strategy, and in doing so, look forward to working with our colleagues around this room in a country-driven process that ensures the views of all countries are fully considered;
- .4 consensus is a significant aspect of achieving an agreement; it would be the best approach to adopt measures and ensure they are effective and to avoid unilateral measures; the process we have come through to develop the Initial Strategy should not become a precedent for the development of measures which would be taken in the context of the Strategy;
- .5 it is imperative to ensure that appropriate concerns about the process are adequately addressed in the future work of the Working Group;
- .6 we are ready to move forward the negotiations as we hope that IMO will always be an inclusive and democratic organization that represents the voice and interests of its Member States and international community as a whole;

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- .7 we cannot agree with any absolute cap or target year and the measures we anticipate adopting should not cause any trade distortion; therefore further adjustment of the text of the Initial Strategy is needed and we are looking forward to participating in ISWG-GHG 4 to reach full consensus; and
  - .8 the concerns of others are shared about some of the provisions in the Initial Strategy; we are not satisfied to have the principle of CBDR included and note the provision that mandatory measures shall be applicable to all ships, regardless of flag; the figures in paragraph 3.3 are premature and no evidence has been presented for their inclusion; in 2023 the Committee will have access to informed and precise figures to review the levels of ambition.

7.19 The delegations of Saudi Arabia and the United States reserved their position on the adoption of the Initial Strategy and, as requested, their statements are set out in annex 16.

7.20 As requested, the statements, listed in this paragraph in the order they were given, made by the delegations of Turkey, the Marshall Islands, Brazil, Argentina, Malaysia, the Philippines, Indonesia, Fiji, Islamic Republic of Iran, the Russian Federation, Antigua and Barbuda and Bulgaria, are set out in annex 16.

7.21 The Committee, having considered the draft Initial IMO Strategy prepared by the Working Group (MEPC 72/WP.7, annex 1), and having noted the overwhelming support for its adoption, adopted resolution MEPC.304(72) on *Initial IMO Strategy on reduction of GHG emissions from ships*, as set out in annex 11.

7.22 Following the adoption of the Initial Strategy, the following comments, inter alia, were made:

- .1 while not perfect, the Initial Strategy is a step forward; the shipping industry should work together with other industries to address climate change; the Initial Strategy is a fair, balanced, durable, effective and ambitious resolution, demonstrating IMO leadership in leading the maritime industry, embodies a broad consensus of all parties, and is a milestone event in a better future; all delegations rose to the challenge of the Paris Agreement and made the right choice for sustainable development of the world and future generations; a good beginning makes a good ending and this is a starting point, and an action plan should be formulated as soon as possible as immediate action is required to reduce GHG emissions from ships; to build a fair and reasonable climate change governance mechanism requires the joint efforts of all, and continued constructive participation in the multilateral process of the Organization is encouraged;
- .2 the Organization and its Member States are congratulated on a groundbreaking achievement, a Paris Agreement for shipping, which sets a very high level of ambition, confident it sends a clear signal to the shipping sector to develop zero-carbon fuels;
- .3 the commitment is welcome but the lack of a clear action plan is a major concern; the words "at least" provide scope for the shipping sector to fully decarbonize; the Organization must move swiftly to introduce measures to see in-sector emission reductions;

- .4 this is an important signal to the shipping industry as to where it needs to go and to the world on how the shipping sector can contribute to meeting the goals of the Paris Agreement; the Organization's spirit of compromise and constructive cooperation is essential to realize ambition; the importance of capacity-building is recognized, and in particular the MTCC network will work with all parties concerned to make the IMO Strategy a success;
- .5 the Organization is the appropriate body to address GHG emissions from ships, which are the most efficient transportation mode; reduction of emissions from ships is the responsibility of many stakeholders including designers and charterers; representatives of Member States need to take into account safety and practical issues and impacts on international trade of any actions taken and to ensure that a global level playing field is secured; and
- .6 this is a vast achievement and will be supported by the shipbuilding sector but measures need to be discussed very soon.

7.23 As requested, the statement made by the observer from the European Commission is set out in annex 16.

7.24 The Committee thanked the members of the Working Group on Reduction of GHG Emissions from Ships, and in particular expressed its profound appreciation to the Chair, Mr. Sveinung Oftedal of Norway, for his dedication and efforts leading to the adoption of the *Initial IMO Strategy on reduction of GHG emissions from ships*.

***Follow-up actions of the Initial IMO Strategy on reduction of GHG emissions from ships***

7.25 The Committee noted that, due to time constraints, the Group had been unable to consider documents MEPC 72/7/2, MEPC 72/7/6, MEPC 72/7/9 and ISWG-GHG 3/2/16, and concurred with the Group's view that the relevant parts of these documents, along with relevant parts of other documents submitted to ISWG-GHG 3 and MEPC 72, be considered by the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 4).

7.26 The Committee agreed to the holding of the fourth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships, subject to endorsement by C 120, with the following terms of reference:

The Working Group on Reduction of GHG Emissions from Ships is instructed, taking into account the comments and decisions made in plenary, the relevant parts of documents submitted to ISWG-GHG 3 and MEPC 72, and the documents submitted to the meeting, to:

- .1 develop a programme of follow-up actions of the Initial IMO Strategy on reduction of GHG emissions from ships;
- .2 further consider how to progress the matter of reduction of GHG emissions from ships and advise the Committee as appropriate; and
- .3 submit a written report to MEPC 73.

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### **Scheduling of ISWG-GHG 4**

7.27 The Committee considered the dates for the fourth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (ISWG-GHG 4), taking into account the views of the Group, noting the difficulty of scheduling the meeting so as to provide sufficient time for delegations to prepare and submit documents and taking into account document deadlines, as well as other scheduled IMO meetings, meetings of UNFCCC, and the availability of the Main Hall at the Organization's Headquarters.

7.28 Consequently, the Committee requested the Secretariat to consider all the issues affecting the scheduling of the meeting of ISWG-GHG 4, including the need for the meeting to be endorsed by Council prior to notification of the timing, and to identify a suitable week before MEPC 73, as appropriate.

## **8 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS, ECAs AND PSSAs**

8.1 The Committee noted that this was a standing item on the agenda, which was considered at every session. However, since no documents had been submitted under the agenda item, no further action was taken by the Committee.

8.2 The delegation of Brazil informed the Committee of the establishment of two major protected areas: the Environmental Protection Area and natural monument of the Archipelago of Trindade and Martim Vaz and Monte Columbia; and the São Pedro and São Paulo Archipelago, both located in the exclusive economic zone (EEZ) of Brazil. Together, these two areas would increase the coastal and marine areas under protection in Brazil from 1.5% to 26.3%.

8.3 The Committee was also informed that Brazil would host the sixty-seventh meeting of the International Whaling Commission, in September 2018, where Brazil, together with other countries, would be proposing the creation of the South Atlantic Whale Sanctuary and its related management programme, in line with Aichi target 12 of the Convention on Biological Diversity (CBD).

8.4 The delegation of the Philippines provided an update on the establishment of the Tubbataha Reefs National Park PSSA and informed the Committee that the area to be avoided (ATBA) had come into effect on 1 January 2018. To further assist ships operating in the area, additional guidelines and procedures were currently being prepared by relevant authorities in the Philippines.

## **9 POLLUTION PREVENTION AND RESPONSE**

### **Urgent matters emanating from the fifth session of the Sub-Committee**

9.1 The Committee recalled that the Sub-Committee on Pollution Prevention and Response (PPR) had held its fifth session from 5 to 9 February 2018 and the report of that session had been issued as documents PPR 5/24 and PPR 5/24/Add.1.

9.2 The Committee noted that, due to the close proximity of PPR 5 to MEPC 72 and in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5), only matters for which urgent action had been requested would be considered at this session of the Committee, while the remaining matters emanating from PPR 5 would be reported to MEPC 73.

9.3 The Committee also noted that, of the action requested of it by PPR 5, as listed in paragraph 2 of document MEPC 72/9 (Secretariat):

- .1 points .4 and .5, concerning MARPOL Annex VI, together with commenting document MEPC 72/9/1 (IBIA and IPIECA), had been dealt with under agenda item 5 (Air pollution and energy efficiency) (see paragraphs 5.2 to 5.8); and
- .2 points .6 to .8, concerning the work programme of the Sub-Committee, had been dealt with under agenda item 15 (Work programme of the Committee and subsidiary bodies) (see paragraph 15.10).

### ***Evaluation of products and cleaning additives***

9.4 The Committee concurred with:

- .1 the evaluation of products, as carried out by ESPH 23 (16 to 20 October 2017), and their respective inclusion in lists 1, 2, 3 and 5 of MEPC.2/Circ.23 (issued on 1 December 2017), with validity for all countries and with no expiry date;
- .2 the evaluation of cleaning additives, as carried out by ESPH 23, and their inclusion in annex 10 of MEPC.2/Circ.23; and
- .3 the evaluation of cleaning additives, as carried out by the ESPH Working Group during PPR 5 (PPR 5/WP.4, annex 1), and their inclusion in the next revision of the MEPC.2/Circular (i.e. MEPC.2/Circ.24, to be issued in December 2018).

## **10 REPORTS OF OTHER SUB-COMMITTEES**

### **OUTCOME OF CCC 4**

10.1 The Committee approved, in general, the report of the fourth session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 4/12 and MEPC 72/10) and noted that, other than the action items concerning the work programme of the Sub-Committee (see paragraph 15.11), no further action had been requested of the Committee.

### **OUTCOME OF III 4**

10.2 The Committee approved, in general, the report of the fourth session of the Sub-Committee on Implementation of IMO Instruments (III) (III 4/15, III 4/15/Add.1 and MEPC 72/10/1) and took action as indicated hereunder.

10.3 With regard to the action requested of it by the Sub-Committee (MEPC 72/10/1, paragraph 2), the Committee:

- .1 recalled that points .2 and .3, concerning the Ballast Water Management Convention, had been dealt with under agenda item 4 (Harmful aquatic organisms in ballast water) (see paragraphs 4.23 to 4.33); and
- .2 noted that points .6, .7 and .8, concerning the work programme of the Sub-Committee, would be dealt with under agenda item 15 (Work programme of the Committee and subsidiary bodies) (see paragraph 15.12).

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**Assembly resolutions prepared by the III Sub-Committee**

10.4 Having recalled that MEPC and MSC had authorized the III Sub-Committee to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to the thirtieth session of the Assembly (A 30), the Committee also recalled the pertinent resolutions that had been adopted by A 30 (see paragraphs 2.7.1 and 2.7.3 to 2.7.6).

**Outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters on matters requiring a concurrent decision by MSC**

10.5 Having noted that III 4 had considered the outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG 3), the Committee took action on matters requiring a concurrent decision by MSC, as indicated in paragraphs 10.6 to 10.16.

***FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing***

10.6 The Committee requested the Secretariat to contribute to the promotion of the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the organization of joint capacity development programmes.

10.7 In addition, the Committee encouraged, among port State control regimes, the coordinated implementation of the Agreement with other types of inspections which might be carried out on ships to which both IMO requirements and the Agreement applied.

***Identification and authorization of fishing vessels***

10.8 The Committee requested the Secretariat to:

- .1 continue participating in the FAO Global Record Working Group;
- .2 further develop existing GISIS functionalities, with the support of the FAO Secretariat, to host a database of national contact points that are able to identify the relevant segment of the national fleet of fishing vessels in order for the information to be relayed to FAO Member Administrations, and to update the III Sub-Committee and the Committees on progress made; and
- .3 consider the need to develop, by means of a circular letter, a new data exchange mechanism specific to fishing vessels of less than 100 gross tonnage, and to update the III Sub-Committee on the outcome of the consideration, with a view to informing the Committees and the Council accordingly.

***FAO Voluntary Guidelines for Flag State Performance (VGFSP)***

10.9 The Committee requested the Secretariat to assist FAO in exploring how the implementation of the FAO Voluntary Guidelines for Flag State Performance (VGFSP) could be further facilitated, based on the experience gained in administering the IMO Member State Audit Scheme.

10.10 In connection with the above request, the Committee invited FAO to share information regarding the implementation of the VGFSP and to explore how it could be implemented effectively in conjunction with relevant instruments adopted by IMO and ILO. Consequently, the Committee also requested the Secretariat to cooperate with the ILO Secretariat, as appropriate.

10.11 With regard to making a reference to the VGFSP in III Code-related instruments, the Committee instructed the III Sub-Committee to further consider the matter, including identifying which instruments and where in those instruments a reference to the VGFSP could potentially be included, and advise the Committees accordingly.

#### ***Potential actions by IMO and FAO relating to ocean governance***

10.12 The Committee agreed to the inclusion in the terms of reference of the next session of the Joint Working Group of an item on further consideration of actions to be triggered by IMO and FAO with regard to ocean governance in the context of Sustainable Development Goal 14 and its targets related to the work of the two organizations.

#### ***Memorandum of Understanding on Flag State Implementation for Domestic Ships in the Pacific Islands Region***

10.13 The Committee expressed its support for the initiative of the Memorandum of Understanding on Flag State Implementation for Domestic Ships in the Pacific Islands Region and encouraged Member States to provide relevant information in the future, as appropriate.

#### ***Frequency of the Joint Working Group and inclusion of ILO***

10.14 The Committee noted that the thirty-second session of the FAO Committee on Fisheries (COFI 32) had considered the outcome of JWG 3 and had recommended that Joint Working Group meetings should be more frequent and that ILO formally join the Joint Working Group.

10.15 The Committee agreed to a four-year interval between Joint Working Group meetings and supported ILO joining the Joint Working Group. In this regard, the Committee requested the Secretariat, in cooperation with the FAO Secretariat, to liaise with and offer its assistance to the ILO Secretariat in developing the justification to include ILO in the Joint Working Group, for submission to the next session of the ILO governing body for consideration.

#### ***Draft terms of reference and provisional agenda for JWG 4***

10.16 Having noted that the fourth session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG 4) had been tentatively scheduled to take place in 2019, the Committee requested the Secretariat, in collaboration with the FAO and ILO Secretariats, to jointly develop the draft terms of reference and the draft provisional agenda for JWG 4 and submit them to III 5, with a view to approval at MEPC 73 and MSC 100 (see also paragraph 10.12).

#### ***Outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters on the issue of marking of fishing gear***

10.17 Having considered the action requested of it by III 4 in relation to the outcome of JWG 3 on the issue of marking of fishing gear, the Committee took action as indicated in paragraphs 10.18 to 10.21.



10.18 The Committee noted that the FAO Technical Consultation on the Marking of Fishing Gear, which took place from 5 to 9 February 2018, had adopted the text of the Voluntary Guidelines on the Marking of Fishing Gear, for submission to the thirty-third session of the FAO Committee on Fisheries (COFI 33) for consideration, with a view to endorsement and further guidance (MEPC 72/15/2, paragraph 8).

10.19 The Committee also noted that the FAO Voluntary Guidelines on the Marking of Fishing Gear, if endorsed by COFI 33, would assist States in developing and applying a system for the marking of fishing gear that would, inter alia, provide a means for identifying the ownership of fishing gear, which would, in turn, deter discarding of fishing gear.

10.20 Having emphasized that discarding of fishing gear at sea was a contravention of relevant requirements of MARPOL Annex V, as well as the London Convention and Protocol, the Committee encouraged the effective marking of fishing gear and recognized that the FAO Guidelines could support the implementation of the relevant provisions of MARPOL Annex V. In addition, the Committee invited Member Governments and international organizations to submit their experience on best practices for the effective marking of fishing gear to future sessions of the Committee under the new output on marine plastic litter approved under agenda item 15 (Work programme of the Committee and subsidiary bodies) (see paragraph 15.6).

10.21 With regard to the prospect of amending MARPOL Annex V and/or the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)), the Committee agreed that Member Governments or international organizations that were in support of such amendments should submit their comments and proposals to future sessions of the Committee, for further consideration, under the new output on marine plastic litter.

## **11 DEVELOPMENT OF MEASURES TO REDUCE RISKS OF USE AND CARRIAGE OF HEAVY FUEL OIL AS FUEL BY SHIPS IN ARCTIC WATERS**

11.1 The Committee recalled that MEPC 71 had agreed to include a new output on "Development of measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters" in the 2018-2019 biennial agenda of the Committee, assigning the PPR Sub-Committee as the associated organ, with two sessions needed to complete the work.

11.2 The Committee further recalled that MEPC 71 had:

- .1 invited concrete proposals on what types of measures should be developed, including the scope of the work on the new output, to this session for consideration, with a view to giving clear instructions to PPR 6 to start the work; and
- .2 agreed that a decision would be made by the Committee in the future on the mandatory or recommendatory nature of the measures, after detailed consideration of such proposed measures.

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

11.3 The Committee had for its consideration the following documents:

- .1 document MEPC 72/11 (Russian Federation), proposing a number of potential measures to reduce risks associated with the use and carriage of heavy fuel oil (HFO) as fuel by ships in Arctic waters, concerning navigational measures; operation of ships; infrastructure and communication; emergency preparedness in case of oil spill and early detection of spill; and training;
- .2 document MEPC 72/11/1 (Finland et al.), proposing a mandatory ban on HFO use and carriage for use as fuel by all ships to which MARPOL applies when operating in Arctic waters no later than 2021, with a five-year delay in implementation for ships that have fuel tank protections in place; the co-sponsors also proposed the scope of work for the output for the PPR Sub-Committee;
- .3 document MEPC 72/11/2 (CSC et al.), outlining the key findings of an International Council on Clean Transportation (ICCT) analysis into the types of ships that use and carry HFO as fuel in the Arctic, and calling for regulatory action to ban the use of HFO in Arctic waters;
- .4 document MEPC 72/11/3 (Russian Federation), commenting on the proposed ban described in document MEPC 72/11/1, and expressing the view that the proposed ban, if established, would significantly affect the maritime trade, distort the balance between the need for economic development and environmental protection as provided for in the *Strategic Plan for the Organization*, and therefore all possible measures to mitigate HFO spill risk should be explored first;
- .5 document MEPC 72/11/4 (Canada and Marshall Islands), proposing that when developing measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters, potential impacts of the measures on Arctic communities and economies should be taken into account and that the scope of work should include an assessment of impacts, taking into account the elements outlined in paragraph 12 of document MEPC 71/14/4;
- .6 document MEPC 72/11/5 (CSC et al.), supporting the mandatory ban proposed in document MEPC 72/11/1 for all ships to which MARPOL applies while operating in Arctic waters and expressing concerns regarding any delays in implementation for ships with fuel tank protection;
- .7 document MEPC 72/11/6 (CLIA), seeking clarity on the geographic area and the fuel specifications that are intended to be within the scope of any proposed ban of HFO use and carriage for use as fuel by ships in Arctic waters;
- .8 document MEPC 72/INF.14 (Canada et al.), providing a summary of the work undertaken by the Arctic Council's Protection of the Marine Environment Working Group on Heavy Fuel Oil;
- .9 document MEPC 72/INF.18 (Russian Federation), providing information on the establishment of recommendatory routes and precautionary areas in the

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Bering Strait as an example of navigational measures to reduce risks associated with the use and carriage of HFO as fuel by ships in Arctic waters; and

- .10 document MEPC 72/INF.20 (CSC et al.), containing the ICCT briefing titled *Heavy Fuel Oil use in the IMO Polar Code Arctic: Summarized by Ship Type*.

11.4 In the ensuing discussion, the proposal to ban HFO use and carriage for use as fuel by ships in Arctic waters as described in document MEPC 71/11/1 was widely supported.

11.5 Many delegations supported the proposal in document MEPC 72/11/4 that the potential impacts on Arctic communities and economies should be taken into account when developing measures.

11.6 A number of delegations were of the view that there was no justification for the proposed ban, emphasizing that all possible risk mitigation measures associated with the use and carriage of HFO as fuel in Arctic waters should be considered before the proposed ban was established.

11.7 One delegation proposed to expand the scope of work for the PPR Sub-Committee to develop a ban which would also cover the carriage of HFO as cargo in Arctic waters; however, this was not taken forward as it was deemed to be outside the scope of the output.

11.8 It was noted that there was a need to develop a clear definition of HFO. In this connection, one delegation pointed out that the definition should take into account the introduction of new limits on sulphur content and the emergence of new types or blends of HFO on the market in the near future.

11.9 Following discussion, the Committee approved the following scope of work for PPR:

- .1 develop a definition of HFO taking into account regulation 43 of MARPOL Annex I;
- .2 prepare a set of Guidelines on mitigation measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters, taking into account document MEPC 72/11; and
- .3 on the basis of an assessment of the impacts, develop a ban on HFO for use and carriage as fuel by ships in Arctic waters, on an appropriate timescale.

11.10 The delegation of the Bahamas, supported by other delegations, expressed the view that it would be important for the Committee to agree to an appropriate impact assessment methodology to enable the PPR Sub-Committee to undertake its work.

11.11 Consequently, the Committee agreed to retain this agenda item for MEPC 73, and urged Member Governments and international organizations to submit concrete proposals to MEPC 73 on an appropriate impact assessment methodology process.

## **12 TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT**

12.1 The Committee noted the information provided in the following documents:

- .1 MEPC 72/12 (Secretariat) on the Organization's technical cooperation activities related to the protection of the marine environment implemented between 1 April and 31 December 2017 under the Integrated Technical Cooperation Programme (ITCP). The Committee noted in particular that these activities, some of which were implemented in cooperation with regional organizations, were aimed at assisting countries in the implementation of the provisions of the relevant IMO conventions and protocols (AFS, BWM, London Convention/Protocol, MARPOL, OPRC, OPRC-HNS and Ship Recycling).
- .2 MEPC 72/12/1 (Secretariat) on the progress achieved between 1 April and 31 December 2017 in implementing a number of major technical cooperation projects financed by external sources and implemented under the direct supervision of the Marine Environment Division. The Committee noted that these major projects had taken a thematic and programmatic approach to assist the IMO Member States in improving implementation of IMO environment-related conventions and protocols and augmented the ITCP activities supported by the TC Fund.
- .3 MEPC 72/12/2 (Secretariat) on additional activities implemented between 1 April to 31 December 2017 with support from the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), related to the implementation of the Protocol to the Barcelona Convention concerning cooperation in preventing pollution from ships and, in case of emergency, combating pollution of the Mediterranean Sea.

12.2 The Committee noted the appreciation expressed by many delegations on the various technical cooperation activities implemented by the Secretariat under the ITCP and stressed their importance for improving implementation of IMO environment-related conventions.

12.3 The Committee in particular noted with appreciation that the GEF-UNDP-IMO GloBallast Partnerships Project was successfully concluded on 30 June 2017 after 10 years of sustained capacity-building efforts in the ballast water management field that significantly assisted many developing countries to ratify the Ballast Water Management Convention. The Committee also appreciated the preparatory activities undertaken by the Secretariat to initiate a new global project titled "Building Partnerships to Assist Developing Countries to Minimize the Impacts from Aquatic Biofouling" (GloFouling Partnerships).

12.4 The Committee noted with appreciation the successful conclusion of various IMO-Norad projects that dealt with the accession and implementation of a number of IMO environmental conventions. The Committee further noted that a new IMO-Norad project titled "Marine Environmental Protection of the South-East Asian Seas" (MEPSEAS) had been commissioned by the Secretariat.

12.5 The Committee expressed its appreciation for the GEF-UNDP-IMO Global Maritime Energy Efficiency Partnerships (GloMEEP) and the IMO-European Union Global Maritime Technology Cooperation Centre Network (GMN) Projects, and noted the important roles of these initiatives in supporting the implementation of MARPOL Annex VI.

12.6 Noting that the GloMEEP and GMN projects are currently scheduled to be completed in December 2018 and December 2019 respectively, the Committee requested the Secretariat to explore how these initiatives could be further supported beyond these time frames.

12.7 The Committee also took note of the interest from several Member States to establish additional MTCCs in new regions. In this regard, the Committee requested the Secretariat to continue its efforts to mobilize financial resources, including from multilateral donors such as the Global Environment Facility (GEF) and the Green Climate Fund (GCF). The Committee also requested the Secretariat to consider establishing a dedicated multi-donor voluntary trust fund to support GloMEEP and GMN initiatives.

12.8 The Committee noted the updated information provided in MEPC 72/12/3 (Secretariat) on the work of the Global Industry Alliance to Support Low Carbon Shipping (GIA), established within the framework of the GloMEEP Project.

12.9 The Committee noted with appreciation the innovative work undertaken by the GIA, in particular, its potential role in supporting the goals of the Initial IMO Strategy on reduction of GHG emissions from ships and suggested that initiatives such as the GIA should be sustained into the future.

12.10 With regard to the action requested in paragraph 21 of document MEPC 72/12/3, the Committee noted the essential contributions that properly trained seafarers could make in ensuring energy-efficient operation of ships. Also, in view of the significant amendments introduced in MARPOL Annex VI in recent years, including the regulations on energy efficiency for ships, the Committee noted the benefits of expanding the standard of competence on environmental aspects contained in the Seafarers' Training, Certification and Watchkeeping Code. The Committee therefore invited interested Member States to submit a proposal for a new output to a future session of the Committee in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5).

12.11 The Chair recalled that the constituent programmes of the ITCP could only be delivered if the required funding was secured from internal resources and/or external donor contributions; expressed appreciation for all 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 support for the Organization's technical cooperation activities so that successful delivery of the programme could be achieved.

### **13 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES**

13.1 The Committee recalled that MEPC 71 (MEPC 71/17, paragraph 12.2) had requested the Vice-Chair of the Committee, in consultation with the Chair and assisted by the Secretariat, to submit to this session a preliminary assessment of the capacity-building implications and technical assistance needs related to the amendments to mandatory instruments and to new outputs related to mandatory instruments that had been approved at MEPC 71.

13.2 The Committee considered document MEPC 72/13 (Vice-Chair), providing the outcome of the preliminary assessment referred to above and noted that the item in annex 2 of the document related to amendments to mandatory instruments had been found to have some capacity-building implications, in particular with regard to the amendments to MARPOL Annex VI concerning the EEDI for ro-ro cargo and ro-ro passenger ships which indicated the potential for significant capacity-building implications. In this context, the Committee further noted that this would depend on the manner of compliance selected and that there were options for complying with these regulatory measures with limited capacity-building implications.

13.3 The Committee also considered a reassessment, as requested by MEPC 70, of capacity-building implications of the amendments to MARPOL Annex VI related to the data collection system for fuel consumption of ships. In this context, the Committee noted that more recent analysis indicated some capacity-building implications associated with these amendments; however, the identified training requirements were currently being supported by the Global MTCC Network project administered by IMO and additional technical assistance was available upon request under the Organization's Integrated Technical Cooperation Programme.

13.4 Having considered the assessment of the new output related to mandatory instruments approved at MEPC 71, concerning amendments to regulation 14 of MARPOL Annex VI (MEPC 71/12, annex 3), the Committee agreed that the necessary knowledge and guidance were already in place and, therefore, there were no significant capacity-building implications related to this new output.

13.5 The Committee, having agreed that it would not be necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG), requested the Vice-Chair, in consultation with the Chair and with the assistance of the Secretariat, to submit to MEPC 73 a preliminary assessment of capacity-building implications or technical assistance needs related to amendments to mandatory instruments and new outputs related to proposed new measures approved at the current session.

#### **14 APPLICATION OF THE COMMITTEES' METHOD OF WORK**

14.1 The Committee recalled that A 30 had adopted resolution A.1111(30) on *Application of the Strategic Plan of the Organization* and requested the Council and the committees to review and revise, during the 2018-2019 biennium, their method of work, taking into account resolution A.1111(30).

14.2 In this context, the Committee considered the draft revised MSC-MEPC.1 circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (Committees' method of work), set out in the annex to document MEPC 72/14/Rev.1 (Secretariat).

14.3 Following consideration, the Committee approved the draft revised Committees' method of work, set out in the annex to document MEPC 72/14/Rev.1, subject to a concurrent decision by MSC 99.

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

##### **Proposals for new outputs**

15.1 The Committee took into account the provisions of the Committees' method of work (MSC-MEPC.1/Circ.5) and of the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)) when assessing the proposals for new outputs submitted to this session. In this regard, the Committee noted in particular that A 30, in resolution A.1111(30), had directed that the normal action for accepted outputs should be their placement on the post-biennial agenda of the Committee.

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***Sustainable Development Goal 14 and marine plastic litter***

15.2 The Committee recalled that A 30 had recognized the ongoing problem of marine plastic pollution, as addressed in MARPOL Annex V, which required further consideration as part of a global solution within the framework of ocean governance, in pursuance of SDG 14's target to prevent and significantly reduce marine pollution of all kinds by 2025. A 30 had referred document A 30/11/1 (Australia et al.), together with the comments made in plenary, to MEPC 72 and LC 40/LP13 for detailed consideration and action as deemed necessary.

15.3 The Committee further recalled that, in recognizing the role that the Organization had and continued to have in addressing this problem, A 30 had encouraged Member States, Parties to MARPOL Annex V and international organizations to submit concrete proposals to MEPC 72 and LC 40/LP 13, taking into account those widely supported proposals in paragraphs 24 and 25 of document A 30/11/1, in accordance with the Committees' method of work.

15.4 The Committee had for its consideration the following documents:

- .1 MEPC 72/15 and Corr.1 (Iceland et al.), proposing a new output to address the issue of marine plastic litter from shipping in the context of 2030 Sustainable Development Goal 14 (SDG 14); and
- .2 MEPC 72/15/2 (FAO), providing comments on document MEPC 72/15 and information on the work of FAO related to marine plastic litter;

together with the Chair's preliminary assessment of the proposal (MEPC 72/WP.4, annex 2).

15.5 In the ensuing discussion, the following comments, inter alia, were made:

- .1 marine plastic litter, together with climate change, was one of the biggest global challenges for the coming decades; although land-based sources were deemed to be dominant, plastic litter from shipping was contributing considerably to marine litter;
- .2 the recent strengthening of MARPOL Annex V was a good step forward; IMO should play a leading role in further addressing the issue of marine plastic litter from shipping in the context of Sustainable Development Goal 14 (SDG 14);
- .3 an integrated action plan was needed, addressing, inter alia, prevention of illegal discharges by ships; the input of FAO and of the governing bodies of the London Convention/Protocol should be actively sought with regard to the contribution of fishing vessels/activities to marine plastic litter and the prevention of dumping of wastes and other matters, respectively; clean-up actions were also relevant;
- .4 the increasing production and use of plastics and their inadequate disposal had detrimental effects on marine life and ecosystems, as well as negative effects on human and community health;

- .5 the severity of pollution from plastics and its impact on the marine environment was indisputable; while action from IMO could be supported in principle, the proposal did not present adequate justifications for a high priority work item; the proposal lacked scientific substantiation or data to support the estimation of the ineffectiveness of MARPOL Annex V;
- .6 the cited figures did not differentiate between the percentage of marine plastic litter derived from international shipping and that which derived from abandoned, lost or otherwise discarded fishing gear (ALDFG); the assertion that no industrial standards existed for the management of marine garbage was inaccurate, since ISO 21070-2011 had been developed specifically to support the proper application of MARPOL Annex V on board ships; the assertion that accidents involving the loss of containers were one of the three sources of marine litter that required urgent action was not supported by data;
- .7 there were many different vectors in relation to the sources of marine plastic litter which were worth considering, including the microplastics vector via laundry waste from grey water from ships;
- .8 marine litter posed an increasing threat to the marine environment and coastal communities; microplastics had been recognized as a threat to human health due to their potential for entry into the food chain; a policy of prevention and reduction was the key to the fight against marine litter;
- .9 a study should be conducted with a broad perspective, including, inter alia, the different sources of marine plastic pollution, the potential of plastics to damage ships, clean-up measures and preventive measures;
- .10 marine litter was a global and important issue and needed urgent action; the figures on the loss of containers might be underestimates due to undeclared losses; a work programme should be developed at the first stage to define the data needed to analyse and develop potential measures; and
- .11 demonstrating leadership and taking ownership of the issue of ship-source marine plastic litter would be of benefit to the Organization and the marine environment; in this regard, the Secretariat should take a more active role in external communications and public diplomacy.

15.6 The Committee, having noted overwhelming support for the proposal, in particular to enhance the work of IMO in further addressing marine plastic litter, agreed to:

- .1 include a new output "Development of an action plan to address marine plastic litter from ships" in the 2018-2019 biennial agenda of MEPC, assigning the PPR Sub-Committee as the associated organ, with a target completion year of 2020;
- .2 include the new output in the agenda of MEPC 73;
- .3 invite Member Governments and international organizations to submit concrete proposals to MEPC 73 on the development of the action plan;



- .4 request the Secretariat to submit to MEPC 73 a summary of the Organization's work on addressing marine plastic litter, including an update status on inter-agency cooperation;
- .5 invite the governing bodies of the London Convention/Protocol to submit their input on the proposed action plan to future sessions of the Committee; and
- .6 invite FAO and other international organizations to keep the Committee updated on its work related to addressing marine plastic litter.

***Review of the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species (resolution MEPC.207(62))***

15.7 The Committee had for its consideration the following documents:

- .1 MEPC 72/15/1 (Australia et al.), proposing a new output to review the *2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* (resolution MEPC.207(62)), using the performance measures set out in section 3 of MEPC.1/Circ.811 as a basis, with a view to amending the Guidelines, if required; and
- .2 MEPC 72/INF.11 (New Zealand), providing updated information on New Zealand's Craft Risk Management Standard for biofouling, which detailed the requirements for how vessel biofouling must be managed,

together with the Chair's preliminary assessment of the proposal (MEPC 72/WP.4, annex 2).

15.8 Following discussion, having noted support for the proposal, the Committee agreed to include a new output on *Review of the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* (resolution MEPC.207(62)) in the post-biennial agenda of the Committee, assigning the PPR Sub-Committee as the associated organ, with two sessions needed to complete the work.

**Biennial agendas of the PPR, CCC and III Sub-Committees and provisional agendas for their forthcoming meetings**

***Biennial agenda of the PPR Sub-Committee and provisional agenda for PPR 6***

15.9 The Committee noted that, due to the close proximity between PPR 5 and MEPC 72, apart from urgent matters reported in document MEPC 72/9, the outcome of PPR 5 would be reported to MEPC 73.

15.10 The Committee noted the biennial status report of the PPR Sub-Committee for the 2018-2019 biennium and approved the provisional agenda for PPR 6, as set out in annex 12, subject to further review at MEPC 73.

***Biennial agenda of the CCC Sub-Committee and provisional agenda for CCC 5***

15.11 The Committee approved the biennial agenda of the CCC Sub-Committee for the 2018-2019 biennium and the provisional agenda for CCC 5 (CCC 4/12, annexes 5 and 6), subject to a concurrent decision by MSC 99.

**Biennial agenda of the III Sub-Committee and provisional agenda for III 5**

15.12 The Committee approved the biennial agenda of the III Sub-Committee for the 2018-2019 biennium and the provisional agenda for III 5 (III 4/15, annexes 6 and 7), subject to a concurrent decision by MSC 99.

**Status of the outputs of MEPC for the 2018-2019 biennium**

15.13 Having recalled that, as per usual practice, the status of outputs would only be produced after the session as an annex to the Committee's report, in accordance with paragraph 9.1 of the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), to avoid any unnecessary duplication of work, the Committee invited the Council to note the status report of the outputs of MEPC for the 2018-2019 biennium, as set out in annex 13.

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

15.14 The Committee, having considered document MEPC 72/WP.3 and taken into account the decisions made at this session, approved the items to be included in the agendas of MEPC 73 and MEPC 74, as set out in annex 14.

15.15 In this regard, the Committee recalled that it had agreed to include in the agenda for MEPC 73 a new item on "Development of an action plan to address marine plastic litter from ships" (see paragraph 15.6).

**Tentative dates for MEPC 73 and MEPC 74**

15.16 The Committee noted that MEPC 73 and MEPC 74 have been tentatively scheduled to take place from 22 to 26 October 2018 and from 13 to 17 May 2019, respectively.

**Groups expected to be established at MEPC 73**

15.17 The Committee, taking into account the decisions made under the respective agenda items, anticipated that the following groups might be established at MEPC 73:

- .1 Working Group on Air Pollution and Energy Efficiency;
- .2 Working Group on Reduction of GHG Emissions from Ships;
- .3 Working Group on Marine Plastic Litter;
- .4 Drafting Group on Amendments to Mandatory Instruments; and
- .5 Ballast Water Review Group.

**Correspondence groups**

15.18 The Committee recalled that MEPC 71 had established the following intersessional correspondence groups:

- .1 Correspondence Group on Fuel Oil Quality, which is due to report to MEPC 73; and

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- .2 Correspondence Group on EEDI Review beyond Phase 2, which is due to present its interim report to MEPC 73.

### **Intersessional meetings**

15.19 The Committee recalled that C/ES.29 had endorsed the holding of an Intersessional Meeting on Consistent Implementation of Regulation 14.1.3 of MARPOL Annex VI, scheduled from 9 to 13 July 2018.

15.20 The Committee approved, subject to endorsement by the Council, the holding of:

- .1 the fourth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships, in the second half of 2018 (see paragraph 7.26); and
- .2 an intersessional meeting of the ESPH Working Group in 2019.

## **16 ANY OTHER BUSINESS**

### **Regional reception facilities plan (RRFP) – outline and planning guide for the Arctic**

16.1 The Committee considered document MEPC 72/16 (Canada et al.) on the development of a regional reception facilities plan (RRFP) outline and planning guide for the Arctic.

16.2 Having noted the information provided, the Committee invited the co-sponsors of the document to submit a proposal for a new output to MEPC 73, in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5), to amend the relevant parts of MARPOL to allow the establishment of such a regional arrangement in the Arctic.

### **Inter-agency cooperation activities on issues relating to the protection of the marine environment**

16.3 The Committee considered document MEPC 72/16/1 (Secretariat), which provided an update on recent work carried out by the Secretariat, through the Marine Environment Division, in cooperation with other United Nations agencies, on issues relating to the protection of the marine environment.

16.4 Having noted the information provided, the Committee requested the Secretariat to continue to update it with any significant inter-agency cooperation relating to the work of the Committee and the Marine Environment Division.

16.5 The Committee also noted document MEPC 72/16/3 (Convention on the Conservation of Migratory Species of Wild Animals) on the outcomes of the twelfth Meeting of the Conference of the Parties to the Convention on Migratory Species (CMS).

16.6 In this connection, the Committee noted the information provided by one delegation, on measures they had undertaken, through the use of satellite technology, to ensure ships did not travel close to areas where migratory marine species were present.

16.7 Having noted the relevant work of CMS relating to marine noise, marine debris, important marine mammal areas and other cetacean conservation measures, the Committee requested the Secretariat to liaise with the Secretariat of CMS on how to enhance cooperation and partnership between both organizations.

### **Early entry into force of the Hong Kong Convention**

16.8 The Committee was advised that the number of Contracting Governments to the Hong Kong Convention was six, representing 21.23% of the world's merchant fleet tonnage, and a combined maximum annual ship recycling volume of 112,161 gross tonnage, which remained significantly below the entry-into-force requirements of the Convention.

16.9 The Committee recalled that document MEPC 71/16/3, submitted by India, provided substantial information on the history of the Indian ship recycling industry and its recent efforts towards the ratification of the Hong Kong Convention in collaboration with Japan.

16.10 In this connection, the Committee considered document MEPC 72/16/2 (Japan), detailing their recent efforts to encourage the entry into force of the Hong Kong Convention and noted the significant advancements that Japan and India had made towards accession to the Hong Kong Convention.

16.11 In conclusion, the Committee encouraged other Member States to progress their efforts towards ratification of this Convention.

### **The Ocean Cleanup's deployment in the North Pacific**

16.12 The Committee considered document MEPC 72/16/4 (Netherlands) on the work of The Ocean Cleanup (TOC), which aimed to develop technological solutions to remove plastics from the ocean gyres and noted the intention of the delegation of the Netherlands to update the Committee on the progress of this initiative at future sessions, and to further raise awareness of this work during MSC 99.

16.13 Several delegations expressed support for the above-mentioned initiative, and also highlighted the need for due consideration to safety of shipping, such that the position of any systems deployed at sea should be clearly visible to ships and their location clearly marked. A number of delegations also highlighted that land-based sources were a major contributor to plastics at sea, and that preventative measures were an important component towards the overall goal of ridding the seas and oceans of plastics.

16.14 Following discussion, the Committee invited interested delegations to submit any future documents on this issue to the new output on marine plastic litter, as approved under agenda item 15 (paragraph 15.6).

### **Reducing underwater noise from marine shipping**

16.15 The Committee recalled that during MEPC 71 several delegations expressed their support to the initiative from Canada to share their experiences in underwater noise from marine shipping in order to enhance the understanding of ship noise and the measures to mitigate it. The Committee further recalled that it had encouraged Member States to continue to share any relevant experience.

16.16 In this connection, the Committee had for its consideration the following documents:

- .1 MEPC 72/16/5 (Canada) on utilizing ship design and operational measures to reduce underwater noise;
- .2 MEPC 72/INF.4 (ITTC) outlining the International Towing Tank Conference (ITTC) recommended guideline on model-scale cavitation noise measurements, to promote consistent and reliable noise measurement results, typically used to predict the full-scale acoustic source strength of a cavitating propeller; and

- .3 MEPC 72/INF.9 (IWC) outlining information on the impact of underwater noise arising from recent research, relevant action taken by international organizations at the national level, and recommendations, information and materials available from IWC.

16.17 In the ensuing discussion, the need for further research to better understand the impact of underwater noise from shipping as opposed to underwater noise from other sources was raised by a number of delegations. It was also stated that further consideration of this issue should take into consideration technological advancements being made to promote the energy efficiency of ships which also worked to reduce noise emissions, as well as relevant work already undertaken by the Organization such as SOLAS 1974 regulation II-1/3-12; the Code on Noise Levels on board Ships and the *Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life* (circular MEPC.1/Circ.833).

16.18 In conclusion, the Committee encouraged Member States to continue to share their experiences in dealing with the reduction of underwater noise from shipping and indicate their interest in collaborating with Canada on their proposal for a new output on this issue to a future session of the Committee.

### **Ship grey water concerns**

16.19 The Committee considered documents MEPC 72/16/6 and MEPC 72/INF.21 (FOEI et al.) detailing the characteristics, environmental impacts and possible quantities of ship grey water produced, in addition to grey water regulation in specific areas.

16.20 One delegation drew the attention of the Committee to a number of measures in place on cruise ships to deal with grey water including the use of advance wastewater treatment systems. They further highlighted that the availability of adequate port reception facilities was also a factor that needed to be considered in relation to the issue of grey water discharge.

16.21 Following the discussion, the Committee invited Member States to share their experiences with, or knowledge acquired on, the impact of ship grey water with MEPC 73.

### **Information on the status of GISIS**

16.22 The Committee noted the information provided in document MEPC 72/INF.3 (Secretariat) on the current status of the Global Integrated Shipping Information System (GISIS), which was established to facilitate the collection, processing and sharing of shipping-related data.

## **17 ACTION REQUESTED OF OTHER IMO ORGANS**

17.1 The Council, at its 120th session, is invited to:

- .1 consider the report of the seventy-second session of MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirty-first session of the Assembly;
- .2 note that the Committee approved MSC-MEPC.2/Circ.12/Rev.2 on *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (paragraph 2.3);

- .3 note the action taken by the Committee pursuant to the outcome of C/ES.29 (paragraph 2.4);
- .4 note that the Committee referred the first Consolidated Audit Summary Report (CASR), containing lessons learned from 18 mandatory audits completed in 2016 (Circular Letter No.3772), to III 5 for consideration and analysis, and instructed the Sub-Committee to report the outcome of its considerations to the Committee (paragraph 2.8);
- .5 note that the Committee adopted amendments to the BWM Convention, MARPOL Annex VI, the IBC Code and BCH Code and adopted the Code for Approval of Ballast Water Management Systems (BWMS Code) (section 3 and annexes 1 to 9);
- .6 note the action taken by the Committee on issues related to ballast water management, in particular the approval of the *Data gathering and analysis plan for the experience-building phase* (section 4);
- .7 note the action taken by the Committee on issues related to air pollution and energy efficiency of ships, in particular the approval of the draft amendments to MARPOL Annex VI concerning prohibition on the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship, and the work related to the implementation of the mandatory energy efficiency measures in MARPOL Annex VI (section 5 and annex 10);
- .8 note the action taken by the Committee on issues related to implementation of the data collection system for fuel oil consumption of ships (section 6);
- .9 note the progress made by the Committee on issues related to the reduction of GHG emissions from ships, in particular the adoption of resolution MEPC.304(72) on the *Initial IMO Strategy on reduction of GHG emissions from ships* (section 7);
- .10 note the action taken by the Committee on the urgent matters emanating from PPR 5 (section 9);
- .11 note the action taken by the Committee on the outcome of III 4 (section 10);
- .12 note that the Committee approved the scope of work for the PPR Sub-Committee to develop measures to reduce the risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters (section 11);
- .13 note the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment (section 12);
- .14 note that the Committee approved the draft revised MSC-MEPC.1 circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, set out in the annex to document MEPC 72/14/Rev.1, subject to a concurrent decision by MSC 99 (section 14);
- .15 note that the Committee approved two new outputs for inclusion in its biennial agenda for 2018-2019 or its post-biennial agenda, respectively (paragraphs 15.1 to 15.8);

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- .16 note the status report of the outputs of MEPC for the 2018-2019 biennium (paragraph 15.13 and annex 13);
- .17 note that the Committee approved the items to be included in the agendas of MEPC 73 and MEPC 74, which have been scheduled to take place from 22 to 26 October 2018 and from 13 to 17 May 2019, respectively (paragraphs 15.14 and 15.15 and annex 14); and
- .18 endorse the holding of two intersessional meetings: of the ESPH Working Group, in 2019; and of the fourth meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships, in the second half of 2018 (paragraph 15.20).
- 17.2 The Maritime Safety Committee, at its ninety-ninth session, is invited to:
- .1 note that the Committee adopted, by resolutions MEPC.302(72) and MEPC 303(72), amendments to the IBC Code and BCH Code, respectively, related to the Model form of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, which are expected to enter into force on 1 January 2020, upon their deemed acceptance on 1 July 2019 (paragraphs 3.52 to 3.55);
- .2 in considering the outcome of III 4, take the concurrent decisions related to the outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG 3) (paragraphs 10.5 to 10.16);
- .3 concurrently approve the draft revised MSC-MEPC.1 circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (Committees' method of work), set out in the annex to document MEPC 72/14/Rev.1, which is identical to document MSC 99/19 (paragraph 14.3);
- .4 concurrently approve the biennial agenda of the CCC Sub-Committee for the 2018-2019 biennium and the provisional agenda for CCC 5 (paragraph 15.11); and
- .5 concurrently approve the biennial agenda of the III Sub-Committee for the 2018- 2019 biennium and the provisional agenda for III 5 (paragraph 15.12).
- 17.3 The Maritime Safety Committee, at its 100th session, is invited to:
- .1 note the concurrent approval of MSC-MEPC.2/Circ.12/Rev.2 on *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (paragraph 2.3);
- .2 note that the Committee referred the first Consolidated Audit Summary Report, containing lessons learned from 18 mandatory audits completed in 2016 (Circular Letter No.3772), to III 5 for consideration and analysis and instructed the Sub-Committee to report the outcome of its considerations to the Committee (paragraph 2.8.2);

- .3 note that the Committee reiterated its decision at MEPC 71 that the PPR Sub-Committee should report to MSC any safety issues that might be identified with regard to low-sulphur fuel oil (paragraph 5.7); and
- .4 note that the Committee reiterated its invitation to interested Member Governments and international organizations to make every effort to further develop the draft revision of the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.232(65)), as amended by resolutions MEPC.255(67) and MEPC.262(68), for submission to MEPC 73 (paragraph 5.37.2).
- 17.4 The Technical Cooperation Committee, at its sixty-eighth session, is invited to note that the Committee noted, with appreciation, the information provided on the Organization's technical cooperation activities related to protection of the marine environment which were implemented between 1 April and 31 December 2017 under the ITCP and under major projects financed through external sources; expressed appreciation for all the financial and in-kind contributions to the ITCP and major projects; and invited Member Governments and international organizations to continue and, if possible, increase their support for IMO technical cooperation activities (section 12).

*(The annexes to this report have been issued as documents MEPC 72/17/Add.1)*

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