



MARINE ENVIRONMENT PROTECTION
COMMITTEE
55th session
Agenda item 23

MEPC 55/23
16 October 2006
Original: ENGLISH

**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE
ON ITS FIFTY-FIFTH SESSION**

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1 INTRODUCTION

1.1 The fifty-fifth session of the Marine Environment Protection Committee was held at Central Hall Westminster, London, from 9 to 13 October 2006 under the chairmanship of Mr. A. Chrysostomou (Cyprus). The Committee's Vice Chairman, Mr. A. Chatterjee (India), was also present.

1.2 The session was attended by delegations from the following 86 Members of IMO:

ALGERIA	LATVIA
ANGOLA	LIBERIA
ANTIGUA AND BARBUDA	LITHUANIA
ARGENTINA	LUXEMBOURG
AUSTRALIA	MALAYSIA
BAHAMAS	MALTA
BANGLADESH	MARSHALL ISLANDS
BARBADOS	MONACO
BELGIUM	MEXICO
BELIZE	MOROCCO
BRAZIL	MOZAMBIQUE
BULGARIA	NETHERLANDS
CANADA	NEW ZEALAND
CHILE	NIGERIA
CHINA	NORWAY
COLOMBIA	OMAN
CÔTE D'IVOIRE	PAKISTAN
CROATIA	PANAMA
CUBA	PAPUA NEW GUINEA
CYPRUS	PERU
DEMOCRATIC REPUBLIC OF KOREA	PHILIPPINES
DEMOCRATIC REPUBLIC OF THE CONGO	POLAND
DENMARK	PORTUGAL
DOMINICA	QATAR
ECUADOR	REPUBLIC OF KOREA
EGYPT	ROMANIA
ESTONIA	RUSSIAN FEDERATION
FINLAND	SAINT KITTS AND NEVIS
FRANCE	SAINT VINCENT AND THE GRENADINES
GERMANY	SAUDI ARABIA
GREECE	SINGAPORE
ICELAND	SLOVENIA
INDIA	SOUTH AFRICA
INDONESIA	SPAIN
IRAN (ISLAMIC REPUBLIC OF)	SWEDEN
IRELAND	THAILAND
ISRAEL	TRINIDAD AND TOBAGO
ITALY	TURKEY
JAPAN	TUVALU
KENYA	UKRAINE
	UNITED KINGDOM

UNITED REPUBLIC OF
TANZANIA
UNITED STATES

URUGUAY
VANUATU
VENEZUELA

the following Associate Member of IMO:

HONG KONG, CHINA

and the following State not Member of IMO:

COOK ISLANDS

by representatives from the following United Nations and Specialized Agencies:

UNITED NATIONS (UN)
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)/
SECRETARIAT OF THE BASEL CONVENTION
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)/
SECRETARIAT OF THE CMS CONVENTION (CMS)
INTERNATIONAL LABOUR ORGANIZATION (ILO)
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE
(UNFCCC)
INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

by observers from the following 8 intergovernmental organizations:

EUROPEAN COMMISSION (EC)
MARITIME ORGANISATION FOR WEST AND CENTRAL AFRICA
(MOWCA)
INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA
(ICES)
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE
ENVIRONMENT (ROPME)
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN
AFRICA (PMAESA)
INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS
(IOPC FUNDS)
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING
ON PORT STATE CONTROL (ABUJA MoU)
INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

and by observers from the following 34 non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)
COMITÉ MARITIME INTERNATIONAL (CMI)
BIMCO

INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES
(IACS)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL ASSOCIATION OF THE INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
THE INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION
LTD (ITOPF)
WORLD CONSERVATION UNION (IUCN)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
INTERNATIONAL ROAD TRANSPORT UNION (IRU)
GREENPEACE INTERNATIONAL
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
WORLD WIDE FUND FOR NATURE (WWF)
INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENTAL
CONSERVATION ASSOCIATION (IPIECA)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND
TECHNOLOGY (IMarEST)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)

1.3 The Chairman of the Maritime Safety Committee (MSC), Mr. I.M. Ponomarev (Russian Federation); the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Z. Alam (Singapore); and the Chairperson of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), Mrs. O.P. Lefèvre (France); were also present.

The Secretary-General's opening address

1.4 In welcoming participants, the Secretary-General stated that the holding of this session of the Committee, outside the IMO Headquarters building, was a challenge and he sincerely hoped that the meeting at the Methodist Central Hall, which had hosted the inaugural session of the General Assembly of the United Nations in 1946, would be successful and enjoyable.

1.5 The Secretary-General then drew the Committee's attention to what had been reported as the worst oil spill ever suffered in the Mediterranean, which had arisen during the recent armed conflict in Lebanon and had resulted in an estimated 15,000 tonnes of oil escaping into the marine environment, affecting over 150 km of shoreline in Lebanon and Syria. In view of the severe environmental crisis, and conscious of the need to mitigate the spill's effect on human

health and livelihoods, IMO had promptly initiated several actions, within the framework of UNCLOS and the OPRC and Barcelona Conventions, and mobilized the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC). Additionally, in response to a request for assistance by the Lebanese Government, IMO, together with UNEP and other organizations, had designed a plan to address the emergency and, spearheaded by REMPEC – in collaboration with the Joint UNEP/OCHA Environment Unit, the European Commission, the oil industry and other partners – technical studies had been conducted and missions fielded to commence response activities.

1.6 Furthermore, a high-level co-ordination meeting had been convened in Piraeus, on 17 August 2006, co-chaired by the Secretary-General and his counterpart at UNEP, Executive Director Achim Steiner, which was attended by Ministers and senior representatives from the two affected countries (Lebanon and Syria) and the three countries at potential risk (Cyprus, Turkey and Greece), the European Commission and international organizations. The Meeting approved the Lebanon Marine and Coastal Oil Pollution International Assistance Action Plan; agreed on priorities that should be pursued for clean-up; reconfirmed and agreed on co-ordination structures; and identified possibilities for resource mobilization. The Secretary-General expressed appreciation to the Government of Greece for its prompt response in hosting the meeting and for the excellent facilities and hospitality provided.

1.7 IMO had subsequently assisted the Lebanese authorities to develop a US\$50 million oil spill clean-up project – to help with the early recovery process and long-term reconstruction of the affected infrastructures – which was presented at a special donor meeting held in Sweden. The IMO Secretariat had since continued to assist in the response efforts, in particular with the deployment to Beirut of an IMO/REMPEC Co-ordination Adviser to help the Lebanese Ministry of Environment in the overall co-ordination and management of the oil spill response, and it was now concentrating on mobilizing the financial and in-kind resources needed to implement the agreed Action Plan. The Secretary-General thanked those countries and institutions that had provided or were about to provide assistance, through IMO or bilaterally (Canada, Cyprus, France, Finland, Germany, Italy, Japan, Kuwait, Norway, Spain, Sweden, the United Kingdom, the United States, the European Commission, Greenpeace and IUCN); and appealed to all other countries and institutions, which might be able to do so, to contribute generously to the Marine Pollution Response Fund established by IMO for that purpose.

1.8 The Secretary-General noted that, although the Lebanon oil spill was not shipping-related, IMO had decided to undertake a leading role in designing and facilitating the clean-up operation and the associated services, to demonstrate the Organization's sensitivity over the marine environment and its eagerness and preparedness to assist, in any way possible, in any effort to mitigate the damage that might be caused to it also by sources other than those emanating from shipping operations.

1.9 He went on to say that the oil spill in Lebanon and that caused by a small tanker, the SOLAR I, off the coast of the Philippines, served to illustrate vividly the importance of preparedness, response and co-operation, as enshrined in the 1990 OPRC Convention. It was only by being adequately prepared, with a periodically tried and tested national contingency plan in place and properly trained professionals at the ready, that a coastal State, in co-operation with neighbouring countries, would stand a chance of mitigating the potentially disastrous consequences of a major oil spill, whatever its origin.

1.10 Turning to the Committee's agenda, the Secretary-General stated that, in addition to IMO's more traditional efforts to prevent pollution by oil, chemicals, sewage and garbage from

ships, current work to protect and preserve the marine environment focused principally on ship recycling, prevention of air pollution from ships and ballast water management, with a view to minimizing their damage to the atmosphere, human health and coastal and marine environments.

1.11 With respect to ship recycling, the Secretary-General noted that the Committee had been spearheading an inter-governmental effort for some time and was preparing the future International Convention on the Safe and Environmentally Sound Recycling of Ships, which would not only take into account the characteristics of world maritime transport but also the need to ensure that ships reaching the end of their operational lives do so with maximum respect for the health and safety of those involved; the safety of the ships concerned; and the environment of the countries in which the recycling activities took place.

1.12 He also noted that, while these developments continued at IMO, there had been a few instances of ships destined for recycling that had faced difficulties, leaving their owners and the recycling yards in a situation of uncertainty. The Secretary-General stated that such events, and the overall need to remove uncertainties, underlined the importance and urgency of developing the draft Convention, and expressed confidence that, with the co-operation of all parties, the Committee would progress the work in time for the new instrument to be adopted during the 2008-2009 biennium, as requested by the Assembly. To that end, IMO would continue co-operating with ILO and the appropriate bodies of the Basel Convention so as not only to serve the purpose of the joint effort, in the best interests of all concerned, but also to avoid duplication of effort and overlapping of responsibilities and competencies among the three organizations.

1.13 On the subject of air pollution and the urgent issue of greenhouse gas emissions, the Secretary-General stated that recent research work showed that a significant share of ship emissions occurred along coastlines, travelling over much longer distances than previously realized, and this should galvanize a prompt reaction from the maritime community. He noted that the Committee would consider and, hopefully, finalize and approve washwater criteria from ship exhaust gas scrubbers, so that corresponding equipment could be accepted by port States internationally. In this respect, he recalled that resolution A.963(23), on IMO's policies and practices relative to greenhouse gas emissions from ships, urged the Committee to identify and develop mechanisms to limit or reduce such emissions, and expressed the hope that the Committee would now finalize and approve the related draft work plan developed at MEPC 54, bearing in mind that the benefits of such work to human and environmental health would be of incalculable value.

1.14 The Secretary-General stated that, while new initiatives leading to the adoption of new standards and regulations proceeded – such as those on ship recycling, greenhouse gas emissions and wreck removal – he was concerned at the slow pace of ratification of conventions already in place, which regulated equally important issues such as ships' anti-fouling systems, bunkers and the management of ballast water and sediments. He, therefore, invited delegations to exert whatever influence they could to have all of IMO's environment-related instruments ratified without further delay. In this regard, the Secretary-General's concerns were threefold:

- by not bringing the instruments concerned into force, their implementation was delayed, thereby depriving the environment of the service these instruments aimed at rendering to it;
- any further delay in tackling the issues regulated by the instruments in question might give rise to individual countries or groups of countries moving to unilateral or regional measures, with all the negative repercussions such measures entailed; and

- any prolongation of the situation might lead to ambiguities, which, in the final analysis, might turn against seafarers and the industry.

1.15 For these and other reasons he encouraged early action on ratification so that the maritime community was not accused of neglecting its duty towards this beautiful planet, the preservation of which, for the benefit of future generations, was the undeniable responsibility of all.

1.16 Turning to the 2004 Ballast Water Management Convention, which, regrettably had not received any new ratifications since MEPC 54, the Secretary-General noted that the Committee, with support from the BLG and FSI Sub-Committees, had already adopted a comprehensive set of relevant technical guidelines and six new guidelines were expected to be adopted at this session. He noted further that the GESAMP-Ballast Water Working Group had held a second meeting this year, reviewing additional technologies involving Active Substances and continuing the development of the Methodology for information gathering and conduct of work. The Secretary-General thanked the Group for its tremendous efforts in taking this essential matter forward, and hoped that the Group's report would assist the Committee to take important decisions related to the Basic Approval of these technologies.

1.17 He also recalled that the Ballast Water Review Group had concluded that a variety of systems being tested on board ships had the potential to meet the criteria required by the BWM Convention and that it was reasonable to expect that ballast water management technologies would be available by the end of 2008. The Review Group, which would be reconvened at this session to evaluate the latest information on ballast water treatment technologies, would enable the Committee to devise an appropriate strategy towards early and effective implementation of the relevant requirements contained in the Convention.

1.18 The Secretary-General recalled that, at this session, the Committee would have the opportunity to agree on an Action Plan to tackle the inadequacy, worldwide, of port reception facilities. He hoped that the Action Plan, together with the outcome of the Committee's work on proposed regional arrangements, would, when implemented, become instrumental in improving the situation, thereby contributing to the effective implementation of the MARPOL Convention and promoting quality and environmental consciousness among administrations and shipping.

1.19 He then drew the Committee's attention to the increasing transport by sea of bio-fuels and bio-fuel blends as cargo, an activity which had not yet been properly regulated from the safety and environmental standpoints. The Committee's successful tackling of the issue would enable it, with appropriate advice from the BLG Sub-Committee, to decide on which MARPOL Annexes should be eventually amended and what related guidelines should be developed.

1.20 The Secretary-General also referred to the acknowledged need to find a long-term funding solution for the GESAMP Working Group on the Evaluation of the Hazards of Harmful Substances Carried by Ships, which might involve cargo interests, more specifically the manufacturers of the products who benefited from the Group's work. He hoped that a satisfactory solution would be found so that the Group could continue its valued work.

1.21 The Secretary-General recalled that the revised MARPOL Annex II, together with consequential amendments to the IBC Code, would enter into force on 1 January 2007 and that these measures would make a significant contribution to achieving the ultimate goal of a marine environment free of ship-sourced pollution. Noting that new amendments to the Code would be considered at this session, he stated that he was, again, encouraged by the proactive nature of this

endeavour, which would allow new chemical products to be brought in line with the amended Code and permit them to be carried globally, safely and in an environmentally friendly manner.

1.22 He also stated that the adoption at this session of an amendment to MARPOL Annex I, to designate the Southern South African sea area as a Special Area, would provide a welcome measure to protect wildlife and the marine environment in an ecologically important region used intensively by shipping. He noted that the Committee was also invited to adopt amendments to MARPOL Annex III, on Regulations for the prevention of pollution by harmful substances carried by sea in packaged form, with a new revised text replacing the existing Annex in its entirety and ensuring the necessary linkage to the IMDG Code.

1.23 Turning to technical co-operation matters, the Secretary-General recalled that the theme for this year's World Maritime Day was "Technical Co-operation: IMO's response to the 2005 World Summit" and that this had been celebrated successfully in London and in a parallel event in Singapore. He noted the good progress made in the delivery of IMO projects related to marine environment protection, which had provided support on preparedness and response; development and updating of national, sub-regional and regional systems for co-operation; and preparation of contingency plans and related agreements. Other activities had aimed at promoting wider implementation and enforcement of the MARPOL Convention and associated Codes, as well as the London Convention and Protocol and the AFS and BWM Conventions. Additionally, the Secretariat had continued its role in supporting and backstopping the work of REMPEC and REMPEITC-Carib and in developing and implementing major projects such as the Marine Electronic Highway, SAFEMED, PEMSEA, the Guinea Current Large Marine Ecosystem Project and the GloBallast Partnerships Programme.

1.24 The Secretary-General then emphasized the importance of abiding by the security rules in place for IMO meetings, as set out in Circular letter No.2692 and over which there should be no complacency or compromise, taking into account the various venues where IMO meetings are scheduled to be held during the refurbishment period.

1.25 He also highlighted the Voluntary IMO Member State Audit Scheme and the globally-recognized need to ensure its successful introduction in the IMO system. Having informed the Committee of the progress being made in its execution, the Secretary-General sought the support and co-operation of all for its wide and effective implementation and looked forward to receiving many more notifications from Governments of their preparedness to be audited – together with the particulars of many more auditors from whom to choose audit teams.

1.26 The Secretary-General closed his opening address by stating that, with the usual spirit of co-operation, the Committee would produce satisfactory results to serve well the cause of marine environmental protection and the interests of the world maritime community at large.

Chairman's remarks

1.27 In responding, the Chairman thanked the Secretary-General for his opening address and stated that it would be given every consideration in the work of the Committee.

Adoption of the agenda

1.28 The Committee adopted the agenda (MEPC 55/1) and the provisional timetable for guidance during the session (MEPC 55/1/1, annex 2, as amended). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 55/INF.13.

Credentials

1.29 The Committee noted the report of the Secretary-General that credentials of the delegations were in due and proper order.

2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

2.1 The Committee recalled that from 31 May 2005 the “International Convention for the Control and Management of Ships’ Ballast Water and Sediments” (Ballast Water Management Convention) had been open for accession by any State and noted that there was no change in the status of ratification since the last session. To date six countries representing 0.62% of the world tonnage had become contracting States and the Committee urged Member States to ratify this Convention at the earliest possible opportunity.

Establishment of the Ballast Water Review Group

2.2 The Committee recalled that MEPC 53 established a Review Group to determine whether appropriate technologies were available to achieve the ballast water performance standard required under Regulation D-2. MEPC 53 noted that the variety of systems being tested on board had the potential to meet the criteria of safety, environmental acceptability and practicability and that it was reasonable to expect ballast water management technologies and type-approved systems to be available to meet the review criteria of Regulation D-5.2 of the Convention by October 2008. However, in view of the remaining uncertainty MEPC 53 agreed to re-establish the Review Group during MEPC 55.

2.3 The Committee recalled further that MEPC 54 encouraged Members and observers to provide the latest information on ballast water management technologies so as to ensure meaningful and fruitful deliberations during the second meeting of the Ballast Water Review Group at MEPC 55 and invited Members to submit the relevant information, using both the format recommended in document MEPC 53/2/2 and the matrix contained in the annex to document MEPC 54/WP.5, with a view to facilitating the work of the Review Group.

2.4 The Committee noted that six documents, MEPC 55/2/13 (India), MEPC 55/2/15 (Japan), MEPC 55/2/17 (Germany), MEPC 55/2/18 (United Kingdom), MEPC 55/2/21 (the Republic of Korea), and MEPC 55/INF.3 (Norway) that provide information on ballast water management technologies already developed or under development had been submitted to facilitate the Review and agreed on the following terms of reference for the Ballast Water Review Group:

- .1 review the information regarding ballast water treatment technologies provided in documents MEPC 55/2/13 (India), MEPC 55/2/15 (Japan), MEPC 55/2/17 (Germany), MEPC 55/2/18 (United Kingdom), MEPC 55/2/21 (Republic of Korea), and MEPC 55/INF.3 (Norway) using the evaluation methodology developed at MEPC 53 and taking into account the comments made in plenary;
- .2 determine the availability of ballast water treatment technologies to achieve the standard set in Regulation D-2, with particular reference to the group of ships constructed in or after 2009 with a ballast water capacity of less than 5,000 cubic metres to which the performance standard applies, taking into account the criteria set up in Regulation D-5.2;

- .3 investigate possible options should the review indicate that the anticipated progress has not been achieved and that appropriate technologies may not be available to meet the effective dates for the D-2 standard, taking into consideration document MEPC 54/2/4 (International Chamber of Shipping) and the discussions during MEPC 54;
- .4 make an assessment of the implication for the relevant industries of confirming or modifying the effective dates of the standard set forth in Regulation D-2;
- .5 recommend appropriate action for consideration by the Committee; and
- .6 prepare a written report on the work carried out for consideration by the Committee on Thursday, 12 October 2006.

Adoption of the Guidelines for uniform implementation of the BWM Convention

2.5 The Committee recalled that MEPC 53 had instructed BLG 10 to consider the draft Guidelines for ballast water exchange design and construction standards (G11) and Guidelines on design and construction to facilitate sediment control on ships (G12), focusing on the aspects related to design and equipment, and submit the final draft to MEPC 55 with a view to adoption of these Guidelines by MEPC resolutions.

2.6 The Committee, having considered the recommendations of BLG 10 regarding the final text of these two Guidelines and the draft MEPC resolutions on their adoption prepared by the Secretariat (MEPC 55/2/7 and MEPC 55/2/8), adopted the two Guidelines by resolutions MEPC.149(55) and MEPC.150(55) respectively, as set out in annex 1 and annex 2.

2.7 The Committee also noted that BLG 10 had completed the work on Guidelines on designation of areas for ballast water exchange (G14) and invited the Committee to consider the draft text, together with a draft MEPC resolution prepared by the Secretariat at this session with a view to adoption (MEPC 55/2/9). In the absence of further comments regarding the final draft, the Committee adopted the above Guidelines (14) by resolution MEPC.151(55) as set out in annex 3.

2.8 The Committee recalled that MEPC 53 had instructed FSI 14 to consider the Guidelines for sediment reception facilities (G1) and the Guidelines for ballast water reception facilities (G5) and submit the final drafts to MEPC 55 with a view to their adoption by MEPC resolutions. Having considered the recommendations of FSI 14 regarding the final text of these two Guidelines and the draft MEPC resolutions prepared by the Secretariat (MEPC 55/2/10 and MEPC 55/2/11) on their adoption, the Committee adopted the two Guidelines by resolutions MEPC.152(55) and MEPC.153(55) respectively, as set out in annex 4 and annex 5.

2.9 The Committee also noted that, as instructed by MEPC 53, FSI 14 considered the Guidelines for additional measures regarding ballast water management including emergency situations (G13) developed by BLG 10 and agreed to forward the draft Guidelines (G13) to MEPC 55 and to instruct the Secretariat to prepare a draft MEPC resolution for their adoption (MEPC 55/2/12).

2.10 Having considered document MEPC 55/2/22 (Norway) proposing an alternative text for section 2.3 "Procedures to follow when establishing additional measures" of the Guidelines

(G13), the Committee agreed that further consideration of this new section at BLG 11 would ensure clearer and more complete guidance when additional measures are introduced.

2.11 In order to maintain the compromise achieved on this particular matter during the adoption of the BWM Convention, the Committee agreed to instruct the BWWG to be established at BLG 11 to limit its consideration of the newly proposed section 2.3 to procedures related to the situation when IMO approval is necessary and any necessary consequential amendments. BLG 11 was requested to submit the final draft of Guidelines (G13) to MEPC 56 for adoption.

Work of the BLG Sub-Committee relevant to ballast water management

2.12 The Committee concurred with BLG 10's recommendation regarding the need for a "guidance document" on arrangements for responding to emergency situations involving ballast water operations and, having considered document MEPC 55/2/19 (Brazil), agreed to refer this document to BLG 11 to serve as a basis for the development of a circular on this matter.

Other information related to uniform implementation of the BWM Convention

2.13 The Committee, having considered the text of a draft BWM circular on the Survey Guidelines for the purpose of the BWM Convention under the Harmonized System of Survey and Certification contained in document MEPC 55/2/26 (Secretariat) and the comments provided by Japan, agreed to delete sub-paragraphs 1.4.2.2 and 1.4.2.3 of the Guidelines contained in annex 10 of document FSI 14/19. The Committee agreed further to add the words 'in principle' after the word 'Guidelines' in the second line of paragraph 3 of the cover page of the BWM circular and the following text at the end of the same paragraph:

"The Guidelines will facilitate the survey of ships which are requested by their Administrations or shipowners to certify compliance with the provisions of the BWM Convention on a voluntary basis."

The Committee then instructed the Secretariat to issue the BWM circular, as amended, accordingly.

2.14 The Committee, having considered document MEPC 55/2/23 (Germany), agreed to the proposed draft text of a circular on harmonized application of the Guidelines for approval of Ballast Water Management Systems (G8) and instructed the Secretariat to issue the BWM.2/Circular accordingly.

Report of the second meeting of the GESAMP-BWWG

2.15 The Committee noted that the second GESAMP-BWWG meeting was held at IMO Headquarters in London, from 22 to 26 May 2006 under the chairmanship of Mr. Finn Pedersen (Denmark) and that the Group reviewed three proposals submitted by Japan, the Republic of Korea and Sweden. A fourth proposal that was also submitted by Sweden could not be reviewed due to the time constraints.

2.16 Having considered the report of the second meeting of the GESAMP-BWWG (MEPC 55/2/16), the Committee agreed to give Basic Approval to the proposals contained in documents MEPC 55/2 (Japan) and MEPC 55/2/4 (Sweden) and, at the same time, invited the two Administrations to take into account all the recommendations indicated in annexes 5 and 7

of the above report during further development of the systems. The Committee did not agree to give Basic Approval to the proposal contained in document MEPC 55/2/3 (Republic of Korea) for the reasons given in annex 6 of the report of the second meeting of the GESAMP-BWWG.

2.17 The Committee, having considered document MEPC 55/2/27 (Republic of Korea) and the explanations provided by the Secretariat, agreed that in this particular situation the additional information Republic of Korea intended to provide could be considered by GESAMP-BWWG at its next meeting if submitted before the established deadlines. The Committee noted, however, that fees associated with the GESAMP-BWWG meetings have a cost-recovery character and was of the opinion that the costs associated with the resubmission by the Republic of Korea should be borne by the applicant.

2.18 With regard to future applications for review by the GESAMP-BWWG, the Committee concurred with the procedure established by the Secretariat and was of the opinion that, if a proposal has not received Basic Approval in the first instance, any supplemental information should be considered as a new proposal subjected to a new fee.

2.19 Having considered document MEPC 55/2/5 (Sweden) and the information provided by the Secretariat, the Committee agreed that the above proposal by Sweden, which could not be considered by GESAMP-BWWG due to time constraints, should be considered first on the list during the next meeting.

2.20 The Committee agreed with the suggested time schedule for the third regular meeting of the GESAMP-BWWG (19 to 23 February 2007) and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems for MEPC 56, as soon as possible but not later than 15 December 2006.

2.21 Recognizing the possibility that more than three application dossiers may be submitted for the Group's review and approval by MEPC 56 and that, based on previous experience, a maximum of three application dossiers could be reviewed by GESAMP-BWWG at one meeting, the Committee noted the availability of the Group to have an additional meeting before February 2007, provided that all the necessary conditions were met and the non-confidential data related to the respective proposals had been circulated in advance.

2.22 Having considered document MEPC 55/2/25 (Japan) and relevant information provided by the Chairman of the GESAMP-BWWG, the Committee agreed to hold an additional GESAMP-BWWG meeting before the one scheduled for February 2007 to accommodate all the foreseeable proposals for approval and invited Members to submit their proposals as soon as possible, but not later than 17 November 2006. The dates of the additional meeting will be communicated to the interested Members after confirmation by the GESAMP-BWWG.

Methodology for information gathering and the conduct of work of GESAMP-BWWG

2.23 The Committee noted that the GESAMP-BWWG had continued to develop the "Methodology for information gathering and conduct of work" during its second meeting, taking into account the comments made by MEPC 54 and the submissions MEPC 55/2/1 (United States), MEPC 55/2/2 (Japan) and MEPC 55/2/6 (European Commission) commenting on the draft Methodology.

2.24 The delegation of the European Commission expressed its appreciation for the manner in which GESAMP-BWWG had addressed the comments contained in document MEPC 55/2/6 (European Commission).

2.25 Having considered document MEPC 55/2/29 (Norway), the Committee noted that a significant number of delegations supported the view that by-products created during the ballast water treatment comparable to those occurring naturally and which due to their short period of existence do not have harmful effects after discharge should not be regarded as Active Substances. However, due to concerns expressed by some other delegations, the Committee requested the GESAMP-BWWG to consider the issue in light of the document provided by Norway and provide its comments to BLG 11 for further consideration and subsequent reporting to MEPC 56.

2.26 The Committee considered the action items related to the development of Methodology for information gathering and conduct of work contained in annex 4 of document MEPC 55/2/16 (Secretariat) and agreed:

- .1 that all information related to safety and environmental protection, including physical properties, environmental fate and toxicity, should be treated as non-confidential;
- .2 with the Group's responses to the comments made in documents MEPC 55/2/2 and MEPC 55/2/6. The delegation of the United States, however, was of the view that the draft methodology is still overly prescriptive and not fully consistent with the Procedure (G9), intrusive in Administration responsibilities and does not take advantage of the work properly done by the Administrations in reviewing the applications prior to their submissions;
- .3 to develop criteria which would specify how chemicals used in the treatment of ballast water could be handled and stored on board ship. In this respect the Committee invited the GESAMP-BWWG to provide an outline for such criteria to facilitate the process;
- .4 to develop a suitable Emission Scenario Document (ESD) to be used by applicants and the Group for the Risk Assessment of chemicals associated with ballast water treatment, particularly with regard to calculating the Predicted Environmental Concentration (PEC) and to invite Governments to come forward with suitable proposals for such a document. The delegation of the United States recognized the merit of an ESD but was not certain on how this could be timely developed and therefore could not agree that such a document should be a pre-condition for Final Approval of Ballast Water Management Systems that make use of Active Substances;
- .5 to urge applicants to submit their applications in the standardized format indicated in the *Draft methodology for information gathering and the conduct of work of GESAMP-BWWG*;
- .6 that the Group would not be able to consider full-scale operational risks until an Emission Scenario Document becomes available;
- .7 that the Group should not be requested to evaluate conceptual systems that did not include details on how the system would be working in practice. The delegation

- of Sweden suggested that in order to avoid GESAMP-BWWG becoming a bottleneck, the Administrations should pre-check the completeness of the application dossiers;
- .8 that all possible chemicals produced by a proposed system should be considered by the Group in order to evaluate the risks associated with long-term, high volume, regular discharges into the marine environment and that the *Draft Methodology* should be amended to reflect this. The delegation of the United States, however, was of the view that such an evaluation goes beyond the provisions of the Procedure (G9) and the requirements contained in Regulation D-3.2 of the BWM Convention and therefore could not support the GESAMP-BWWG proposal; and
- .9 to refer the GESAMP-BWWG Methodology to BLG 11 for consideration and subsequent reporting to MEPC 56.

Proposed amendments to the BWM Convention

2.27 The Committee considered the proposal for amending Regulation E-1.1.5 of the BWM Convention contained in document MEPC 55/2/24 (Republic of Korea) and agreed that the amendment procedure described in Article 19 of the BWM Convention could not be applied as the Convention was not yet in force. The Committee discussed the merit of the proposal in principle and agreed to put it on record for action as appropriate when the conditions for entry into force of the Convention were met.

Other information related to ballast water management and control

2.28 The Committee, having considered document MEPC 55/2/14 (India) regarding a self validating e-Ballast Water Reporting Form and document MEPC 55/2/28 (ICS) commenting on this document by India, noted that the proposed form was identical to the one contained in resolution A.868(20). Having noted further the comments by Venezuela and FOEI regarding the usefulness of such a form to encourage standardization and possible establishment of a database in the frame of GloBallast Partnerships, the Committee agreed to forward the two documents to BLG 11 for consideration of possible benefits derived from using such a form and subsequent reporting to MEPC 56.

2.29 The Committee, having considered document MEPC 55/2/20 (Brazil) proposing an engineering questionnaire and a table that allows for a better control of information on testing Ballast Water Management Systems, noted that it inaccurately refers to document FSI 14/7/3 (IACS) addressing the validity aspect of Type Approval certificates issued by IACS member societies. The Committee noted further that IACS members would undertake approval of ballast water management systems as required by Regulation B-3 of the BWM Convention in accordance with the Guidelines contained in resolution MEPC.125(53) and would not impose any additional installation requirements over and above those contained in these Guidelines. Having also noted the views of other delegations regarding aspects related to long term effects, maintenance and reliability of Ballast Water Management Systems, the Committee agreed to refer the document by Brazil to BLG 11 for further consideration as appropriate.

2.30 The Committee noted the information provided in document MEPC 55/INF.10 (Japan) regarding the research on the new concept of Non-Ballast Water Ship (NBWS), which could be free from the requirements of the ballast water management and contribute to the marine environment preservation.

Report of the Ballast Water Review Group

2.31 The Ballast Water Review Group met from 9 to 11 October 2006 under the chairmanship of Mr. B. Elliott (United Kingdom).

2.32 Referring to the report of the Review Group (MEPC 55/WP.4) and, in particular, the conclusions of the Review Group introduced by its chairman, ICS, supported by a number of delegations, expressed serious concerns regarding the availability of ballast water treatment technologies by the first application date of the D-2 standard as specified in the BWM Convention and suggested to delay the first operative date for the application of Regulation D-2 by at least two years. As requested, the text of the statement by ICS is attached in annex 6.

2.33 The delegation of Norway, supported by several delegations, spoke in favour of developing an exemption procedure to ensure that shipowners would not be penalized if treatment technologies are not available by 1 January 2009.

2.34 The delegation of Spain expressed concern about the confusing message Member Governments are currently sending to the industry by not ratifying the Convention and urged all Member Governments to follow the example set by Spain and the other five countries by becoming contracting States to the Convention at their earliest opportunity.

2.35 The delegation of Sweden requested clarification regarding the need to complete the testing according to Guidelines (G8) before applying for Final Approval in accordance with Procedure (G9).

2.36 IUCN expressed concern on the lack of information, at this stage of the process, on the way in which Administrations would ascertain proper testing of ballast water treatment systems to safeguard marine biodiversity.

2.37 Many delegations which took the floor expressed appreciation for the work done by the Review Group and its chairman.

2.38 In summarizing the discussions, the Chairman of the Committee stated that the amendment procedure described in Article 19 of the BWM Convention could not be applied until the Convention entered into force and expressed the view that the solution to this situation was the early ratification and entry into force of the Convention, which would allow necessary amendments or exemptions to reflect the availability of the treatment technologies.

2.39 Returning to the report of the Group (MEPC 55/WP.4), the Committee, after consideration, noted with appreciation that all the information provided had been reviewed, and took action as indicated in the following paragraphs.

2.40 The Committee noted the conclusions of the Review Group contained in paragraphs 22 to 28 of its report and, in particular, that type approved ballast water management systems would probably be available for installation prior to the first application date of the BWM Convention.

2.41 The Committee noted, however, that the installation of type approved ballast water management systems on ships already contracted to be built in or after 2009 may not be feasible or only possible at excessive cost and/or delay delivery.

2.42 The Committee noted the two options as presented in the report of the Review Group (i.e. (1) to expedite the process of amending the BWM Convention in order to delay the first date for the application of Regulation D-2 by using a procedure similar to the one used to amend MARPOL Annex IV; and (2) to develop an exemption procedure for the first set of vessels applying the Convention), which were intended to address the concerns raised by Administrations and to minimize the negative consequences caused by the possible delay in the developments of type approved systems envisaged when the Convention was adopted.

2.43 The Committee agreed to request the Legal Office of the Organization to provide legal opinions on the two options above and any other possible options to address the relevant concerns.

2.44 With regard to other actions requested by the Review Group, the Committee agreed to:

- .1 invite the Administrations to develop recommendations to ensure that owners allow for technology or its footprint to be included in ship design;
- .2 invite Administrations with land-based testing facilities to supply information to MEPC 56 on the existence, utilization, capacity, accreditation and capabilities of their facilities;
- .3 invite Administrations to indicate the process for booking time at their facilities and the availability of testing slots to BLG 11;
- .4 invite Members and observers to submit information on the estimated number of vessels in the first category to which the Convention may apply for consideration by BLG 11;
- .5 urge Member Governments to consider ratification of the Convention at the earliest opportunity based on the findings and actions proposed by this review;
- .6 invite Administrations to provide information to MEPC 56 and subsequent meetings on biological effectiveness, compliance with the D-2 standard, challenge water availability, problems with biological efficacy and turbidity, sampling and monitoring requirements and the need for additional sampling guidance;
- .7 invite Administrations to propose a suitable Emission Scenario Document (ESD) and assist in clarifying the procedure for final approval of BWM systems that make use of Active Substances; and
- .8 note the request of the Review Group to initiate a mechanism to overcome problems related to lack of ballast water treatment technologies, should the two options identified by the Group prove unacceptable from a legal point of view.

3 RECYCLING OF SHIPS

3.1 The Committee recalled that at its fifty-fourth session it established a working group on ship recycling, as a result of which the text of the first draft of the International Convention for the Safe and Environmentally Sound Recycling of Ships was developed on the basis of proposed text submitted as document MEPC 54/3 (Norway).

3.2 The Committee also recalled its agreement to having an intersessional Correspondence Group on Ship Recycling to further develop the draft Convention; to develop a provisional list of guidelines necessary under the draft Convention; and to submit a written report to the fifty-fifth session of the Committee.

3.3 The Committee further recalled that at its fifty-fourth session, having considered the report of the second session of the Joint ILO/IMO/BC Working Group on ship scrapping, hosted by the Basel Convention in Geneva from 12 to 14 December 2005, agreed on the value of the continued co-operation with ILO and the Basel Convention on the subject of ship recycling. A further meeting of the Joint Working Group was also considered, but the Working Group on Ship Recycling had concluded that it would be in a better position to give such advice at MEPC 55.

3.4 The Committee agreed that its focus, at this session, should be on the further development of the draft Convention.

Consideration of the report of the Correspondence Group and of issues relating to the revised draft Convention

3.5 In introducing document MEPC 55/3/2 containing the report of the Correspondence Group, Norway proposed that the Committee should use this draft as the base document for the further development of the new Convention. Most of the work of the correspondence group was devoted to developing this draft. A preliminary list of guidelines was also developed and was contained in annex 2 to the report. A number of other annexes to the report contained information on the adopted methodology of work, summaries of comments by participants, some specific contributions made by participants, and a letter sent to the correspondence group by an ILO Director expressing concern that, if the present wording in the draft Convention was adopted, then this might undermine existing ILO instruments.

3.6 The Committee thanked Norway and those delegations that submitted documents containing comments on the draft Convention, namely: MEPC 55/3/6 and MEPC 55/3/8 by Japan, MEPC 55/3/7 by Greenpeace, MEPC 55/3/11 by the Secretariat of the Basel Convention, MEPC 55/3/12 by India, MEPC 55/3/14 by France, MEPC 55/3/15 by CESA, MEPC 55/3/16 by ICS and co-sponsoring industry associations, MEPC 55/3/17 by ILO and MEPC 55/INF.12 by ICS. The Committee agreed that the above documents should be considered by the Working Group.

3.7 In the ensuing discussion a large number of delegations took the floor, all supporting the outcome of the Correspondence Group and thanking Norway for the leadership it had provided and for the progress achieved.

3.8 The Committee noted that the draft Convention prescribed a threshold of 400 GT, which was the threshold for IOPP Certificates under MARPOL Annex I, whilst one of its regulations links the issuance of certification under the draft Convention to the issuance of the Safety Construction Certificate mandated by SOLAS. It was pointed out, however, that the SOLAS threshold was 500 GT. After discussion, the Committee agreed to use the 500-GT threshold for the draft Convention.

3.9 The Committee agreed that the revised text contained in annex 1 to document MEPC 55/3/2 by Norway should be used by the Working Group as a base document for the further development of the draft Convention. The Working Group on Ship Recycling was also

instructed to further develop the draft Convention taking into account comments made during the discussion in plenary and the proposals contained in the submitted documents.

Discussion of the appropriate form for the Guidelines for the draft Convention

3.10 The Committee recalled that the draft Convention necessitated the development of certain guidelines, and in fact the Committee had instructed the Correspondence Group to develop a provisional list of such guidelines. During the deliberations of the Correspondence Group, some members held the view that, instead of guidelines, a code for ship scrapping facilities should be developed to assist the regulations. Following an exchange of views between the members of the group, the majority had concurred that the list of guidelines should be developed, while a minority were of the view that a code could still be considered. Some also commented that it was premature to make a decision on this issue at this stage (MEPC 55/3/2, paragraph 10.3).

3.11 The Committee was reminded that the point at issue was whether the associated standards were intended to be mandatory or recommendatory; if mandatory, then a code might be more appropriate. Alternatively, guidelines might be the right option. The choice between guidelines and a code was therefore an important one, and although it was not necessary to arrive at a final decision at this session, the subject was one which needed to be considered by the Committee.

3.12 France introduced document MEPC 55/3/4 containing its proposal for the drafting of a “Code for safe and environmentally sound management of ship-scrapping facilities”. France also proposed that the development of this code should be entrusted to a 3rd session of the Joint Working Group of ILO, Basel Convention and IMO, with MEPC retaining responsibility for arbitration and the consistency of the code. Also, France proposed that, like the ISPS Code, this code should be divided into two parts: Part A containing mandatory provisions, and Part B containing recommendations. France finally proposed some specific terms of reference for the JWG.

3.13 The Committee also thanked the International Organization for Standardization (ISO) for their submission MEPC 55/3/3 and for their offer to contribute to the development and effective implementation of the draft Convention and its associated guidelines. The Committee agreed that the ISO document should be considered by the Working Group.

3.14 The Chairman opened the floor for discussion on the question of whether a Code for ship scrapping facilities should be developed instead of guidelines, and also on the other related proposals by France, stating that the questions raised were important but also complex. The Chairman suggested that the Committee at this session should have an exchange of views on whether a code needs to be developed, then whether the Committee would agree in principle that this development should be carried out by the 3rd session of the Joint Working Group as proposed by France.

3.15 In the ensuing discussion, many delegations took the floor. With regard to the issue of whether to develop a mandatory Code or guidelines, there was also a clear majority supporting the development of guidelines. The Committee agreed that the development of the draft Convention and associated guidelines should ensure that all necessary elements of control would be taken into account. There was also a clear majority supporting the view that the development of the guidelines required under the draft Convention should take place at the MEPC and not at the Joint IMO/ILO/BC Working Group.

3.16 As a result of the discussions, the Committee decided to develop guidelines under the draft Convention at its meetings and through working/correspondence groups when necessary.

Discussion on the development of the Guidelines for the Inventory of Hazardous Materials and for survey and certification

3.17 The Committee recalled that at its last session it had considered three documents addressing the Inventory of Hazardous Materials and the related issue of survey and certification, submitted by Japan (MEPC 54/3/1 and MEPC 54/3/7) and by Germany (MEPC 54/3/6). The Committee had agreed that the outline of the Inventory should be as separate guidelines, as opposed to being an integral part of the draft Convention (MEPC 54/21, paragraph 3.22.2). Furthermore, the Committee had welcomed the offer by Germany and Japan to continue working on the development of the Guidelines.

3.18 Japan and Germany as co-sponsors of document MEPC 55/3/1 were invited to introduce the draft Guidelines they had proposed for the development of the Inventory of Hazardous Materials and the draft version of the Single List. The document discussed the necessity to allow the provision of declarations of substance information in the shipbuilding supply chain, and the necessity to provide supplier's declaration of conformity. Finally, the document noted that special provisions for the development of Part I of the Inventory of existing ships should be further considered.

3.19 IACS presented its document MEPC 55/3/13 explaining how IACS members intended to discharge their surveying duties, bearing in mind practical limits in identifying individual hazardous materials and the physical dangers posed by such materials to the health of surveyors. IACS pointed out that the presence or absence of certain hazardous materials on an existing ship should be based on a documents' review. Also, IACS made the point that for existing ships the focus should be on the presence and location of hazardous materials, and not on their amount.

3.20 The Committee thanked the delegations who had submitted documents containing comments on the issue of the Guidelines for the Inventory of Hazardous Materials, namely: Germany (MEPC 55/3/5), Japan (MEPC 55/3/9), the Secretariat of the Basel Convention (MEPC 55/3/10), IACS (MEPC 55/3/13), and CESA (MEPC 55/3/15). The Committee agreed that these documents should be considered by the Working Group, who should also discuss what would be a suitable approach for the development of inventories for existing ships before the Committee would debate this policy issue.

3.21 The Committee agreed to instruct the Working Group on Ship Recycling to further develop the text of the draft Guidelines for the development of the Inventory of Hazardous Materials taking into account comments made during the discussion in plenary and the proposals contained in the submitted documents.

Discussion on the organizational issues relevant to the ongoing development of the draft Convention

3.22 The Committee recalled that at its last session it had noted the provisional work plan agreed by the Working Group on Ship Recycling for the development of the new Convention, according to which the Committee at this session would:

- .1 consider the need, specific objectives and work programme for a possible third meeting of the Joint ILO/IMO/BC Working Group in 2007;

- .2 consider whether there was a need for the involvement of other IMO bodies in the development of the new Convention on ship recycling;
- .3 consider the need for an intersessional correspondence group to further develop the draft Convention and to continue with the development of the guidelines; and
- .4 consider the need for an intersessional working group to be held prior to MEPC 56 to further develop the third draft of the Convention and to continue with the development of the guidelines on the basis of the report of the correspondence group.

3.23 In the ensuing discussion the Committee agreed that it would be impractical and undesirable at this point in time to consider altering the terms of reference of the Joint ILO/IMO/BC Working Group approved by the three organizations. The Ship Recycling Working Group was therefore requested to consider whether there was still a need for a possible third meeting of the Joint Working Group in 2007, to consider issues within its current terms of reference.

3.24 The Committee also agreed that in view of the timeline for the development of the Convention and also because of the nature of the work, it would not be necessary to involve another IMO body in the development of the draft Convention.

3.25 The Committee further agreed to instruct the Working Group to consider the need for an intersessional correspondence group and also the need, timing and possible location for an intersessional working group.

Establishment of the Working Group

3.26 The Committee agreed to re-establish the Working Group on Ship Recycling under the chairmanship of Mr. Jens Koefoed (Norway), with the following Terms of Reference:

Taking into consideration submissions by Members and comments made in Plenary, the Working Group on Ship Recycling is instructed to:

- .1 further develop the text of the draft International Convention for the Safe and Environmentally Sound Recycling of Ships on the basis of document MEPC 55/3/2 (Norway), taking into account comments made during plenary and proposals in documents: MEPC 55/3 (Secretariat), MEPC 55/3/6 (Japan), MEPC 55/3/7 (Greenpeace), MEPC 55/3/8 (Japan), MEPC 55/3/11 (Secretariat of the Basel Convention), MEPC 55/3/12 (India), MEPC 55/3/14 (France), MEPC 55/3/15 (CESA), MEPC 55/3/16 (ICS and cosponsoring industry Associations), MEPC 55/3/17 (ILO), and MEPC 55/INF.12 (ICS);
- .2 further develop guidelines for ship recycling facilities taking into account comments made during plenary and proposals in documents annex 2 to MEPC 55/3/2 (Norway), MEPC 55/3/3 (ISO) and MEPC 55/3/4 (France);
- .3 further develop the text of the draft Guidelines for the development of the Inventory of Hazardous Materials on the basis of document MEPC 55/3/1 (Japan and Germany), taking into account comments made during plenary and proposals in documents MEPC 55/3/5 (Germany), MEPC 55/3/9 (Japan), MEPC 55/3/10

(Secretariat of the Basel Convention), MEPC 55/3/13 (IACS), and MEPC 55/3/15 (CESA);

- .4 consider the need for a possible third meeting of the Joint ILO/IMO/BC Working Group in 2007;
- .5 consider the need for an intersessional correspondence group to further develop the second draft of the Convention and to continue with the development of the Guidelines, and if so, develop draft Terms of Reference for such a group;
- .6 consider the need for an Intersessional Working Group and its envisaged size, to be held prior to MEPC 56 to prepare the third draft of the Convention and to continue with the development of the Guidelines; and if so, consider the timing and venue of the intersessional meeting, and develop draft Terms of Reference for such a meeting; and
- .7 submit a written report to Plenary on Thursday, 12 October 2006.

REPORT OF THE WORKING GROUP ON SHIP RECYCLING

3.27 The Committee noted that the Group, in view of the limited time available, had decided not to introduce each document before discussing each issue but instead that documents should be introduced during the discussion. The Group had also agreed that documents pertaining to issues not discussed in the Group due to lack of time would be retained for later discussion, e.g. at the next Correspondence Group, or at the next Working Group meeting.

Further development of the text of the draft Convention

3.28 The Committee noted that in connection with Article 3, the Group had discussed increasing the proposed 400 GT lower limit of application of the Convention and also aligning the Recycling Certificate to the International Oil Pollution Prevention Certificate, as opposed to the Safety Construction Certificate presently envisaged by Regulation B-I-4. The Group had not reached a final conclusion as to how best to deal with this question although it had agreed to place all references to the Safety Construction Certificate in square brackets.

3.29 The Committee however recalled that it had already agreed to increase the lower limit of application of the Convention to 500 GT and also noted its clear preference for not aligning the certification of the ship recycling Convention to any other convention.

3.30 The Committee also noted the concern of a delegation resulting from the inclusion of purely domestic shipping intended to be recycled domestically, in the application of the Convention, as this would create a heavy workload and burden to the Administration.

3.31 The Committee noted the Group's agreement to the proposal made by Japan in connection with the list of restricted materials which are to be included in Appendix 1 of the Convention and noted Japan's intention to submit the complete draft of Appendix 1, based on document MEPC 55/3/8 to the next meeting of the Group. It was also noted that the Group had debated at some length whether there should be a specific provision in Regulation B-I-1 for the addition of new substances to the list, and that it had been agreed that the provisions of Regulation B-I-2 should be sufficient.

3.32 Regarding the inventory of Hazardous Materials, the Committee noted that the Group had recognized that there were different considerations for the development of inventories for new ships and for existing ships. Whereas there were no specific problems identified in relation to the development of inventories for new ships, three major issues were identified for existing ships:

- .1 the difficulty of defining the accuracy level necessary for inventories of existing ships;
- .2 the timing for the provision of the inventory for existing ships; and
- .3 issues on the safety of personnel involved in surveys of hazardous materials.

In this respect, an alternative to the text of Regulation B-I-4 (2) dealing with the timing of the provision of the inventory for existing ships had been proposed by the United States delegation, which following some discussion and some support was introduced in the draft Convention within square brackets.

3.33 The Committee noted that the Group had discussed Japan's basic stance on the issue of the necessary surveys for the Convention. Following some discussion the text had been amended but was still kept in square brackets for study purposes.

3.34 The Committee also noted that the ILO observer had drawn the Group's attention to two letters to IMO from Directors of the International Labour Office, drawing attention to various ILO Conventions and Recommendations on occupational safety and health that apply to all workers including land-based workers engaged in ship recycling related activities. He had further drawn attention to ILO's Guidelines on occupational safety and health matters and in particular, to the publication "Safety and health in shipbreaking: Guidelines for Asian Countries and Turkey". The ILO was concerned that matters within the ILO mandate had not so far been taken into account in the proposed IMO Convention and the ILO observer had therefore stated that the present draft of the proposed Convention might seriously affect and undermine existing ILO mandatory and other instruments relevant to this area. He had noted that it was very important to ensure that the proposed IMO Convention was fully compatible with ILO standards so that nothing could prejudice or conflict with the obligations, or interpretation thereof, by any State Party to applicable ILO Conventions. He had specific changes he would propose to the Group and in subsequent submissions to the other IMO meetings and correspondence groups concerning this work.

3.35 The Committee noted that in connection with Regulation C-1 the ILO observer had proposed to the Group that there should be a specific reference to the ILO's Guidelines on shipbreaking, and that the text could refer to these guidelines as a primary source of guidance on safety and health at ship recycling facilities, without making such guidelines binding on States that will have ratified the IMO Convention. There had been an extensive debate in the Group during which Japan had informed the Group of its intention to submit a complete draft guideline on ship recycling facilities to the proposed intersessional meeting of the Group, including a reference table indicating the regulations in Section C and the corresponding provisions of the ILO and Basel Convention Guidelines. The Group had appreciated and welcomed the proposal by Japan and, taking into account the decision made by plenary, had decided not to make a reference to the ILO Guidelines in the text of the Convention. Furthermore, the Committee noted that a number of delegations had offered their support and expertise to assist Japan's work on drafting the guidelines.

3.36 The Committee noted a discussion in the Group initiated by the ILO observer who had noted that the first sentence of regulation C-3 (1), which read “Ship recycling facilities authorized by a Party shall establish management systems, procedures and techniques which will reduce, minimize and ultimately eliminate adverse effects on the environment and human health...” should be changed, with respect to safety and health, to reflect the following priority of actions:

- .1 the objective to eliminate the hazard/risk;
- .2 if this was not possible, to control the hazard/risk at source;
- .3 to minimize the hazard/risk; and
- .4 to provide appropriate personal protective clothing or equipment (PPE).

The logic was that if elimination was not aimed in the first place, this might undermine efforts to eliminate hazards/risk. This did not, however, imply that it was always possible to eliminate hazards/risks. The Group had concurred with the ILO proposal and had agreed to adjust the text of the Convention accordingly before its adoption. Also, the United States had offered to lead a drafting exercise that would reflect this discussion so as to ensure that no unreachable standards were inadvertently included in the Convention.

3.37 The Committee also noted that the Group had discussed and had made a number of modifications to the draft Convention, and that this work would continue in the correspondence group.

3.38 The Indian delegation informed the Committee that there were five issues it had raised in document MEPC 55/3/12, namely: contract covering the sale and purchase of a ship for recycling; “Gas-free for hot work” certification; Ready for Recycling for both, ships sailing under own power, and ships proceeding on tow; Final voyage to the recycling yard; and Deregistration. India requested that these issues be taken onboard in the subsequent discussions on the development of the draft Convention.

Guidelines for ship recycling facilities

3.39 The Committee noted the discussions of the Group on the subject of the development of guidelines for ship recycling facilities. The Group had also agreed to the full list of guidelines as contained in annex 2 of document MEPC 55/3/2. The Group further agreed to task the Correspondence Group with the development of outlines of one or two pages for each guideline, whilst noting and welcoming Japan’s offer to submit a draft text of guidelines for ship recycling facilities and for survey and certification to the next meeting. The Committee noted that a number of delegations had offered their assistance and expertise to Japan for the development of the guidelines for ship recycling facilities.

3.40 The Committee also noted that the International Organization for Standardization (ISO) had presented to the Group its document MEPC 55/3/3 explaining that ISO intended to undertake standardization work on one or more areas of interest in the area of ship recycling. ISO had proposed collaboration with MEPC but the Group had felt that it was too early to consider this offer as it needed to first formalize its own consideration on requirements for the draft Guidelines for the Convention.

Guidelines for the Inventory of Hazardous Materials

3.41 Regarding the draft Guidelines for the development of the Inventory of Hazardous Materials for existing ships the Committee noted the information on the practical difficulties experienced, as discussed in paragraph 3.33 above.

3.42 The Committee appreciated the renewed offer from Japan and Germany to endeavour to finalize these guidelines for submission to the next session.

Third meeting of the Joint ILO/IMO/BC Working Group

3.43 The Committee was informed that the Group had considered the need for a possible third meeting of the Joint ILO/IMO/BC Working Group in 2007 and following extensive discussion which had recognized that the preparation of the draft Convention is a high priority and furthermore that the available time was limited, the majority of the Group had agreed to postpone its decision on the need for holding a third Joint Working Group meeting until the next session of the Committee.

3.44 The Committee discussed different aspects of this issue again, and having already agreed that it was not practical or desirable to alter the terms of reference of the Joint Working Group, it arrived at a similar conclusion as the Group, namely, that it agreed it was unable at this time to make a decision on the need for a third meeting of the Joint Working Group and that it should review this decision at its next session. In the meantime, the Committee would wait to hear the decision of the Governing Body of ILO, whose turn it was to host such a meeting, following its upcoming session in November 2006.

3.45 The ICFTU expressed its concerns with the position agreed by the Committee in paragraph 3.44, which had not identified a date for a third meeting of the Joint IMO/ILO/BC Working Group, and stated that it believed that this was inconsistent with the commitment arising from resolution A.962(23).

Intersessional Correspondence Group

3.46 The Committee agreed on the need for having an intersessional Correspondence Group, noting that Norway had offered to act as Co-ordinator. The Committee also agreed to the draft Terms of Reference for the Correspondence Group as follows:

Taking into consideration the report of the Working Group on Ship Recycling established at MEPC 55 (MEPC 55/WP.5) and the decisions reached at MEPC 55, the Correspondence Group¹ on Ship Recycling is instructed to:

- .1 further develop the draft Convention;

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Please note that the above contact details are valid from 1 November 2006.

- .2 further develop the draft guidelines necessary under the draft Convention; and
- .3 submit a written report to the Intersessional Working Group on Ship Recycling for consideration.

Intersessional Working Group

3.47 The Committee agreed to holding an Intersessional Working Group a few weeks prior to MEPC 56 to further develop the draft the Convention, and to continue with the development of the draft Guidelines. The United Kingdom confirmed that it would make the necessary arrangements for hosting this meeting at a suitable location in view of the renovation of the IMO headquarters. The Committee also agreed to the draft Terms of Reference for the Intersessional Working Group, as follows:

Taking into consideration the report of the Intersessional Correspondence Group on Ship Recycling and taking into account any relevant documents submitted to MEPC 56, the Intersessional Working Group on Ship Recycling is instructed to:

- .1 further develop the draft Convention;
- .2 further develop the draft guidelines necessary under the draft Convention; and
- .3 submit a written report to MEPC 56.

Statements

3.48 The Committee welcomed the statement from the delegation of Turkey, which had informed the Working Group that they proposed to run a trial on recycling two ships in accordance with the draft Convention and Guidelines utilizing their own recycling facilities. Turkey had proposed to set up a Supervisory Board with members from IMO, ILO and the Basel Convention, as well as representatives from the main ship recycling and donor countries, since Turkey would be looking for possible candidate ships for recycling.

3.49 The Argentine delegation stated that the development of the Convention on Ship Recycling should become the responsibility of the Legal Committee of IMO, in co-ordination with ILO and the Basel Convention.

3.50 Greenpeace International made a statement on the ship recycling issue. As requested, the statement is attached in annex 7.

4 PREVENTION OF AIR POLLUTION FROM SHIPS

Status of MARPOL Annex VI

4.1 The Committee noted that the Protocol of 1997 to MARPOL 73/78 which contains MARPOL Annex VI "Regulations for the Prevention of Air Pollution from Ships", as at 26 June 2006, had 36 Parties, representing approximately 70% of the gross tonnage of the world's merchant shipping, a significant increase both in the number of States and in tonnage since MEPC 54. The Chairman encouraged other Member States to also ratify.

4.2 The Committee further noted that due to the fact that the contribution of ship emissions to air quality problems in many parts of the world was growing percentage wise and that it was widely acknowledged that different technological improvements exist that will enable significant improvement over the existing standards found in MARPOL Annex VI, MEPC 53 agreed that MARPOL Annex VI should undergo a general revision and the task was placed on the work programme of the BLG Sub-Committee with the target completion date of 2007.

4.3 The Committee also noted that BLG 10 started on the actual revision work and established a Working Group to undertake the technical work and made a very productive start during that session, but as the task was large and complex and in light of the target completion date of 2007, an intersessional meeting was scheduled to be held in Oslo, Norway, from 13 to 17 November 2006.

Sulphur monitoring

4.4 The Committee recalled that the project on monitoring the worldwide average of sulphur content of residual fuel oils since MEPC 45 had been implemented on a trial basis under the leadership and partial funding of the Netherlands and a number of other Member States and that MEPC 52 agreed to approach the Council in order to establish a permanent funding under IMO's regular budget. Council 93 considered the issue and agreed to allocate the necessary funding for the Secretariat to continue the monitoring project after 1 January 2006.

4.5 The Committee noted the information provided by the Netherlands in document MEPC 55/4/1 and in particular that almost 90% of the samples had sulphur contents between 1.5 and 4% m/m. Almost 50% was between 2 and 3% m/m. 219 out of 79,592 (0.3%) of the samples were over 4.5% m/m sulphur. It also noted that 5 samples contained more than 5% sulphur compared to 7 samples in 2004.

4.6 The Committee also noted that the sulphur content of residual fuel being measured for 2003, 2004 and 2005 now presented the fifth consecutive rolling average. The first rolling average was based on data for 1999, 2000 and 2001 and established the reference value at 2.7% (paragraph 5 of the Guidelines). The three year rolling average for 2003-2005 was 2.7%. The previous three year rolling average for 2002-2004 was 2.67%, so there was a slight increase.

4.7 The Committee noted further that the Guidelines stated that, if in any given year the three year rolling average exceeds the reference value by 0.2% (paragraph 6), MEPC shall consider the need for further measures to reduce SO_x emissions from ships. This had not happened over 2005 and the Committee agreed that no further measures should be taken at that stage.

4.8 The Committee recalled that sulphur monitoring for the year 2006 and onwards would be carried out by the IMO Secretariat and noted the information provided by the Secretariat (MEPC 55/INF.6) on the continuation of the Sulphur Monitoring Programme after 1 January 2006 under IMO's regular budget and that agreements had been signed with oil testing companies.

4.9 The Committee noted that this was the last time the Netherlands would present the result of the sulphur monitoring programme and the Committee expressed its gratitude and satisfaction to the Netherlands for the excellent work undertaken during this five year trial period and also expressed its appreciation to the Member States that had contributed financially (Denmark, Finland, Norway, Sweden and the United Kingdom) to the successful trial programme that had provided the Committee with vital information.

Washwater criteria for exhaust gas SO_x cleaning systems

4.10 The Committee recalled that MEPC 53 adopted the Guidelines for Exhaust Gas Cleaning Systems (EGCS), which state that waste streams from such equipment shall not be discharged into enclosed ports unless it can be documented that there is no adverse impact on the ecosystems in such waters.

4.11 The Committee noted that MEPC 53 agreed that more specific recommendations and criteria relevant to EGCS-SO_x washwater discharges should be developed in the near future and invited Members to submit information in this regard to MEPC 54. MEPC 54 noted that no information was submitted to that session but that several Members gave information about ongoing trials and developments. MEPC 54 therefore agreed to extend the invitation and revisit the issue at this session.

4.12 The Committee considered documents MEPC 55/4/5 (United Kingdom) and MEPC 55/4/7 (Finland and Norway) and agreed that it was of importance for both manufacturers of such equipment and to coastal and port States that such guidelines or criteria were adopted. The Committee noted the information provided by the United Kingdom, Finland and Norway that an informal meeting was held where the two proposals on washwater criteria were merged as a joint proposal. The Committee instructed the Working Group on Air Pollution to finalize draft guidelines which would set criteria, if possible, for consideration and adoption at this session.

Standardization of on-shore power supply for ships at berth

4.13 The Committee recalled that MEPC 54 considered a proposal from Germany and Sweden (MEPC 54/4/3) on standardization of onshore power supply connections for ships in ports. MEPC 54 agreed that standardized power supply connections could benefit the industry but that more information and further studies were needed before any decision could be made and instructed the Secretariat to liaise with relevant international and intergovernmental organizations and report back to this session.

4.14 In addition to the report from the Secretariat (MEPC 55/4/6) the Committee considered two submissions commenting on the report, MEPC 55/4/13 (Sweden) and MEPC 55/4/10 (IMarEST).

4.15 The Committee noted the information that ISO had established a working group on standardization of on-shore power supply for ships at berth and had committed to keep the Committee updated on the progress.

4.16 Several Member States pointed out that it was the mandate of IEC and not ISO to produce electrotechnically related standards for ships and that IMO should continue to refer to IEC standards where appropriate.

4.17 The Committee noted the information provided by IMarEST that they were participating in the ongoing work within ISO and IEC and would emphasize the technical and safety issues addressed in their document.

4.18 The Committee agreed that a global standard would benefit the shipping industry and welcomed the finalization of such a standard. However, the Committee also agreed that there

were still technical issues to be solved and that the Committee should wait until the standard was finalized before any decision for inclusion in the revised MARPOL Annex VI should be taken.

Outcome of BLG 10 on Unified Interpretations of MARPOL Annex VI and the NOx Technical Code

4.19 The Committee, having noted that BLG 10 agreed to eight Unified Interpretations (UIs) concerning implementation of MARPOL Annex VI and the NOx Technical Code and related implementation issues (MEPC 55/10 – Outcome of BLG 10, paragraph 3.15; and BLG 10/19, annex 13), approved the UIs, which are set out in annex 8 and instructed the Secretariat to issue them as MEPC.1/Circ.540.

Standard form of SECA Compliance Certificate

4.20 The Committee recalled that MEPC 53, by resolution MEPC.130(53), adopted the Guidelines for on-board exhaust gas-SOx cleaning systems (EGCS-SOx). The purpose of the Guidelines was to specify the requirements for the design, testing, survey and certification of such systems to ensure compliance with the requirements of regulation 14(4)(b) of MARPOL Annex VI. The Guidelines require that each EGCS-SOx unit should be issued with a SECA Compliance Certificate. However, there was no standard form of the Certificate attached to the Guidelines.

4.21 After considering document MEPC 55/4/9 (Secretariat) the Committee agreed that, for the purpose of uniform implementation of the Guidelines and to facilitate enforcement and in particular port State control, the Guidelines should be accompanied by a standard certificate form. The Committee instructed the Working Group on Air Pollution to finalize the draft form of SECA Compliance Certificate for its approval.

Matters related to greenhouse gas emissions from ships

4.22 The Committee recalled that Assembly, by resolution A.963(23), adopted “IMO Policies and Practices related to the Reduction of Greenhouse Gas Emissions from Ships” and noted that there were still tasks from that resolution to be undertaken by the Committee.

4.23 The Committee noted that climate change caused by greenhouse gas emissions from burning of fossil fuel was a steadily growing concern for most countries, and that scientists had found more and more proof of connections. The threat from global warming was far too serious to be ignored and the shipping industry, although an environmentally friendly and fuel efficient mode of transport, must take action. IMO recognized in resolution A.963(23), that the projected adverse effects of climate change called for the implementation of measures to limit or reduce the emissions from international shipping which constituted one of the sources of GHG emissions.

Follow-up to resolution A.963(23)

4.24 The Committee recalled that MEPC 54 noted the oral report by the Chairman of the Working Group on Air Pollution, Mr. Bin Okamura (Japan), regarding the progress made which was not covered in its written report to MEPC 54 and that a written report was submitted in the form of a report by the Chairman of the Group to this session (MEPC 55/4). The Committee considered the WG Chairman’s report and, in particular, the attached draft work plan with timetable as called for by resolution A.963(23) in paragraph 2(b).

4.25 The Committee agreed that it should follow-up all the action items to the Assembly resolution and IMO should maintain its leading position to avoid unilateral action either on a global, regional or national level. MEPC should continue to take the lead in developing GHG strategies and mechanisms for international shipping and co-operate closely with other relevant UN bodies.

4.26 The Committee noted that some of the tasks in the work plan were challenging and that success greatly depended on active participation by Member States and observers. The Committee noted that the first major task was to consider methodology for CO₂ emission baseline(s) in terms of efficiency. And, further, that the work was of the utmost importance not only to the Organization but also to the entire shipping industry, which needed to improve its image and show the world that it was taking environmental and climatologically challenges seriously. As this work needed expertise from all sectors of the industry, Member States and observers, the Committee invited all concerned to ensure that such expertise was made available in connection with this very important work for the lasting benefit of human and environmental health.

4.27 The Committee approved the work plan with timetable set out at annex 9 and invited Member Governments to participate enthusiastically in the work, with a view to identifying and developing the necessary mechanisms needed to achieve limitation or reduction of GHG emissions from ships and instructed the Secretariat to make any necessary editorial changes as appropriate.

Co-operation with other relevant UN bodies

4.28 The Committee recalled that, following the request by MEPC 41, there had been ongoing co-operation between the Secretariats of IMO and United Nation's Framework Convention on Climate Change (UNFCCC) and its Subsidiary Body for Scientific and Technical Advice (SBSTA) on the reduction of greenhouse gas emissions from ships and the use of bunker fuel oils in recognition of the Kyoto Protocol requirements. And, further, that the IMO Assembly, by resolution A.963(23), requested the Secretariat of IMO to continue co-operating with the Secretariat of UNFCCC and the Secretariat of the International Civil Aviation Organization (ICAO). The co-operation between the Secretariats of UNFCCC and IMO had been ongoing since 1998 and the outcome of MEPC sessions and SBSTA sessions had been reported between the two organizations.

4.29 The Committee noted the information in document MEPC 55/4/2 (Secretariat) that an IMO representative participated at SBSTA 24, held in Bonn, Germany in May 2006 and gave an update of IMO's work on greenhouse gases (GHG) from ships under agenda item 7(c) – "Emissions from fuel used for international aviation and maritime transport". The Chairman of SBSTA 24 welcomed the information by the IMO representative and expressed appreciation to IMO for its work related to reduction of emissions of greenhouse gases from ships and hoped the close co-operation between the two Secretariats would continue.

4.30 The Committee considered document MEPC 55/4/15 (Norway) providing further information on the UNFCCC process, requesting an update of the status on the co-operation between the Secretariats of ICAO and IMO and proposing to update the IMO GHG Study.

4.31 The Committee noted that a Group was established at SBSTA 24 to continue the work on emissions from international aviation and maritime transport from SBSTA 23, which was held in Canada in November 2005. A number of SBSTA delegations stated that the issue should be

referred to ICAO and IMO and should be solved by them referring to Article 2.2 of the Kyoto Protocol and decision 2/CP.3, while some delegations proposed to delete the agenda item entirely. Several delegations wanted to have a substantial discussion on this issue but, as the UNFCCC required consensus, no conclusions could be agreed upon. The Committee noted that SBSTA would continue the consideration of this matter at its next session (November 2006). The Committee noted further that the Secretariat had not planned to attend the SBSTA 25 due to a concurrent intersessional meeting of the BLG Working Group on Air Pollution, but that the outcome of this session with regard to GHG work would be submitted in a written report.

4.32 The Committee noted the information from the Secretariat that co-operation, regarding the limitation or reduction of emission of greenhouse gases from shipping and aviation, between the Secretariats of ICAO and IMO in recent years had been through the UNFCCC mechanisms only and no direct co-operation between the Secretariats of the two Organizations had taken place.

4.33 The Committee agreed that there was a need to co-operate with other relevant UN bodies in considering GHG emission issues from international shipping and instructed the Secretariat to continue the co-operation in accordance with resolution A.963(23). The Committee instructed the Working Group to consider how the co-operation between the IMO and ICAO Secretariats would be improved.

Update of the IMO-GHG study

4.34 The Committee recalled that, at its forty-second session, it instructed the Secretariat to initiate an IMO study on GHG emissions from ships and agreed to establish a Steering Committee and to provide funding for the study. The most comprehensive assessment to date of the contribution made by international shipping to climate change was contained in the IMO Study on Greenhouse Gas Emissions from Ships published in 2000 as document MEPC 45/8, and as a follow-up to the 1997 Air Pollution Conference. The IMO study on GHG emissions from ships estimated that ships contributed about 1.8% of the world's total CO₂ emissions and stated that, at that time, there was no other mode of transport with a better record in respect of CO₂ emission compared with the transport work carried out.

4.35 The Committee agreed that an update of the study was necessary to give a better foundation for future decisions and could help to make progress in the follow up to resolution A.963(23).

4.36 The Committee instructed the Working Group on Air Pollution to consider a time frame for an update of the IMO GHG Study and to develop draft Terms of Reference for it.

Ship CO₂ emission indexing – Data from trials and shortcomings in the indexing scheme

4.37 The Committee recalled that MEPC 54 agreed that it was premature to revise the Guidelines and noted that the Guidelines stated that such revision should take place at or after MEPC 58, in order to gain as much practical experience as possible, to provide a better foundation for an update. On this background, the Committee agreed that it should not consider the proposals for amendments to the Guidelines in any depth but keep them in mind for consideration by MEPC 58.

4.38 The Committee agreed that the following documents related to the CO₂ indexing scheme should be considered by the Working Group: MEPC 55/4/3 (Germany and Norway),

MEPC 55/4/4 (Norway), MEPC 55/4/8 (Republic of Korea), MEPC 55/4/12 (India), MEPC 55/4/14 (India), MEPC 55/INF.9 (Japan) and MEPC 55/INF.11 (Republic of Korea).

4.39 The Committee thanked the Member States that had submitted information on indexing trials and the shipping industry that had co-operated to make it possible, for their efforts to promote the use of the Guidelines and expressed its hope that other Administrations and the industry would take the information into consideration when using the Guidelines.

4.40 The Committee instructed the Working Group on Air Pollution to consider the information from trials contained in the documents concerning the Interim Guidelines for Voluntary Ship CO₂ Emission Indexing for use in Trials and report back to the Committee.

GHG module in GISIS

4.41 The Committee considered how the outcome of trials conducted in accordance with the Interim Guidelines for Voluntary Ship CO₂ Emission Indexing for use in Trials could be compiled and made accessible for comparison and further studies by member States and the shipping industry. The Committee recalled that, at MEPC 54, it concurred with the advice from the Working Group on Air Pollution (MEPC 55/4) to establish a central database and considered the information provided by the Secretariat in document MEPC 55/4/11. Establishing a central database for operational data from CO₂ indexing was supported in documents MEPC 55/4/4 (Norway) and MEPC 55/4/14 (India).

4.42 The Committee instructed the Working Group on Air Pollution to provide advice for a GHG module in GISIS, including how this should be designed and managed and to consider how the co-operation with the Secretariat could be achieved in order to establish the database within the reporting period.

Potential of emission trading

4.43 The Committee noted the information provided in document MEPC 55/INF.7 (United Kingdom) on background for emission trading and the different possible approaches to introduce such a mechanism for shipping. It also noted that emission trading was one possible operational and market-based solution, as called for by resolution A.963(23) when identifying and developing mechanisms needed to achieve limitation and reduction of GHG emissions from international shipping. The Committee agreed that, according to the work plan, technical, operational and market-based methods for dealing with GHG emissions should be considered by MEPC 56 and beyond and agreed to defer consideration of the document to the next session.

Re-establishment of the Working Group on Air Pollution

4.44 Following the debate and as agreed in principle by MEPC 54, the Committee re-established the Working Group on Air Pollution under the chairmanship of Mr. Bin Okamura (Japan) with the following Terms of Reference:

“Taking into consideration submissions by Members and comments made in Plenary, the Working Group on Air Pollution is instructed to:

- .1 consider documents MEPC 55/4/5 (United Kingdom) and MEPC 55/4/7 (Finland and Norway) and, if possible, finalize draft washwater criteria for Exhaust Gas-SO_x Scrubber Systems for approval by the Committee to be disseminated by

- an MEPC circular, and if it is not possible to finalize it at this session, consider how and when the washwater criteria can be finalized, and if this is through establishing a correspondence group, draft Terms of Reference for the Group;
- .2 finalize the draft standard form of SECA Compliance Certificate for Exhaust Gas-SO_x Cleaning Systems (annex to MEPC 55/4/9) for approval by the Committee;
 - .3 consider follow-up actions to resolution A.963(23), from a technical and methodological perspective, in accordance with the work plan and in particular to improve the co-operation between the IMO and ICAO Secretariats;
 - .4 consider the information from trials contained in the documents MEPC 55/4/3 (Germany and Norway), MEPC 55/4/4 (Norway), MEPC 55/4/8 (Republic of Korea), MEPC 55/4/12 (India), MEPC 55/4/14 (India), MEPC 55/INF.9 (Japan) and MEPC 55/INF.11 (Republic of Korea) concerning the Interim Guidelines for Voluntary Ship CO₂ Emission Indexing for use in Trials;
 - .5 prepare draft Terms of Reference for the update of the IMO GHG Study and provide a possible time frame for such an update;
 - .6 provide advice for a GHG module in GISIS, including how this should be designed and managed; and
 - .7 present a written report to Plenary on Thursday, 12 October 2006.”

Report of the Working Group on Air Pollution

4.45 Before considering the report of the Working Group MEPC 55/WP.6), the Committee noted the following:

- .1 the Working Group welcomed the oral information provided by the representative of the ICAO Secretariat on the work on GHG emissions from international civil aviation. ICAO was a specialized agency for international civil aviation and has 189 Member States. In its work that dated back to the 1960s, ICAO had focused mainly on aircraft noise and aircraft engine emissions. Regarding its emissions work, ICAO initially focussed on technical and operational reduction options. Since 1998, ICAO had investigated the feasibility and cost-effectiveness of market-based measures to reduce emissions. This study concluded that among others, open emissions trading could be a cost-effective measure for this industry. Following the decision of the 35th session of the ICAO Assembly, ICAO was developing guidelines to incorporate emissions from international civil aviation into Contracting States' emissions trading schemes consistent with the UNFCCC process. The task of developing these guidelines had been both complex and resource intensive and required active participation from Member States and experts. Also in this area, ICAO was preparing a report containing information on existing voluntary trading schemes.
- .2 the Working Group noted that ICAO co-operated closely with the UNFCCC Secretariat and provided regular Statements to UNFCCC related meetings, keeping the UNFCCC process updated on the progress made on its environmental

programme. ICAO welcomed the possibility of closer co-operation with IMO on GHG related matters in the future, which was in line with ICAO's stated long term policy to strengthen the co-operation between UN bodies in this area.

4.46 Having considered the report of the Working Group (MEPC 55/WP.6), the Committee approved the report in general and, in particular:

- .1 approved the establishment of a Correspondence Group on Washwater Criteria for Exhaust Gas SO_x Cleaning Systems co-ordinated by the United States* and approved its terms of reference as follows:

The correspondence group is instructed to:

- .1 taking into account documents MEPC 55/4/5 (United Kingdom) and MEPC 55/4/7 (Finland and Norway), develop washwater discharge criteria for exhaust gas SO_x cleaning systems in accordance with resolution MEPC.130(53) Guidelines for Exhaust Gas-SO_x Cleaning Systems – MARPOL Annex VI, regulation 14(4)(b), including:
 - .1 washwater assessment – reference method;
 - .2 washwater monitoring in service;
- .2 in light of the above, identify any inconsistencies with MEPC.130(53); and
- .3 submit a written report to MEPC 56.
- .2 approved the standard form of SECA Compliance Certificate as set out in annex 10 and instructed the Secretariat to attach it as an appendix to resolution MEPC.130(53) – Guidelines for Exhaust Gas-SO_x Cleaning Systems;
- .3 instructed the Secretariat to report the outcome of MEPC sessions and the outcome of other relevant GHG work within IMO to the ICAO Secretariat; and further invited ICAO to report the outcome of its work to IMO;
- .4 instructed the IMO Secretariat to arrange for an officer to attend the next session of SBSTA;
- .5 agreed to the recommendation of the Working Group to revisit the issue of the terms of reference for the update of the IMO Study on GHG at the next session and invited Member States and observers to submit input to the scope of the update and its terms of reference; and

*

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- .6 agreed to the recommendation of the Working Group that the advice sought by the Secretariat on GHG module in GISIS be revisited at the next session and invited Members States and observers to submit input on the remaining matters.

5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Proposed amendments to the revised MARPOL Annex I

5.1 The Committee recalled that MEPC 54 (20 to 24 March 2006), considered and approved amendments to the revised MARPOL Annex I with a view to adoption at the present session (MEPC 54/21, paragraph 8.16.1 and annex 10). The proposed amendments were circulated by the Secretary-General of the Organization, in accordance with article 16(2)(a) of the MARPOL Convention, under cover of Circular letter No.2706 of 31 March 2006.

5.2 The Committee considered document MEPC 55/5 (Secretariat) with the text of the proposed amendment to the revised Annex I relating to the designation of the Southern South Africa sea area as a Special Area. The Committee noted that MEPC 54 had instructed the Secretariat to prepare a draft MEPC Circular for approval by the Committee asking Member Governments and industry to urge oil tankers to refrain from washing their cargo tanks in the new Special Area, on a voluntary basis, pending the entry into force of the amendment which could only take effect from March 2008 in accordance with the provisions of article 16 of the MARPOL Convention. The Committee further noted that the draft MEPC Circular would be dealt with under agenda item 8.

5.3 The Committee agreed to refer the proposed amendments to the revised MARPOL Annex I and the draft MEPC resolution on their adoption to the drafting group for review, taking into account comments made in plenary.

Proposed amendments to MARPOL Annex III

5.4 The Committee recalled that MEPC 54 (20 to 24 March 2006) considered and approved proposed amendments to MARPOL Annex III (the Revised Annex III) with a view to adoption at the present session (MEPC 54/21, paragraph 10.3 and annex 13) and that they were circulated by the Secretary-General of the Organization, in accordance with article 16(2)(a) of MARPOL 73/78, under cover of Circular letter No.2706 of 31 March 2006.

5.5 The Committee recalled also that the draft revised Annex III had been agreed by DSC 10 in September 2005 where the timeframe for the entry into force of the revised Annex III was agreed so that the new provisions for marine pollutants would be incorporated in Amendments 34-08 to the IMDG Code, thereby providing a reasonable transition as well as maintaining the recognized process and respecting the cycle of introducing amendments in the IMDG Code (MEPC 54/21, paragraph 10.4 and annex 14).

5.6 The Committee considered document MEPC 55/5/1 (Secretariat) providing the text of the proposed amendments to MARPOL Annex III and noted that the revised Annex III would replace in its entirety the current text of Annex III and that its intended entry-into-force date (1 January 2010), as shown on the draft resolution on its adoption, was intended to coincide with that of the IMDG Code Amendment 34-08.

5.7 The Committee further noted that India, in document MEPC 55/5/3, had provided comments to the draft revised Annex III proposing to include in regulation 8.1 an offshore terminal as an additional location where port State control inspections on operational requirements take place.

5.8 Following debate, the Committee agreed to the proposal by India and instructed the drafting group to take it into account in its review of the proposed amendments and associated MEPC resolution on their adoption.

Proposed amendments to the Condition Assessment Scheme (CAS)

5.9 The Committee recalled that MEPC 54 (20 to 24 March 2006) considered and approved amendments to CAS with a view to adoption at MEPC 55 (MEPC 54/21, paragraph 10.13 and annex 15) and that the proposed amendments were circulated by the Secretary-General of the Organization, in accordance with article 16(2)(a) of MARPOL 73/78, under cover of Circular letter No.2706 of 31 March 2006.

5.10 The Committee considered document MEPC 55/5/2 (Secretariat) and noted that the proposed amendments to CAS were intended, *inter alia*, for the case where there was a change of flag, ownership or Recognized Organization affecting an oil tanker holding a valid CAS Statement of Compliance and that change of flag during the course of a CAS survey was also contemplated in the proposed amendments.

5.11 The Committee agreed to refer the proposed amendments to CAS and the draft MEPC resolution on their adoption to the drafting group for review.

Recommendation on the standards for the rate of discharge of untreated sewage from ships

5.12 In considering a proposal from Australia (MEPC 55/10/6) on the convenience of issuing an MEPC resolution approving a Recommendation for the compliance with the IMO standards for the rate of discharge of untreated sewage, called for in regulation 11.1 of MARPOL Annex IV, the Committee agreed to task the drafting group on amendments to review and finalize the Recommendation and associated draft MEPC resolution (see also paragraph 10.68).

Amendments to the LHNS Guidelines

5.13 The Committee, in considering the outcome of DSC 11 in document MEPC 55/10/6 (Secretariat), noted the proposed amendments to the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (the LHNS Guidelines) and agreed to instruct the drafting group on amendments to review and finalize the proposed amendments, and associated draft MEPC resolution on their adoption (see also paragraph 10.98).

Establishment of the Drafting Group on amendments to mandatory instruments

5.14 The Committee agreed to establish a Drafting Group on amendments to mandatory instruments and, taking into account documents submitted, as well as decisions, comments and proposals made in plenary, instructed it to:

- .1 review and finalize the texts of amendments to the revised MARPOL Annex I (Designation of the Southern South African sea area as a Special Area),

MARPOL Annex III (revised MARPOL Annex III) and the Condition Assessment Scheme, as well as the text of the associated MEPC resolutions on their adoption, taking into account submissions and comments in documents MEPC 55/5, MEPC 55/5/1, MEPC 55/5/2 and MEPC 55/5/3, as well as decisions, comments and proposals made in plenary;

- .2 review and finalize the Recommendation on Standards for the rate of discharge of untreated sewage from ships submitted in document MEPC 55/10/3;
- .3 review and finalize amendments to the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (The LHNS Guidelines) set out in document MEPC 55/10/6; and
- .4 submit a report to the plenary on Thursday, 12 October 2006.

Outcome of the drafting group

5.15 The Committee considered the report of the drafting group on MARPOL amendments (MEPC 55/WP.7) which met on 11 October 2007 under the chairmanship of Mr. Zafrul Alam (Singapore) and noted the following modifications and editorial adjustments as proposed by the group.

Designation of the Southern South African waters as a Special Area

5.16 The Committee concurred with the group's views and agreed to replacing the term "sea area" with the word "waters" in the designation of this Special Area. The Committee took into account that, in the context of MARPOL, "sea area" was used only in connection with named seas such as the "Mediterranean Sea", the "Red Sea" and others.

Offshore terminal

5.17 The Committee noted the concerns of some members of the drafting group regarding the lack of a definition for "offshore terminal" in the text of the Revised MARPOL Annex III which, *inter alia*, could lead to jurisdiction problems related to port State control being carried out outside the Exclusive Economic Zone.

5.18 In this respect the Committee, following an intervention by Japan, recalled that article 5(3) of the MARPOL Convention recognizes that a Party may take action against a ship, for the reason that it does not comply with the provisions of the Convention, in "ports or offshore terminals under its jurisdiction", whilst the term "jurisdiction", in article 9(3) of the MARPOL Convention, "shall be construed in the light of international law in force at the time of application or interpretation" which at the present time refers to UNCLOS.

Adoption of the amendments

5.19 Having resolved the above issues, the Committee approved the report in general and, by consensus, subsequently adopted:

- .1 amendments to the revised MARPOL Annex I (designation of the Southern South African waters as a Special Area) by resolution MEPC.154(55), set out in annex 11;
- .2 amendments to the Condition Assessment Scheme by resolution MEPC.155(55), set out in annex 12;
- .3 amendments to MARPOL Annex III (Revised MARPOL Annex III) by resolution MEPC.156(55), set out in annex 13;
- .4 resolution MEPC.157(55) on Recommendation on Standards for the rate of discharge of untreated sewage from ships set out in annex 14; and
- .5 amendments to the LHNS Guidelines by resolution MEPC.158(55), set out in annex 15.

5.20 The Committee agreed to bring the amendments to the LHNS Guidelines, adopted by resolution MEPC.158(55), to the attention of the MSC for action as appropriate.

Statement by Argentina

5.21 The Argentine delegation expressed concern for the perilous tendency to multiply the designation of Special Areas and PSSAs breaking away from their exceptional and restricted character as attributed by Article 211.6 of UNCLOS.

5.22 Argentina was of the view that issues relating to the designation of these Areas should engage the participation of the Legal Committee in their review as they affect the rights and obligations under UNCLOS. In the same way, Argentina believed that the PSSA Proposal Review Form submitted by the United States in document MEPC 55/8 should also be referred to the Legal Committee for consideration.

5.23 Lastly, Argentina reserved its position in respect of the adoption of amendments to the revised MARPOL Annex I by resolution MEPC.154(55) (designation of the Southern South African waters as a Special Area) as well as in respect of the approval of the PSSA Proposal Review Form.

6 INTERPRETATIONS AND AMENDMENTS OF MARPOL 73/78 AND RELATED INSTRUMENTS

6.1 The Committee had before it 13 substantive documents and one information document and agreed to deal with them, by grouping together those addressing the same or related issues, in the following order:

- .1 MEPC 55/6 (Dominica), MEPC 55/6/1 (Denmark), MEPC 55/6/6 (BIMCO), MEPC 55/6/10 (India), MEPC 55/6/11 (Sweden), and MEPC 55/6/12 (INTERTANKO and INTERCARGO), all dealing with matters related to implementation of and compliance with the discharge requirements of the Revised MARPOL Annex I;
- .2 MEPC 55/6/3 (Norway), MEPC 55/6/4 (New Zealand) and MEPC 54/6/7 (BIMCO) on matters related with the review of MARPOL Annex V;

- .3 MEPC 54/6/2 (Marshall Islands and INTERTANKO), MEPC 54/6/5 (IACS), MEPC 54/6/8 (IACS) and MEPC 54/6/9 (Australia) with several proposals for clarification, interpretation or amendment of different requirements in the Revised MARPOL Annex I and Annex IV; and
- .4 MEPC 54/INF.8 (Denmark) providing information on shipboard incinerator capacity.

DISCHARGE REQUIREMENTS IN THE REVISED MARPOL ANNEX I

6.2 The Committee noted that the first group of documents to be addressed responded to the Committee's outcome at MEPC 54 after consideration of document MEPC 54/14 by India. In that document, India had pointed at the serious operational problems affecting waste oil management in machinery spaces of ships. It was recalled that MEPC 54, in concluding the debate (MEPC 54/21, paragraph 14.8):

- “1 endorsed the views of India that inadequacy of oil pollution prevention equipment, in particular oily bilge separators, is a serious problem;
- .2 agreed to invite Member Governments and industry to provide concrete proposals, including draft MEPC circulars or proposed amendments to existing instruments, to a future session of the Committee in order to address this important matter; and
- .3 urged all Parties to the MARPOL Convention, especially port States, to fulfil their obligations under MARPOL by providing adequate reception facilities.”

6.3 The Committee expressed appreciation to India for its important contribution that had spurred a fruitful debate in the Committee which hopefully would bring important changes in the legislative and implementation aspects related to prevention of operational oil pollution from ships.

6.4 The Committee agreed to hold a general debate on the various proposals and best way forward on how to address them once all six documents had been introduced.

Electronic means to control oil discharges from ships

6.5 Dominica, in document MEPC 55/6, focused mainly on combating illegal discharges of oil into the marine environment. However, it stressed that surveillance and enforcement constitute heavy burdens for developing countries lying close to busy shipping lanes and proposed that modern electronic means, such as an Electronic Oil Discharge Monitoring System (EODMS), be used to replace part of the “pen and ink” current Oil Record Book (ORB). These electronic facilities must be tamper-proof and capable of recording all operations related to oily water operations (machinery spaces and cargo) regulated in MARPOL Annex I and the whole system could be integrated with the Long-Range Identification and Tracking System (LRIT) currently under development.

6.6 In addition, Dominica suggested that regulations 17 and 36 (ORB Parts I and II, respectively) of the revised MARPOL Annex I should be amended in this respect as well as related survey and IOPP certificate provisions, as required.

Improvement of the handling of oil residues and bilge water in relation to MARPOL Annex I and Annex VI

6.7 Denmark, in document MEPC 55/6/1, proposed a comprehensive overhaul of the regulations and related guidelines concerning handling of oil residues and oily bilge water. In the view of Denmark, the zero tolerance approach to MARPOL violations adopted by maritime authorities worldwide had made seafarers and shipping companies vulnerable to criminal prosecutions. In this environment, all efforts should be made to ensure that MARPOL provisions were clear (including definitions of key concepts in the regulations which are now absent) so that the requirements could be easily translated into actual operational practice aboard ships. The following concrete regulatory measures put forward by Denmark were, in synthesis:

- develop clear definitions for oil residues (sludge) and bilge water holding tanks;
- develop unified interpretations on how letter codes (A to H) in the ORB should be used;
- amendments to the IOPP Certificate, Forms A (ships other than oil tankers) and B (oil tankers);
- develop supplementary Guidelines concerning approval of bilge and sludge handling systems; and
- update the “Revised Guidelines for systems for handling oily wastes in machinery spaces of ships” approved at MEPC 54 (MEPC.1/Circ.511).

The Committee noted that, in its document, Denmark provided the texts of proposed amendments to MARPOL Annex I and related instruments in connection with the above.

Comments on the proposals by Dominica and Denmark

6.8 BIMCO, in document MEPC 55/6/6, whilst supporting the main thrust in Denmark’s document, proposed improvement of the oily water separator system, including the engine room bilge water holding tank. Its proposal included an improvement of the performance test described in resolution MEPC.107(49) by using more realistic fluids and making the tests longer (8-12 hours instead of 2.5 hours). It was suggested, in addition, that bilge holding tanks should not be double bottom tanks but, ideally, deep tanks which provide a better oil/water separation capability.

6.9 India, in document MEPC 55/6/10, welcomed the proposals by Dominica and Denmark and provided some comments of a technical nature, such as, *inter alia*, the convenience to furnish the oil content meter with enhanced recording capability relating to quantity of bilge water discharged, location of the ship through GPS input, continuous recording of ppm, position of the 3-way valve, etc.

6.10 In addition, India proposed to amend regulation 16 of MARPOL Annex VI in order to specify the minimum capacity for on-board incinerator as well as the upgrading to mandatory status of MEPC.1/Circ.511 (Revised Guidelines for systems for handling oily wastes in machinery spaces of ships).

6.11 Sweden, in document MEPC 55/6/11, in endorsing the proposal by Denmark (MEPC 55/6/1), suggested to include an additional item to the list of aspects that should be verified in the supplementary Guidelines concerning approval of bilge and sludge handling systems: verification by the Administration that the effluent from bilge water and oily water separator systems cannot be intentionally diluted at any point in these systems.

6.12 In the view of Sweden, the need for this addition was urgent as it was becoming more and more common that ships were “solving” their treatment problems by diluting the effluent from the bilge water separator before it reached the oil content meter in order to attain an oil content below 15ppm. In this way dilution led to discharges of harmful oil substances, without any reduction in the total quantity discharged into the sea, as in the end it was only a matter of how much water was added to the oil or emulsified oil before it was discharged overboard. The result of this method was that oil entering the marine environment was not reduced at all, thus defeating the main purpose of MARPOL Annex I.

6.13 In document MEPC 55/6/12, INTERTANKO and INTERCARGO expressed support for the holistic approach by Denmark; however, they formulated several detailed technical observations and proposed that the whole issue be referred to a technical Sub-Committee for review, where a thorough review of MEPC.1/Circ.511 and related regulations of MARPOL Annex I and Annex VI could be carried out.

Discussion of the proposals by Dominica and Denmark

6.14 Those delegations who intervened in the debate thanked Dominica and Denmark, as well as India, Sweden, BIMCO, INTERTANKO and INTERCARGO who had provided comments on the initial proposals, for their contributions aimed at improving in a holistic way the quality of the oil residue and bilge treatment systems on board ships.

6.15 In the course of the ensuing discussion, the following points were made:

- .1 many delegations supported the proposals in document MEPC 55/6/1 (Denmark) whilst several amongst them provided comments as to the practicability and feasibility of some of those proposals. It was recognized, however, that the regulatory changes put forward by Denmark constituted a sound basis for further advance with the aim of preventing marine pollution from ships' operations;
- .2 several delegations supported the proposal by Dominica; however, others could not agree to the EODMS intended system being integrated with the LRIT as the latter was still under development and was not intended to carry environmental applications in the short term. On this point, the Chairman clarified that indeed this was the case and recalled that MEPC 53, in discussing the possible future environmental functions of the LRIT, had agreed that it would need to be developed in such a manner that, when it would be extended to cater for environmental applications, it would be capable of easily being expanded so as to incorporate a data storage capability and capacity (MEPC 53/24, paragraph 11.41);
- .3 on the issue of whether document MEPC 55/6 (Dominica) had been submitted in compliance with the requirements of the Committee's Guidelines (MSC/Circ.1099 – MEPC/Circ.405), the Chairman recalled that MEPC 54 had invited Member Governments and industry to submit concrete proposals,

including proposed amendments to existing instruments, and that the proposal by Dominica responded to that invitation; however, as the proposal was not relevant for the purpose of the call for submissions made by MEPC, as stated in paragraphs 6.2.1 and 6.2.2 above, the Committee recommended Dominica to resubmit it as a proposal for a new work programme item, in accordance with the requirements of the Committee's guidelines, to a future session of the Committee;

- .4 it was mentioned that the revised MARPOL Annex I, which would enter into force on 1 January 2007 after more than seven years of preparation, should be given sufficient time to assess its strengths and weaknesses before a compelling need was shown for amendments;
- .5 many delegations agreed that detailed discussion on the complex technical issues that formed the core of the proposals, and comments made upon them, should be referred to a technical Sub-Committee rather than holding a debate in the Committee where only matters of policy should be dealt with.

6.16 In concluding the debate, the Committee agreed to include a high priority item on "Review of MEPC.1/Circ.511 and relevant MARPOL Annex I and Annex VI requirements" in the work programme of the DE Sub-Committee and in the provisional agenda of DE 50 with a target completion date of 2008.

6.17 The Committee agreed to request the DE Sub-Committee to take into account documents MEPC 55/6/1, MEPC 55/6/6, MEPC 55/6/10, MEPC 55/6/11 and MEPC 55/6/12, in the discussions relating to the new work programme item and invited member Governments and interested observer delegations to submit any other proposals relating to this issue to the DE Sub-Committee.

REVIEW OF MARPOL ANNEX V

6.18 The Committee recalled that MEPC 54 noted resolution A/RES/60/30 of the UN General Assembly inviting IMO to review MARPOL Annex V, in consultation with relevant organizations and bodies, and to assess its effectiveness in addressing sea-based sources of marine debris.

6.19 The Committee recalled also that it was suggested at the same session that a review of MARPOL Annex V should also take into account the recommendations of the Joint London Convention/MEPC Correspondence Group when clarifying boundary issues between MARPOL 73/78 and the London Convention and Protocol, as this particularly addressed the discharge of garbage under MARPOL Annex V. The Committee noted that the report of the Joint London Convention/MEPC Correspondence Group would be considered under agenda item 11.

6.20 The Committee recalled, finally, that, in conclusion, MEPC 54 (MEPC 54/21, paragraphs 11.27.1 and .2):

- .1 noted the invitation of the UN General Assembly and agreed to initiate the review of MARPOL Annex V, and to assess its effectiveness in addressing sea-based sources of marine debris; and
- .2 invited delegations to submit proposals under the Committee's relevant agenda items to review MARPOL Annex V for this purpose.

6.21 The Committee had before it three documents responding to this invitation: MEPC 55/6/3 (Norway), MEPC 55/6/4 (New Zealand) and MEPC 55/6/7 (BIMCO).

6.22 Norway, in document MEPC 55/6/3, proposed the review of the discharge requirements for cargo residues from dry bulk cargos in the context of the review of MARPOL Annex V and the Guidelines for its implementation. Cargo residues should be considered both in the “wet” condition (wash water) and in the “dry” condition and a series of criteria, such as turbidity; sedimentation; biological oxygen demand; toxicity; long term effects; and floating properties were to be taken into account.

6.23 New Zealand, in document MEPC 55/6/4, showed concern about the problem posed by garbage mixed with packaging material such as plasticized cardboard blister packs which now seemed to be insufficiently regulated. New Zealand proposed a double approach: amendment of Annex V regulation 3(1)(a) by including an additional paragraph mentioning waste comprising dangerous goods listed in the IMDG Code; and approval of a Unified Interpretation to the effect that the term “plastics” should include plasticized cardboard blister packs.

6.24 The Committee noted document MEPC 55/6/7 (BIMCO) providing further comments and proposals on the problem of cargo residues under MARPOL Annex V. In the view of BIMCO, an amendment of the “Guidelines for the implementation of MARPOL Annex V” by including a new Garbage Type entitled “Cargo hold washing water containing cargo residues from dry cargoes” would clarify the issue.

6.25 The Committee, having noted that there was support for the proposals by Norway, New Zealand and BIMCO, agreed that they would provide a good basis for starting the review of MARPOL Annex V.

Establishment of an Intersessional Correspondence Group and Terms of Reference

6.26 The Committee agreed to establish an intersessional correspondence group under the leadership of Canada* and, with a view to dealing with the review of MARPOL Annex V in a holistic way, instructed it to:

- .1 develop the framework, method of work and timetable for a comprehensive review of MARPOL Annex V and the associated Revised Guidelines for the implementation of MARPOL Annex V (resolution MEPC.59(33), as amended) taking into consideration:
 - .1.1 resolution A/RES/60 of the UN General Assembly inviting IMO to review MARPOL Annex V, in consultation with relevant organizations and bodies, and to assess its effectiveness in addressing sea-based sources of marine debris; and

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- .1.2 the recommendations of the Joint London Convention/MEPC Correspondence Group set out in document MEPC 55/11/3;
- .2 taking into account documents MEPC 55/6/3, MEPC 55/6/4 and MEPC 55/6/7 and the comments made at MEPC 55, prepare a list of initial draft amendments to MARPOL Annex V and the associated Revised Guidelines for the implementation of MARPOL Annex V; and
- .3 submit a written report to MEPC 56.

CLARIFICATION, INTERPRETATION OR AMENDMENTS TO MARPOL ANNEXES I AND IV

6.27 The Committee considered documents MEPC 54/6/2 (Marshall Islands and INTERTANKO), MEPC 54/6/5 (IACS), MEPC 54/6/8 (IACS) and MEPC 54/6/9 (Australia) with several proposals for clarification, interpretation or amendment to different requirements of the Revised MARPOL Annex I and Annex IV.

6.28 In introducing document MEPC 55/6/2, Marshall Islands drew the attention of the Committee to the fact that, in the revised MARPOL Annex I, regulation 38 on Reception facilities seemed to have omitted to mention the obligation to provide reception facilities in respect of oily residues from cargo areas of oil tankers, which, on the other hand, was provided in the current Annex I parallel regulation 12(2)(e) by referencing regulation 9. In the view of the co-sponsors, mention of regulation 34 on discharge requirements from cargo areas of oil tankers should also be included in regulation 38.2.5 of the revised Annex I (which now only referenced regulation 15 on discharge requirements of oil or oily mixtures except cargo residues) to make it crystal clear that reception facilities for residues from cargo areas of oil tankers must also be provided and, in this respect, the text of a draft amendment to the revised MARPOL Annex I regulation 38.2.5 was included in the document.

6.29 Following discussion, the Committee agreed with the proposal by Marshall Islands and INTERTANKO as contained in document MEPC 55/6/2, approved the proposed amendment to regulation 38.2.5 of the revised MARPOL Annex I, as set out in annex 16, and invited the Secretary-General to circulate it in accordance with the MARPOL amendment procedures for consideration with a view to adoption at MEPC 56. The Committee instructed the Secretariat to issue MEPC.1/Circ.541 so that the proposed amendment be brought to the attention of Member Governments, port Authorities and industry, pending its entry into force.

6.30 The Committee noted document MEPC 55/6/5 (IACS) inviting the Committee to concur with their criteria for assessing compliance with the requirements set out in regulation 37.4 of the Revised MARPOL Annex I, which reads:

“All oil tankers of 5,000 tonnes deadweight or more shall have prompt access to computerized shore-based damage stability and residual structural strength calculation programs.”

6.31 The Committee concurred with the views expressed by IACS and agreed that the following criteria met the principles, including those relevant to liability issues, and expectations under which regulation 37.4 of the revised MARPOL Annex I had been developed:

- .1 verification that a contract existed on board linking the ship with a shore-based service provider with access to an up-to-date computer model of the ship and that a copy was kept on board;
- .2 acquisition of a statement from the shore-based service provider indicating that proven computer hardware and software with trained personnel were available and capable of providing computer calculation capabilities as per the above-mentioned regulation; and
- .3 verification that the master had means to access the shore-based firm at any time.

6.32 In document MEPC 55/6/8, IACS informed the Committee about their own Interpretation MPC 86 which provided criteria for the implementation of regulation 10.1 of MARPOL Annex IV, to the effect that all ships subject to Annex IV, irrespective of size and whether or not fitted with a sewage treatment plant or sewage holding tank, shall be provided with a pipeline and the relevant shore connection flange for discharging sewage to port reception facilities.

6.33 The Committee endorsed the above interpretation by IACS and approved it as Unified Interpretation of the requirements of regulation 10.1 of MARPOL Annex IV, set out at annex 17.

6.34 Australia, in document MEPC 55/6/9, proposed that the definition of “**en route**” in regulation 1.6 of the revised MARPOL Annex II should also apply to the revised Annex I. This understanding would now be necessary as the 12-nautical mile minimum distance from nearest coast, as a restriction for discharges of oily residues from machinery spaces of ships, was removed from regulation 9 of the current Annex I and, consequently, did not appear either in equivalent regulation 15 of the revised Annex I. Thus the lack of a definition of “en route” in the revised Annex I might be interpreted as allowing discharges where the ship is under way but without a minimum distance requirement from nearest land. In the view of Australia, the ship should be “at sea”, which would have the effect of banning discharges within port areas or internal waters. In addition, the term “at sea” should be further clarified, for the purposes of the revised Annex I, by qualifying it with the expression “outside internal waters”.

6.35 Following debate, the Committee agreed to the following Unified Interpretation, set out at annex 18, for the term “en route” for regulation 15.2.1 of Revised MARPOL Annex I as:

“en route” means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigation purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable.

SHIPBOARD INCINERATOR CAPACITY

6.36 The Committee noted with appreciation document MEPC 55/INF.8 (Denmark) on Incinerators for disposal of oil residues, which brought the attention of the Committee to the fact that incinerators’ capacity (in litres per hour) varies within a range because it depends on the composition of the sludge fed into it. In consequence, the quantity of burned sludge per hour recorded in the ORB may exceed the nominal capacity stated in the IOPP Certificate Supplement (f.i., where the sludge’s water content is high) and this might lead to suspicions from port State control officers that part of the sludge registered as burnt in the ORB has been disposed of in some other way, illegally.

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

7.1 The Committee had for its consideration under this agenda item documents MEPC 55/7 (Secretariat), MEPC 55/7/1 (Secretariat) and MEPC 55/WP.1 (Report of the fifth meeting of the OPRC-HNS Technical Group).

GUIDANCE DOCUMENT ON PLANNING AND RESPONSE TO CHEMICAL RELEASES IN THE MARINE ENVIRONMENT

7.2 The Committee considered document MEPC 55/7 (Secretariat) presenting a final draft text of a Guidance document on planning and response to chemical releases in the marine environment, as agreed by the fourth meeting of the OPRC-HNS Technical Group.

7.3 The delegation of the Netherlands, in considering the document, recognized it to be a useful guidance manual; however, it noted that the nomenclature was not consistent with that used in other IMO publications on similar topics and also that it did not include any reference to the Globally Harmonized System for chemicals. It was further noted that section 3.3 addressed operational discharges, as allowed under MARPOL, therefore, in its view, falling outside of the response and preparedness scope of the manual. As such, the delegation of the Netherlands recommended the removal of section 3.3 from the manual.

7.4 The observer from CEFIC, as a participant in the correspondence group charged with drafting the manual, indicated that the section had been included to familiarize readers with the hazards associated with bulk chemicals and, as such, felt that it should remain.

7.5 Further to some discussion on the matter, the Committee ultimately approved the draft text, with section 3.3 remaining, and:

- .1 instructed the Secretariat to work with IPIECA to address the nomenclature issues, to include information on the Globally Harmonized System and to finalize the graphics and photographs;
- .2 entrusted the Secretariat to include appropriate wording in the introduction to section 3.3 to clarify that the section applied only to operational discharges and was not specifically related to preparedness and response to chemical spills; and
- .3 upon completion of the above, instructed the Secretariat to submit the document for publication as an IMO manual.

THE INTERNATIONAL RESPONSE TO THE LEBANON OIL SPILL CRISIS

7.6 The Committee considered document MEPC 55/7/1 (Secretariat) providing an overview of the work undertaken by IMO, REMPEC and the wider international community in response to the Lebanon oil spill crisis and noted the information contained therein.

7.7 In particular, the Committee noted the work of IMO and REMPEC, since the beginning of the incident, to ensure a timely and co-ordinated response to the spill through the mobilization of resources to assist the government of Lebanon in managing and responding to the incident, the deployment of numerous experts to assist the Ministry of Environment in the co-ordination of incoming international assistance into Lebanon, and the support provided in

developing a US\$ 50 million oil spill clean-up and capacity building project for inclusion in the national recovery and reconstruction appeal, launched in late August 2006.

7.8 In noting the information provided, the Committee expressed its appreciation to IMO and to REMPEC for their efforts in responding to the oil spill in Lebanon and acknowledged the wide support provided by many countries, international organizations and non-governmental organizations in this regard, as set out in the annex to MEPC 55/7/1.

7.9 The Committee also urged Member States to replenish the resources which had been utilized from the Marine Pollution Response Fund (US\$ 100,000) in order to allow the Secretariat to maintain a minimum level of preparedness for future incidents.

7.10 The delegation of the United States highlighted the work carried out in the United States in connection with the oil spill in Lebanon, noting, in particular, the establishment of the Lebanon Oil Spill Working Group, an interagency group led by the US Department of State, with participation of National Oceanographic and Atmospheric Administration (NOAA), the Coast Guard (CG), the Environmental Protection Agency (EPA) and the US Agency for International Development (USAID), which was established in the early stages of the incident to monitor events, co-ordinate with the Lebanese authorities and to identify the nature of assistance to be provided by the United States in response to the spill.

7.11 The Committee also noted the information provided by the United States with regard to the assistance it was currently providing in response to the oil spill in Lebanon, notably, the US\$ 5 million dollar contract initiated with US-based spill contractor SEACOR to undertake the clean-up of the northern Lebanese coastline, an initiative which was developed in consultation with the Lebanese Ministry of Environment and the international spill response co-ordination efforts provided by REMPEC.

7.12 Having considered the information presented by the delegation of the United States, the Committee concurred with the proposal for the Technical Group to look into lessons learned from the response to the Lebanon oil spill.

REPORT OF THE FIFTH MEETING OF THE OPRC-HNS TECHNICAL GROUP

7.13 The Committee noted that the fifth session of the OPRC-HNS Technical Group was held from 2 to 6 October 2006 under the Chairmanship of Mr. Ezio Amato (Italy).

7.14 In introducing the report of the Technical Group (MEPC 55/WP.1), the Chairman stated that the OPRC-HNS Technical Group had made considerable progress on its work programme. He then presented the main outcome of the fifth Technical Group meeting, which is summarized in the following paragraphs.

Manuals and guidance documents

7.15 The Committee, having noted the progress made on the Manual on oil spill risk evaluation and assessment of response preparedness and the proposed restructuring to deliver more practical guidance to end users, concurred with course of action taken by the Group to finalize the document through a correspondence group co-ordinated by Canada (MEPC 55/WP.1, paragraphs 3.2 to 3.8).

7.16 The Committee noted the progression of the IMO/UNEP Manual on the assessment and restoration of environmental damage following marine oil spills taking into account, in particular, the lengthy discussion and ultimate conclusions reached by the Group to address the comments received from UNEP, some of which involved substantial changes to the scope and content of the manual. The Committee further noted the work to be carried out by the IMO and UNEP Secretariats to address the new and revised content, which would ultimately be turned over to a correspondence group under the co-ordination of Italy, to finalize and to submit a revised draft to TG 6 (MEPC 55/WP.1, paragraphs 3.9 to 3.16).

7.17 The Committee noted the progress made by the Group and the advanced state of the revision of the Manual on oil pollution, Section V – Administrative aspects of oil pollution response, and instructed the Secretariat to finalize the text and submit the finalized draft for approval by MEPC 56 (MEPC 55/WP.1, paragraphs 3.17 to 3.22).

7.18 Having considered the discussion and recommendation of the Technical Group with regard to a revision of the Manual on oil pollution, Section I – Prevention, given its wider application, rather than updating the ‘MARPOL – How to do it’ manual, the Committee approved the revision of the Manual on oil pollution, Section I, accordingly (MEPC 55/WP.1, paragraphs 3.23 to 3.31).

7.19 The Committee considered the discussions of the Group with regard to the development of guidance materials to address the legal and administrative aspects of HNS incidents and concurred with the need to consider materials that may be available from Maritime Administrations as a source of information for determining the exact nature and scope of guidance materials required internationally, to be eventually developed by the Group (MEPC 55/WP.1, paragraphs 3.32 to 3.38).

Training

7.20 The Committee, in noting the delay in the development of the two introductory courses on preparedness for and response to HNS due to financial resource constraints in the first half of 2006, which prevented the recruitment of the consultants to further develop the draft courses in time to be considered by TG 5, instructed the Secretariat to take all necessary measures to secure the required financing to advance the development of the course for submission to the Technical Group at its sixth session (MEPC 55/WP.1, paragraphs 4.2 to 4.4).

7.21 The Committee noted the progress in the revision of the OPRC Train-the-Trainer course and the establishment of a correspondence group to advance the work on the course revision, taking into particular account the experiences of and materials available from CEDRE, which were developed on the basis of the OPRC course, but modified to better meet the needs of trainees (MEPC 55/WP.1, paragraphs 4.5 to 4.10).

7.22 The Committee approved the MEPC Circular (MEPC.1/Circ.538) containing a Briefing package for senior government officials and high-level executives in the event of major oil spills (MEPC 55/WP.1, paragraphs 4.11 to 4.14 and annex 1).

Information services and exchange

7.23 Having noted the preliminary discussions undertaken by the Group with regard to the organization of a Fourth R&D Forum and noting, in particular, the preference for organizing such a Forum in conjunction with another relevant international symposium, such as

INTERSPILL in 2009, with HNS and heavy oil suggested as possible themes, concurred with the need to identify appropriate partners for co-organization and co-funding of a fourth Forum (MEPC 55/WP.1, paragraphs 5.1 to 5.6).

7.24 The Committee also noted the information provided to the Technical Group by the delegation of Poland with regard to the recent Balex Delta Exercise 2006, an annual pollution response exercise that took place under the umbrella of the Helsinki Convention in Gdynia, Poland, from 5 to 7 September 2006.

7.25 The Committee further noted the information presented to the Technical Group by the delegation of the Russian Federation during its presentation on the following exercises:

- .1 the joint Russia-Turkey exercise on search and rescue and oil spill response, held in the Black Sea, off the Port of Novorossiysk on 15 June 2006, with representatives from Romania and Sweden taking part as observers; and
- .2 the exercise jointly carried out by the Russian Federation, Japan and the Republic of Korea, under the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC) of the North West Pacific Action Plan for the Protection, Management and Development of the Marine and Coastal Environment (NOWPAP). The exercise was conducted in the Aniva Gulf in Sakhalin on 11 May 2006, with representatives from the People's Republic of China and MERRAC taking part as observers.

Co-operation with other organizations

7.26 The Committee acknowledged the activities and co-operation undertaken by the Secretariat with other international organizations noting, in particular, IMO's contribution to the 2006 edition of the Joint Radiation Emergency Management Plan of the International Organizations, the 2006 IMO/UNEP Forum on regional co-operation in combating marine pollution and the memorandum of understanding signed with the Joint UNEP/OCHA Environment Unit formalizing co-operative arrangements in the event of an emergency involving both organizations (MEPC 55/WP.1, paragraphs 6.2 to 6.4).

7.27 The Committee took into account the review by the Group of the information contained in document MEPC 55/7/1 on the activities undertaken by IMO and REMPEC in the response to the Lebanon oil spill crisis, which would also be presented directly to the Committee when considering the same document (MEPC 55/WP.1, paragraphs 6.7 to 6.12).

Technical co-operation implementation on OPRC and HNS

7.28 The Committee took note of the Group's consideration of reports on the implementation of Technical Co-operation activities in connection with OPRC and HNS, as outlined in the MEPC documents on this subject (MEPC 55/WP.1, paragraphs 7.1 to 7.6).

Work programme and provisional agenda for TG 6

7.29 The Committee approved the work programme and provisional agenda for the sixth meeting of the OPRC-HNS Technical Group, as set out in annex 19.

7.30 The Committee also approved the scheduling of the sixth session of the OPRC-HNS Technical Group meeting the week prior to MEPC 56, at a location to be decided taking into account offers made by the delegation of the United Kingdom and France, in the event that the renovations at Albert Embankment were not yet complete and approved the report in general (MEPC 55/WP.1, paragraphs 9.7 to 9.10).

Election of Chairman and Vice-Chairman

7.31 The Committee welcomed the election of Mr. Mark Meza (United States) as Chairman, and Mr. Nick Quinn (New Zealand) as Vice-Chairman of the Technical Group for the three-year period 2007 – 2009 (MEPC 55/WP.1, paragraphs 9.1 to 9.3).

7.32 Correspondingly, the Committee duly thanked the present Chairman, Mr. E. Amato (Italy), for his contribution to the work of the Committee on OPRC-HNS matters and his stewardship of the Technical Group during his three years as Chairman.

8 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS

Early and effective implementation of the Southern South African waters as a Special Area

8.1 The Committee recalled that MEPC 54 agreed to the designation of the Southern South African waters as a Special Area under the revised MARPOL Annex I and approved the draft amendment in respect of the Special Area to regulation 1.11 of the revised MARPOL Annex I.

8.2 The Committee, having noted that the amendment had been adopted under agenda item 5 (paragraph 5.19) and that, in accordance with the amendment procedure of Article 16 of the MARPOL Convention, the amendments to MARPOL Annex I regarding the Special Area would not enter into force until early 2008, approved the draft circular contained in the annex to document MEPC 55/8/1, requesting Member Governments and industry groups to comply with the Special Area requirements immediately on a voluntary basis and, in particular, urge oil tankers to refrain from washing their cargo tanks in the Southern South African waters, pending the entry into force of the Special Area. The Committee also requested the Secretariat to distribute the circular (MEPC.1/Circ.543) as soon as possible.

8.3 The observer from INTERTANKO stated that it supported the proposed circular and would urge its members to comply with the Special Area requirements, pending their entry into force.

PSSA Proposal Review Form

8.4 The Committee recalled that MEPC 53 finalized the revision of the Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas (PSSA Guidelines), which was adopted by the Assembly under the symbol of resolution A.982(24). The Committee also recalled that MEPC 54 finalized and approved a revised text of the Guidance Document for Submission of PSSA Proposals to IMO, which was circulated as MEPC.1/Circ.510 in response to significant changes made in the revised PSSA Guidelines, and also approved a uniform format of the MEPC resolutions to designate PSSAs (MEPC 54/21, annex 11).

8.5 The Committee considered a draft PSSA Proposal Review Form submitted by the United States (MEPC 55/8, annex). In introducing their document, the United States mentioned

that the review form would facilitate a robust review of a PSSA proposal and ensure that the revised PSSA Guidelines (A.982(24)) were fulfilled.

8.6 The Committee, having considered the proposal by the United States and having taken into account comments from the floor, approved the PSSA Proposal Review Form, with minor amendments, which is set out in annex 20.

Outcome of NAV 52 related to the Galapagos PSSA

8.7 The Committee recalled that MEPC 53 designated the Galapagos Archipelago as a PSSA by resolution MEPC.135(53) and Assembly adopted the 'Area to be Avoided' as the associated protective measure at the twenty-fourth session by Assembly resolution A.976(24). In this regard, the Committee noted the outcome of NAV 52 on PSSAs as contained in document MEPC 55/8/2, in particular, that NAV approved the new mandatory ship reporting system for the Galapagos Particularly Sensitive Sea Area (GALREP), which the MSC was invited to adopt. The Committee also noted that, for ships entering and leaving the PSSA, and the implementation of two mandatory traffic separation schemes for ships entering ports in the Galapagos Archipelago, the NAV Sub-Committee encouraged Ecuador to submit a proposal to a future session of the Sub-Committee for consideration.

Pilotage in the Torres Strait PSSA

8.8 The Committee recalled that MEPC 53 designated the Torres Strait as an extension to the Great Barrier Reef PSSA by resolution MEPC.133(53). In this regard, the Committee noted the outcome of NAV 52 on PSSAs as contained in document MEPC 55/8/2/Add.1, relating to pilotage in the Torres Strait PSSA and the concerns expressed by the delegation of Singapore regarding Australia's and Papua New Guinea's introduction of compulsory pilotage in the Torres Strait with effect from 6 October 2006.

8.9 In introducing document MEPC 55/8/3, the observer from ICS, on behalf of the co-sponsors BIMCO, INTERTANKO and INTERCARGO, stated that, while recognizing the fragility of the Torres Strait environment, its ecosystem and their awareness of the navigational difficulties associated with the passage of, in particular, large ships, their concern with Marine Notice 8/2006 published by the Government of Australia with respect to pilotage in the Torres Strait remained. The observer from ICS recalled that the report of MEPC 53 included a statement by the United States that appeared to reflect the consensus view of the meeting after its deliberations and invited the Committee to reaffirm its understanding of this matter. As requested, the statement by ICS is attached in annex 21.

8.10 Following the introduction of document MEPC 55/8/3 by ICS, the Chairman stated that historically, when the Committee adopts resolutions with an operative paragraph beginning with the word "RECOMMENDS", the content of that paragraph is of a recommendatory nature; therefore, any different interpretation would necessitate the revision of all resolutions adopted by the MEPC. The Chairman requested the Committee to agree that on adopting resolution MEPC.133(53) the Committee was adopting it on a recommendatory basis. The Committee agreed with the Chairman that resolution MEPC.133(53) is of a recommendatory nature.

8.11 Following the decision of the Committee, Australia stated that it agreed with the Chairman's view, but not with all the points in document MEPC 55/8/3.

8.12 The delegation of Singapore stated that they agreed with the Chairman's summation of the Committee's decision that resolution MEPC.133(53) was recommendatory in nature. As such, the delegation of Singapore reiterated the understanding that resolution MEPC.133(53) provided no international legal basis for mandatory pilotage for ships in transit in this or any other strait used for international navigation. Hence, Singapore strongly urged Australia to review its positions in Marine Notices 8/2006 and 16/2006 to bring these in line with the understanding reached by the Committee. As requested, the statement by Singapore is attached in annex 22. The delegations of the Bahamas, Chile, China, Cyprus, Greece, India, Islamic Republic of Iran, Israel, Italy, Japan, Latvia, Liberia, Marshall Islands, Nigeria, Norway, Panama, Republic of Korea, the Russian Federation, Thailand, the United Kingdom and the United States associated themselves with this statement.

8.13 In response, the delegation of Australia made a statement, given at annex 23. The delegations of New Zealand and Papua New Guinea associated themselves with this statement.

8.14 The delegation of Denmark supported the efforts of Australia and in particular supported moves to introduce mandatory pilotage schemes in sensitive sea areas, as appropriate. The statement by the delegation of Denmark is given at annex 24.

8.15 The delegation of Cyprus, while supporting the statement of Singapore, also stated that "compulsory pilotage in straits used for international navigation" was currently outside the legal framework of international law and, in addition, it was seriously concerned about the consequences that the introduction of such a system in the Torres Strait could have elsewhere. This statement was supported by Greece.

9 INADEQUACY OF RECEPTION FACILITIES

9.1 The Committee had before it two documents under this agenda item: document MEPC 5/9 (Friends of the Earth International) on marine litter and waste reception facilities in Western Europe; and document MEPC 55/9/1 (Secretariat) reporting on the outcome of FSI 14 concerning the draft Action Plan on port reception facilities.

Marine litter and reception facilities

9.2 In introducing document MEPC 55/9, Friends of the Earth International presented the results of an investigation on the status of marine litter and waste reception facilities in Western Europe. The document pointed out that it was still commonplace for marine cadets to throw objects in the sea, and that the adequacy of port reception facilities was still a concern, even in Western Europe. The document concluded that improving awareness of the effects of marine litter among seafarers and others working in the maritime industry may be an effective additional instrument to ultimately free the oceans of debris.

9.3 A number of delegations, including Vanuatu, expressed support for the recommendation made by Friends of the Earth International in document MEPC 55/9 and the need to improve awareness of the effects of marine litter among seafarers and others working in the maritime industry. In this respect, it was suggested that the list of garbage thrown overboard as contained in the annex to document MEPC 55/9 be kept in the mind of everybody when the Committee considered the revision of MARPOL Annex V.

9.4 The Committee noted the progress made by the European Commission in addressing the issue of adequacy of port reception facilities as a result of the implementation of the related EU Directive 2000/59. It further noted the offer made by the EU to share their experience in tackling related issues.

9.5 The Committee expressed appreciation for the information provided by Friends of the Earth International.

Action Plan for port reception facilities

9.6 The Committee considered two action items in the outcome of FSI 14 concerning reception facilities (MEPC 55/10/2, paragraphs 2.15 and 2.16) under this agenda item.

9.7 With regard to the draft Action Plan for port reception facilities, the Committee recalled that MEPC 52 had invited submissions intended to identify problem areas in order to develop an Action Plan to address the inadequacy of reception facilities. The Committee also recalled that the Industry Port Reception Facilities Forum had submitted information to MEPC 53 on initiatives for enhancing the use of port reception facilities.

9.8 The Committee further recalled that, on the basis of the outcome of MEPC 53, the Secretariat had prepared a draft Action Plan for tackling the inadequacy of port reception facilities which identified a number of work items, and each item contained background information, priority, target completion date and the IMO body responsible for the work. FSI 14, after discussion, agreed to the draft Action Plan (FSI 14/19, paragraph 13.6).

9.9 The Committee approved the draft Action Plan as set out in annex 11 to document FSI 14/19. With regard to action item “5.1 – Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities” concerning the proposal to develop an MEPC resolution to recognize regional arrangements, the Committee noted the information provided in document MEPC 55/9/1.

9.10 In this connection, the Committee recalled that MEPC 44, by resolution MEPC.83(44), adopted the Guidelines for Ensuring the Adequacy of Port Reception Facilities in March 2000. Paragraphs 5.15 and 5.16 of the Guidelines state as follows:

“5.15 Port waste management planning on a regional basis can provide a solution when it is undertaken in such a manner as to ensure that vessels do not have an incentive to discharge wastes into the sea. In the development of such regional plans it is imperative that the dedicated waste storage capacity of vessels involved is sufficient to retain their wastes between ports of call. Such planning may require close collaboration between States.

5.16 In judging the adequacy of waste reception facilities at individual ports within a regional plan, States Parties to MARPOL 73/78 will need to have particular regard to the ability of all ships to discharge all of their wastes within the region.”

9.11 The Committee, recognizing that resolution MEPC.83(44) already provided guidance to the issue of regional arrangements, agreed that it was not appropriate to adopt a further MEPC resolution to recognize regional arrangements as satisfying MARPOL obligations to provide adequate port reception facilities in view of the fact that the relevant MARPOL regulations require each Party to provide reception facilities and that regional arrangements may contravene

the current MARPOL requirements. Recognizing, though, the benefit of having such regional arrangements in place, the Committee agreed to recognize them a means to provide reception facilities in light of the requirements of the MARPOL Convention, and requested Member States to provide their views to future sessions of the Committee on how these regional arrangements could be better institutionalized.

10 REPORTS OF SUB-COMMITTEES

Outcome of FSI 14

General

10.1 The Committee noted that the fourteenth session of the Sub-Committee on Flag State Implementation was held from 5 to 9 June 2006 and its report was issued as FSI 14/19.

10.2 The Committee further noted that the outcome of FSI 14 on matters relating to the Inadequacy of Port Reception Facilities was taken under agenda item 9 and the outcome on matters relating to Ballast Water Management was taken under agenda item 2.

10.3 The Committee approved the report in general and took action on all remaining items referred to it by FSI 14 (MEPC 55/10/2).

Guidelines for integrated implementation of the safety management system and the ship security plan

10.4 The Committee recalled that the Independent Group of Experts on the Impact and Effectiveness of Implementation of the ISM Code presented its report to MSC 81 as MSC 81/17/1. MSC 81 referred the report to the Joint MSC/MEPC Working Group on the Human Element. One of the recommendations contained in this report was that consideration should be given to aligning the requirements contained in the ISM and ISPS Codes in shipboard documentation in order to make compliance easier.

10.5 In this context, the Committee noted the action requested of MSC 82 by the FSI Sub-Committee to consider the proposal by Argentina (set out in document FSI 14/3) for Guidelines for integrated implementation of the safety management system and the ship security plan, from the maritime security point of view, first and, if appropriate, refer the proposal to the Joint MSC/MEPC Working Group on the Human Element.

Implementation of resolution A.600(15) – IMO ship identification number scheme

10.6 The Committee recalled that resolution A.600(15), concerning the assigning of a permanent number to each ship for identification purposes, was adopted in 1987 as a measure to enhance ship safety and security and was made mandatory under SOLAS regulation XI-1/3. Circular letter No.1886/Rev.2 outlines procedures for obtaining the IMO Ship Identification Numbers from Lloyds Register-Fairplay (LRF), which managed the Scheme. These procedures refer to assigning the Numbers at the keel-laying stage.

10.7 The Committee further recalled that MSC/Circ.1142 – MEPC/Circ.425 had recommended that IMO Ship Identification Numbers be marked on ships' plans and other documents prior to submission for approval by an Administration, which has meant that LRF was being asked to

issue IMO Ship Identification Numbers at the new building order stage, that is well before the keel-laying date.

10.8 Having noted that FSI 14 agreed to amendments to the text of Circular letter No.1886/Rev.2 in order to formalize the issuing of numbers at the new building order stage, to streamline the process and to avoid the possibility of duplication, the Committee, subject to concurrence by MSC 82, approved the draft Circular letter No.1886/Rev.3 on Implementation of resolution A.600(15) – IMO ship identification number scheme.

Implementation of the IMO Unique Company and Registered Owner Identification Number Scheme

10.9 The Committee recalled that the IMO Unique Company and Registered Owner Identification Number Scheme would become mandatory under amendments to SOLAS regulations XI-1/3-1 and 5 and the ISM and ISPS Codes, which were expected to enter into force on 1 January 2009, whilst Circular letter No.2554 outlined procedures for obtaining the identification numbers from Lloyds Register-Fairplay (LRF).

10.10 The Committee also recalled that MSC 80 had agreed that the procedures outlined in Circular letter No.2554 should be reviewed and revised as necessary by FSI 14.

10.11 The Committee concurred with FSI 14's proposal for a web service to facilitate the provision of company and registered owner data from LRF to flag Administrations in electronic format, and in this regard noted that a new field had been added to the database to allow Member States to provide the name of companies, as recorded by national Administrations in their jurisdiction, electronically.

10.12 Consequentially, the Committee approved, subject to concurrent decision by MSC 82, the draft Circular letter No.2554/Rev.1 on Implementation of the IMO Unique Company and Registered Owner Identification Number Scheme to take into account this facility.

Provision of casualty-related information

10.13 The Committee endorsed the reminder to Member States on the provision of casualty-related information.

PSC related issues

10.14 The Committee recalled that FSI 13 had considered the report of the third Workshop for port State control MoU/Agreement Secretaries and Directors of Information Centres held at IMO Headquarters in June 2004 and instructed the Secretariat to prepare the proposed identification of actors potentially involved in the follow-up to the recommendations in that report. In this connection, the Committee noted that FSI 14 considered a table of recommendations and actors potentially involved (set out at annex 1 to document FSI 14/7), and made recommendations on the basis of the table.

10.15 The Committee endorsed the FSI Sub-Committee's decision to start developing a code of conduct for PSC activities at the next session of the Sub-Committee, taking into consideration the codes of conduct developed within the framework of the Paris and Tokyo MoUs respectively.

10.16 The Committee endorsed the FSI Sub-Committee's decision to consider the issue of inspection data for ships flying the flag of dependent territories at the next session of the Sub-Committee.

10.17 The Committee also endorsed the FSI Sub-Committee's instructions to the Secretariat to contribute to the development of references concerning convention requirements for coding systems and tables of references concerning new convention requirements relevant to PSC activities.

10.18 The Committee recalled that the standards on PSC were already contained in relevant IMO instruments and the harmonization of PSC activities may therefore be considered from the point of view of the application of such standards through appropriate procedures, activities and practices, with the aim of eradicating sub-standard ships.

10.19 Noting that the long-term goal in the harmonization of PSC activities is to achieve recognition and acceptance of inspection results at a global level, with no lowering of the current standards of PSC activities, the Committee endorsed the FSI Sub-Committee's proposed framework on global harmonization and co-operation of PSC activities.

10.20 The Committee noted that the FSI Sub-Committee identified a list of issues which might not be dealt with equally by the FSI Working Group on PSC or the PSC workshops, and which should therefore be addressed by the IMO workshops for PSC MOU/Agreement Secretaries and Directors of Information Centres.

10.21 In this connection, the Committee agreed with the recommendations made by the FSI Sub-Committee concerning the format of the IMO workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres.

10.22 The Committee, whilst noting that the FSI Sub-Committee had recommended that sponsorship, travel and DSA, for attendance to the PSC workshops should be for participants of MoUs/Agreement from all PSC regimes, were informed by the Secretariat that it would be looking into the issue of funding within the framework of the Technical Co-operation Programme and would report back to MSC 82 on what it considered to be financially feasible.

10.23 The Committee endorsed the proposed course of action to incorporate all relevant amendments to the Procedures for port State control (resolution A.787(19), as amended) into a consolidated text, including draft amendments consequential to the revision to MARPOL Annexes II and IV, and to develop a simplified process for amending the Procedures.

10.24 The Committee concurred with the FSI Sub-Committee's view on the need to develop Guidelines for PSC under the Ballast Water Management Convention but acknowledged that it might be premature to develop these Guidelines before a standard sample analysis methodology was agreed upon. The Committee urged Member States and international organizations to submit proposals for an initial outline of such Guidelines to FSI 15. Consequentially, the Committee agreed with the FSI Sub-Committee's proposal to extend the target completion date of the Guidelines from 2006 to 2008.

HSSC-related issues

10.25 The Committee noted that the FSI Sub-Committee established an intersessional correspondence group tasked with preparing a consolidated draft of the Revised Survey Guidelines to replace the current Guidelines adopted by resolution A.948(23).

10.26 The Committee endorsed this proposed course of action for developing a consolidated draft Revised Survey Guidelines under the HSSC for approval by the MEPC 56 and MSC 83 and subsequent consideration by the Assembly at its twenty-fifth session for adoption.

10.27 The Committee agreed with the draft Interim Survey Guidelines under the HSSC for the purpose of the BWM Convention. In this regard, the Committee endorsed the Sub-Committee's view that it would be beneficial for the maritime community, and with the aim of gaining experience in the survey of Ballast Water Treatment systems, if the Survey Guidelines under the HSSC for the purpose of the BWM Convention could be circulated by means of a BWM.2/Circular in the interim period prior to the entry into force of the BWM Convention. The Committee noted that the Guidelines and the cover note for the BWM.2/Circular would be further considered under agenda item 2 (see paragraph 2.13).

Joint IMO/FAO Working Group on IUU Fishing

10.28 The Committee considered the outcome of the preparatory work for the convening of the second meeting of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters, and in particular the composition of IMO's participation. In this connection, the Committee recognized the need for MEPC's representation at the Joint Working Group because the work was related to MARPOL Annex V, concerning garbage from ships, marine debris and discarded fishing nets.

10.29 The Committee recalled that, on the occasion of the first Joint Working Group meeting in 2000, IMO was represented by participants from seven Member States, namely Argentina, Canada, China, Denmark, Liberia, the Republic of Korea and Turkey, while FAO was represented by participants from Australia, Chile, Japan, Malta, the Philippines, South Africa and the United States.

10.30 The Committee noted that at FSI 14, the delegation of Norway expressed its wish to be one of the delegations representing IMO at the Joint Working Group. Also, it was suggested to consider the participation of South Africa, being the delegation leading the work of IMO on the draft standards for small fishing vessels. Nevertheless, South Africa represented FAO in the previous meeting of the Joint Working Group and may wish to do the same in the second meeting. The Committee agreed to increase the number of participating delegations from seven to eight, to include Norway.

10.31 In order to allow some time for the Secretariat to liaise with FAO on the matter of a balanced geographical representation of the delegations representing each Organization, the Committee invited interested delegations to make their intentions known to the Secretariat. In this connection, the Committee was informed that to date only two such notifications, from China and Norway, had been received.

10.32 Bearing in mind that the meeting of the Joint IMO/FAO Working Group was also open to observer countries, and noting that the issue would be further discussed at MSC 82, the Committee requested Member States which had expressed an interest to represent IMO to

confirm their intention at MSC 82, when a firm list of IMO's participating countries could be agreed and subsequently concurred with by MEPC 56.

10.33 The Committee further noted that the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters would be organized at the FAO Headquarters and that it was tentatively scheduled to take place following MEPC 56, in the second half of 2007. The Committee also noted that the duration of the meeting would be of three days and the tentative list of items to be considered was shown in paragraph 15.5 of document FSI 14/19. With regard to the preparation of the Joint IMO/FAO document to be considered by the meeting, the Committee noted that the draft document would be submitted to MSC 82 for approval.

Other related items

10.34 The Committee agreed with the Sub-Committee's instruction to the Secretariat regarding the development and maintenance of an updated list of circular series, in particular to keep the list of circular series updated and displayed on the IMODOCS and IMO websites, in order that Members may more easily identify the subject matters addressed by the various circular series.

10.35 The FSI Sub-Committee's proposed revised work programme and provisional agenda for FSI 14 were dealt with under agenda item 20.

Outcome of BLG 10

General

10.36 The Committee noted that the tenth session of the Sub-Committee on Bulk Liquids and Gases was held from 3 to 7 April 2006 and its report was issued as BLG 10/19.

10.37 The Committee further noted that the outcome of BLG 10 on matters relating to Ballast Water Management was taken under agenda item 2.

10.38 The Committee approved the report in general and took action on all remaining items referred to it by the Sub-Committee (MEPC 55/10) as indicated hereunder.

Publication of the IBC Code

10.39 The Committee recalled that the BLG Sub-Committee had previously requested that future editions of the IBC Code be published in loose-leaf format, principally to allow for updating of the frequent amendments to the cargo lists in chapters 17, 18 and 19 and the MEPC.2/Circular.

10.40 However, the Committee noted the Sub-Committee's reconsideration of its previous decision to issue a loose-leaf publication of the amended IBC Code, based on the advice of IMO's Publishing Service on the practical difficulties associated with publications in loose-leaf format, and endorsed the Sub-Committee's view that the next edition of the Code be published as a perfect-bound book, with the contents of chapters 17, 18 and 19 additionally included in electronic format on a CD-ROM.

Circular letters for the purposes of revised MARPOL Annex II and the amended IBC Code

10.41 The Committee endorsed, subject to MSC's concurrent decision, the Sub-Committee's decision to issue BLG/Circ.17 on Use of the correct product name in the shipping document for bulk liquid cargoes, which was issued on 24 May 2006, and reminds Parties of the importance of the use of the Proper Shipping Name when products are offered for bulk shipment.

10.42 The Committee also endorsed, subject to MSC's concurrent decision, the Sub-Committee's decision to issue BLG/Circ.18 on Example of an optional shipping document for the purposes of MARPOL Annex II and the IBC Code, which was issued on 24 May 2006.

10.43 The Committee endorsed, subject to MSC's concurrent decision, the Sub-Committee's decision to issue BLG/Circ.19 on Products which have been classified or re-classified since the adoption of the amended IBC Code in 2004, which was issued on 20 June 2006. In this regard, the Committee noted that this circular lists the amendments which would be made to chapters 17 and 18 of the IBC Code as they were adopted in 2004.

Amendments to the Intervention Protocol

10.44 The Committee noted that these amendments were proposed in relation to paragraph 2 of the Intervention Protocol and arose as a consequence of the revision to MARPOL Annex II.

10.45 The Committee approved the proposed amendments to the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973 (resolution MEPC.100(48)) agreed to by the BLG 10 (BLG 10/19, annex 2), as set out at annex 25, and requested that the proposed amendments should be circulated by the Secretary-General as soon as possible after this session for adoption at MEPC 56.

Amendments to resolution MEPC.2(VI)

10.46 The Committee recalled that MEPC 49 had agreed to review the "Recommendations on international effluent standards and guidelines for performance tests for sewage treatment plants" adopted by resolution MEPC.2(VI) in 1976.

10.47 The Committee also recalled that MEPC 51 had agreed that the resolution should be amended to reflect the current trends for the protection of the marine environment, developments in the design and effectiveness of available sewage treatment plants and to avoid any potential proliferation of different standards, and had referred the matter to the BLG Sub-Committee as a high-priority item with a target completion date of 2006.

10.48 The Committee noted that this issue was considered by BLG 9 and subsequently by a correspondence group, following which BLG 10 agreed to the draft Revised Guidelines and the associated draft MEPC resolution (BLG 10/19, annex 7).

10.49 The Committee further noted that document MEPC 55/10/4 (Ireland) proposed changes to the text of the Guidelines which, in effect, would require that two ISO standard test methods were employed for the determination of the Biochemical Oxygen Demand (BOD₅) and for the Chemical Oxygen Demand (COD) with the aim that the use of consistent standard testing methods would result in consistent and reliable results, on which the approval of sewage treatment plants could be based.

10.50 Furthermore, the Committee noted that an additional performance test was being proposed for inclusion for the Total Suspended Solids, with a maximum allowed level of 35 mg/l, with a view that such a test would give a more complete picture of the effectiveness of the treatment plant.

10.51 The Committee agreed to establish an informal group to develop text to be included in the proposed resolution based on the proposal in document MEPC 55/10/4.

10.52 Having considered the report of the informal group, the Committee agreed to:

- .1 replace the last sentence of paragraph 4.1.3 of the Revised Guidelines with the following:

“The test method standard should be ISO 15705:2002 for COD and ISO 5815-1:2003 for BOD₅, or other internationally accepted equivalent test standards.”

- .2 replace paragraph 4.1.2 of the Revised Guidelines with the following:

“2 Total Suspended Solids (TSS) Standard

- (a) The geometric mean of the total suspended solids content of the samples of effluent taken during the test period shall not exceed 35 mg/l.
- (b) Where the sewage treatment plant is tested onboard ship, the maximum total suspended solids content of the samples of effluent taken during the test period may be adjusted to take account of the total suspended solid content of the flushing water. In allowing this adjustment in maximum TSS, Administrations shall ensure sufficient tests of TSS are taken of the flushing water throughout the testing period to establish an accurate geometric mean to be used as the adjustment figure (defined as x). In no cases shall the maximum allowed TSS be greater than 35 plus x mg/l.

Method of testing should be by:

- .1 filtration of representative sample through a 0.45 μ m filter membrane, drying at 105°C and weighing; or
 - .2 centrifuging of a representative sample (for at least five minutes with mean acceleration of 2,800-3,200 g), drying at least 105°C and weighing; or
 - .3 other internationally accepted equivalent test standard.”
- .3 Amend the Form of Certificate of Type Approval as follows:
 - “(ii) a geometric mean of total suspended solids of 35 mg/l if tested ashore or the maximum total suspended solids not exceeding 35 plus x mg/l for the ambient water used for flushing purposes if tested on board.”

10.53 The Committee recalled that BLG 10 had invited it to consider the application date for the Guidelines. In this connection, the Committee noted that manufacturers would normally require three years to ensure availability of approved equipment, and therefore the application date could be 1 January 2010.

10.54 The Committee noted that the operative paragraph 2(a) of the associated draft MEPC resolution: “INVITES Governments to implement the Revised Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants and apply them so that all equipment installed on board on or after [DD/MM/YYYY] meets the Revised Guidelines in so far as is reasonable and practicable.”

10.55 The Committee, however, further noted that paragraph 1.3 of the Guidelines states: “These Guidelines apply to sewage treatment plants fitted to ships, the keel of which was laid or which is at a similar stage of construction on or after [DD/MM/YY].”

10.56 In order to resolve this quandary, the Committee agreed to base the implementation date of the new Guidelines on the installation date, as specified in the operative paragraph 2(a) of the draft resolution, and not on the keel-laying date, as specified in paragraph 1.3 of the Guidelines. Consequently, the Committee agreed to replace paragraph 1.3 in the Guidelines with the following text: “These Guidelines apply to sewage treatment plants installed onboard on or after 1 January 2010.”

10.57 With regard to the potential adverse effects of disinfectant residuals, the Committee noted that it had been invited by BLG 10 to give due consideration to the maximum level for residual chlorine in effluent when chlorine is used as disinfectant. In this regard, the Committee, taking into consideration the information provided by a number of delegations and NGOs, agreed to a maximum concentration of 0.5 mg/l for the residual chlorine content in effluent when chlorine is used as disinfectant.

10.58 The Committee noted that the operative paragraph 3 of the associated draft MEPC resolution states: “REQUESTS the Secretariat, on the basis of information received, to maintain and update a list of approved equipment and to circulate it once a year to Governments.”

10.59 The Committee recalled that MEPC 54 had agreed (MEPC 54/21, paragraph 14.12) that the Secretariat should develop an electronic database for pollution prevention equipment (PPE) within IMO’s Global Integrated Shipping Information System (GISIS). The Committee noted that this development served the purpose of operative paragraph 3, and hence agreed to delete paragraph 3 from the draft resolution and to renumber the remaining paragraphs accordingly.

10.60 Taking into account the issues raised above, the Committee approved the MEPC resolution (MEPC.159(56)) on the Revised Guidelines on implementation of effluent standards and performance tests for sewage treatment plants, which is set out at annex 26.

Standard rate of discharge for sewage

10.61 The Committee noted that there were two issues to be considered: firstly, to approve the proposed standard for the maximum rate of discharge, and secondly, to consider appropriate means for disseminating this standard.

10.62 In considering the first issue, the Committee recalled that MEPC 49 agreed that there was an urgent need to develop standards for the establishment of the rate of discharge of untreated

sewage stored in holding tanks as required by regulation 11.1.1 of the revised MARPOL Annex IV, and invited delegations to submit proposals to MEPC 51 for consideration.

10.63 The Committee further recalled that MEPC 51, recognizing that this issue needed careful consideration from the viewpoint of sewage generated by humans as well as effluent produced by livestock on board ships, had decided to refer the matter to the BLG Sub-Committee as a high-priority item with a target completion date of 2006. The issue was considered at BLG 9 and subsequently by a correspondence group.

10.64 The Committee noted that BLG 10 agreed to a standard rate of discharge of 1/200,000 of hourly swept volume as the maximum permissible rate of discharge of untreated and undiluted sewage from holding tanks when at a distance equal or greater than 12 nautical miles from the nearest land. The Sub-Committee also agreed to the definition of swept volume as: "ship breadth x draught x distance travelled".

10.65 The Committee further noted that the BLG Sub-Committee, in agreeing to the above maximum rate of discharge for undiluted sewage, had considered the results of calculations showing that, whereas most merchant ship types would comfortably meet the standard, on the other hand, passenger ships utilizing holding tanks and livestock carriers, under a draft amendment to regulation 11.1.1 of Annex IV, may encounter difficulties achieving the standard.

10.66 Having noted the above discussions, the Committee approved the standard for the maximum rate of discharge of untreated sewage from holding tanks when at a distance equal or greater than 12 nautical miles from the nearest land.

10.67 In considering what were the appropriate means for disseminating the standard for the rate of discharge, the Committee noted that whereas BLG 10 agreed that it should appear as a footnote to regulation 11.1.1 of the revised MARPOL Annex IV, document MEPC 55/10/3, submitted by Australia, proposed that it would be more appropriate to adopt the outcome of the BLG discussions in the form of an MEPC resolution incorporating the agreed standard rate of discharge and also providing guidance on its application. In this connection, the Committee noted that the 2006 consolidated version of MARPOL had been published so that the option of a footnote was no longer timely.

10.68 The Committee agreed to task the Drafting Group set up under agenda item 5 on the consideration and adoption of amendments to MEPC mandatory instruments to finalize the MEPC resolution using document MEPC 55/10/3 as a basis (see also paragraph 5.12).

10.69 The Committee recalled that BLG 10 had recognized that the effluent generated by animals on board livestock carriers needed to be disposed of in a practical, effective and environmentally friendly manner.

10.70 The Committee also recalled that BLG 10 had therefore agreed to a draft amendment (BLG 10/19, annex 8) which would incorporate the words "...or sewage originating from spaces containing living animals" into regulation 11.1.1 of MARPOL Annex IV, and which amendment would require, in effect, that animal effluent is discharged not instantaneously but at a moderate rate, as was already required by the same regulation for the discharge of untreated sewage from holding tanks.

10.71 The Committee further recalled that the Sub-Committee agreed that recording requirements in log books for the discharge of sewage were not necessary.

10.72 The Committee approved the proposed amendment to regulation 11 of the revised MARPOL Annex IV to include untreated sewage from spaces containing living animals agreed to by BLG 10, as set out at annex 27, and requested that the proposed amendments should be circulated by the Secretary-General as soon as possible after this session for adoption at MEPC 56.

Air pollution from ships

10.73 The Committee recalled that MEPC 54 had decided that in order to progress on the revision work on air pollution matters, it had instructed BLG 10 to make arrangements for an intersessional working group meeting to be held before the end of 2006. In this regard, the Committee approved the terms of reference for the Intersessional Meeting of the Working Group on Air Pollution with a view that it continued the work on the revision of MARPOL Annex VI, the NO_x Technical Code and related guidelines under its terms of reference, outlined in annex 10 to document BLG 10/19.

10.74 The delegation of Norway informed the Committee that the preparations for the Intersessional Meeting of the Working Group on Air Pollution were well underway and that it would be held from 13 to 17 November 2006 in Oslo. Following further information by Norway, the Committee noted that the Intersessional Meeting would be opened by the Minister of Environment and the Secretary-General of IMO and agreed that the press would be invited to attend the opening ceremony.

10.75 With regard to the Unified interpretations concerning implementation of MARPOL Annex VI and the NO_x Technical Code and related implementation issues (annex 13 of document BLG 10/19), the Committee dealt with them under item 4 on air pollution (see paragraph 4.19).

STS transfer at sea

10.76 The Committee recalled that during the discussions at BLG 10 on the issue of the proposed amendments to MARPOL Annex I for the prevention of marine pollution during oil transfer operations between ships at sea, several delegations had proposed that products subject to MARPOL Annex II should be included in the scope of the proposed regulations. The BLG Sub-Committee concluded that this was outside its terms of reference, but acknowledged that the proposal might merit further consideration and had agreed to ask the Committee to give consideration to the proposal.

10.77 The Committee agreed that at this stage there was no justification to expand the scope of this work to include noxious liquid substances (NLS). Spain, as Co-ordinator of the intersessional correspondence group, informed the Committee that none of the participants in the group expressed a need to expand the work to include NLS.

10.78 The Committee recalled that during the discussions at BLG 10, it had been suggested that the Legal Committee should be consulted on the scope and contents of the proposed regulations on STS oil transfer at sea, particularly where issues under the purview of UNCLOS might be touched upon.

10.79 The Committee agreed with the Sub-Committee's opinion that the Legal Committee should not be treated as a "dumping ground", emphasizing that when proposed new legislation is

to be discussed under the MEPC's remit, delegations to the MEPC should include the necessary legal expertise.

10.80 The Committee noted that the work of the intersessional correspondence group set up for the drafting of proposed amendments to MARPOL Annex I for the prevention of marine pollution during oil transfer operations between ships at sea is well underway.

Other related issues

10.81 The BLG Sub-Committee's proposed revised work programme and provisional agenda for BLG 11 was dealt with under agenda item 20.

10.82 When considering the need for an intersessional meeting of the ESPH Working Group in 2007, the Committee considered the current reduced workload of the Group against the need for the Group to consider the outcome of the GESAMP/EHS Working Group's meeting which is scheduled to be held in early 2007, as well as the need to review the MEPC.2/Circular before its issuance at the end of the year. Against this background, the Committee agreed in principle to the need of holding an intersessional meeting of the ESPH Working Group in 2007 but to revisit this decision at MEPC 56.

Urgent matters emanating from ESPH 12

10.83 The Committee recalled that MSC 81 had agreed with BLG 10's proposal on the following items that needed reporting directly to MEPC 55 and MSC 82, taking into account the meeting schedule and the decisions that needed to be taken by the two Committees on certain items to be considered by the ESPH Working Group at its intersessional meeting in September 2006, before the entry into force of the revised Annex II to MARPOL 73/78 and the amended IBC Code:

- .1 the result of the evaluation of new products in view of the fact that new substances may be submitted to ESPH 12;
- .2 the result of the consolidation of the synonyms of vegetable oils in order to take full advantage of the outcome of the meeting of the GESAMP/EHS Working Group in June 2006;
- .3 the review of the MEPC.2/Circular on the Provisional classification of liquid substances transported in bulk and related matters; and
- .4 the result of the consideration of consequential amendments to chapter 19 of the amended IBC Code.

10.84 The Committee also recalled that the intersessional meeting of the ESPH Working Group had held its twelfth session from 4 to 8 September 2006 and the comprehensive report on that session was circulated under the symbol BLG 11/3. In this regard, the Committee thanked the ESPH Working Group and its Chairman, Mrs. M.C. Tiemens-Idzinga (Netherlands) for the considerable amount of work that had been carried out at its last intersessional meeting (ESPH 12).

10.85 In noting the urgent matters emanating from ESPH 12, the Committee took action referred to it as indicated hereunder (MEPC 55/10/5):

- .1 bearing in mind that the results of the classification and assignment of carriage requirements of the new products would need to be considered together with the proposed amendments to the revised IBC Code (MEPC 55/10/1), the Committee concurred with the results regarding classification and carriage requirements of new products.

The Committee noted the numerous products which had been submitted for evaluation before the entry into force of 1 January 2007 of the amended MARPOL Annex II and the revised IBC Code;

- .2 agreed with the ESPH Working Group's actions concerning the cover note and the different lists of MEPC.2/Circ.12 (paragraphs 4.13 to 4.18 of BLG 11/3).

The Committee recalled that in view of the entry into force on 1 January 2007 of the revised MARPOL Annex II and the consequential amendments to the IBC Code, the next edition of the MEPC.2/Circular (MEPC.2/Circ.12) would be published on 31 December 2006 and annually thereafter on 17 December 2006 as per usual practice.

The Committee further recalled that in view of the importance of having the next edition of the MEPC.2/Circular (MEPC.2/Circ.12) issued as close as possible to the entry into force date of the revised MARPOL Annex II and the consequential amendments to the IBC Code of 1 January 2007, in order for mixtures to be included in List 2 of the circular, the information should have been submitted to the Secretariat by 30 September 2006.

The Committee emphasized that in order to ensure adequate time for the Secretariat to process the data for new entries for products in List 1 of the circular, the deadline for the receipt of information by the Secretariat was 1 December 2006;

- .3 the Committee agreed with the ESPH Working Group's decision that the entry for Potassium chloride solution (10% or more), which featured in chapter 17 of the amended IBC Code, be amended to Potassium chloride solution, and also noted that consequential changes would be necessary to the list of permitted cargoes found in appendix 1 in the LHNS Guidelines which were being considered for adoption at this session (see paragraph 10.97);
- .4 agreed with the ESPH Working Group's proposal that Dodecyl, Tetradecyl, Hexadecyl-dimethylamine mixture be included as an index name in chapter 19 of the IBC Code as it was a synonym for the product entry, Alkyl (C12+) dimethylamine;
- .5 concurred with the ESPH Working Group's decision that in order to avoid further changes to classifications of products, the rating of "Inorg" in column A2 in the GESAMP Hazard Profile would be taken to mean a product that would be readily biodegradable;
- .6 agreed to task the Secretariat to prepare for BLG 11, a consolidated document reflecting the decisions taken by the ESPH Working Group on the interpretations of the ratings in the revised GESAMP Hazard Profiles for regulatory purposes;

- .7 agreed with the ESPH Working Group's decision to add a new footnote in chapter 17 of the IBC Code for the entries of Fatty acid methyl esters, Vegetable acid oils, and Vegetable fatty acid distillates to indicate that each of these entries was derived from vegetable oils specified within the IBC Code;
- .8 agreed with the ESPH Working Group's results on the re-/classification of products following the re-/evaluation work carried out by the GESAMP/EHS Working Group and to incorporate these classifications in List 1 of MEPC.2/Circ.12, as well as in the proposed amendments to the revised IBC Code (MEPC 55/10/1) as appropriate; and
- .9 in concurring with the view of the ESPH Working Group that having an updated list of vegetable oils synonyms would facilitate identification by those handling such cargoes (vegetable oils), agreed that the updated list of vegetable oil synonyms (BLG 11/3, annex 6) be included in annex 6 of the MEPC.2/Circular and that the carriage requirements for such synonyms were identical to those of the vegetable oils specified in the IBC Code.

Proposed amendments to the revised IBC Code

10.86 The Committee recalled that the IBC Code was adopted in 2004 by resolutions MEPC.119(52) and MSC.176(79) and since then a number of the products in chapters 17 and 18 had had either their names or their carriage requirements amended, whilst a number of new products had been evaluated and classified.

10.87 The Committee recalled that BLG 10 had asked the Secretariat to prepare a consolidated list of additions and amendments to chapters 17, 18 and 19 as agreed by BLG 9 and BLG 10, for approval by MSC 81 and MEPC 55, with a view to adoption by MSC 82 and MEPC 56, so that the amendments could enter into force on 1 January 2009.

10.88 In this connection, the Committee further recalled that MSC 81 approved the draft amended text as set out in annex 26 of document MSC 81/25, and the proposed amendments had been circulated under Circular letter No.2716, with a view to adoption at MSC 82.

10.89 The Committee noted that since BLG 10, the ESPH had met (see paragraphs 10.84 and 10.85 above) and a number of the products shown in chapters 17 and 18 had been re-classified. In addition, a number of new products had also been classified. Consequently, chapter 19 containing the associated synonyms would also need to be updated. The Committee agreed that these additions or amendments should be considered together with the proposed amendments to chapters 17, 18 and 19.

Establishment of the Drafting Group

10.90 The Committee, in order to progress on the matter, agreed to establish a Drafting Group with the following Terms of Reference:

- .1 to review and finalize the texts of the proposed amendments to the IBC Code, taking into account comments made in plenary and the fact that since the preparation of document MEPC 55/10/1 new products had been classified and a number of the products shown in chapters 17 and 18 had had either their names or their carriage requirements amended; and

- .2 to submit a written report to plenary by Thursday, 12 October, for consideration and approval of the amendments to the IBC Code by the Committee.

Report of the Drafting Group

10.91 Having received the report of the Drafting Group (MEPC 55/WP.8) regarding the work undertaken in accordance with its Terms of Reference, the Committee approved the report in general and, in particular:

- .1 approved the proposed amendments to chapters 17, 18 and 19 of the revised IBC Code, which are set out at annex 28, and requested that the proposed amendments be circulated by the Secretary-General as soon as possible after this session for adoption at MEPC 56;
- .2 to bring to the attention of MSC 82 the need to update the proposed amendments to chapters 17, 18 and 19 of the revised IBC Code before final adoption by that Committee; and
- .3 to authorize the Secretariat to effect appropriate corrections accordingly if, in the time between MEPC 55 and MSC 82, any inadvertent errors were identified in the lists.

10.92 Following approval of the amendments, the Committee recalled the publication of Circular letter No.2730, which outlined the principles for entry into force of the revised MARPOL Annex II and the amended IBC Code on 1 January 2007. In this context, the Committee further recalled that regulation 4.1.3 of MARPOL Annex II was specifically developed to ensure sufficient tonnage was available for the carriage of vegetable oils and no disruption of trade took place for these high volume products. The Committee urged Administrations to use regulation 4.1.3 to avoid any possible shortage in tonnage, since when not using this regulation, the vegetable oils concerned shall be transported under the requirements for Pollution Category Y and Ship Type 2.

10.93 The Committee, having approved the draft amendments to chapters 17, 18 and 19 of the IBC Code, noted the proposed timescale for the next set of amendments to the IBC Code (BLG 10/19, paragraphs 3.3.21 and 3.16.2).

Outcome of DSC 11

10.94 The Committee recalled that the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) had held its eleventh session from 11 to 15 September 2006 and its report was circulated under the symbol DSC 11/19.

10.95 In noting the urgent matters emanating from DSC 11, the Committee took action referred to it as indicated hereunder (MEPC 55/10/6).

Draft amendments (34-08) to the IMDG Code consequential to the Review of Annex III to MARPOL 73/78

10.96 The Committee noted the Sub-Committee's decisions, consequential to the review of Annex III to MARPOL 73/78.

LHNS Guidelines

10.97 The Committee recalled that MEPC 54 had noted that the draft amendments to the LHNS Guidelines would be discussed by DSC 11 in September 2006, which would finalize a consolidated version of the draft LHNS amendments emanating from SLF 48 (September 2005), BLG 10 (April 2006) and DSC 11 (September 2006) for adoption by MEPC 55 and subsequently by MSC 82. Consequently, DSC 11 finalized a consolidated version of the draft amendments to the LHNS Guidelines in the context of matters under its purview.

10.98 The Committee agreed to task the Drafting Group set up under agenda item 5 on the interpretation and amendments to mandatory instruments to review and finalize the amendments to the LHNS Guidelines (see also paragraph 5.13).

11 WORK OF OTHER BODIES

Outcome of LEG 91

11.1 The Committee noted the outcome of the Legal Committee, at its ninety-first session, concerning the draft convention on wreck removal, fair treatment of seafarers, places of refuge, implementation of the HNS Convention after the entry into force of the Revised MARPOL Annex II and abandonment of ships on land or in ports, which were brought to its attention (LEG 91/12; MEPC 55/11). The Legal Committee had, in particular, noted that the expected entry into force of the revised MARPOL Annex II, on 1 January 2007, would render meaningless the reference in article 1.5(a)(ii) of the HNS Convention to “noxious liquid substances carried in bulk” to Appendix II of MARPOL Annex II, as amended, as from that date, Appendix II, as such, would cease to exist.

11.2 The Legal Committee was therefore invited to consider adopting a resolution addressing this referencing issue, which it did, in view of the fact that “noxious liquid substances carried in bulk” remained covered by regulation 1.10 of the revised Annex II. This resulted in resolution LEG.4(91) on Implications for the reference in article 1.5(a)(ii) of the HNS Convention to “noxious liquid substances carried in bulk” as shown in MEPC 55/11, annex 1.

11.3 Since the adoption of the Legal Committee’s resolution in April 2006, the conditions for the deemed acceptance of the 2004 amendments to MARPOL Annex II as per resolution MEPC.118(52) had indeed been met on 1 July 2006, and the revised MARPOL Annex II would enter into force on 1 January 2007.

11.4 The Committee, being responsible for MARPOL Annex II, agreed to incorporate the contents of resolution LEG.4(91) into a resolution of its own and hence adopted resolution MEPC.160(55) on Implications for the reference in article 1.5(a)(ii) of the HNS Convention to “noxious liquid substances carried in bulk”, as shown in annex 29 to this report.

Outcome of MSC 81

11.5 The Committee was informed of the outcome of the eighty-first session of the Maritime Safety Committee held in May 2006 and as reported in MSC 81/25.

11.6 The Committee noted that the outcomes of MSC 81 on Human Element (HE); Formal Safety Assessment (FSA); Work Programme of the Committee and subsidiary bodies and the

Application of the Committees' Guidelines were reported under agenda items 17, 18, 19 and 20, respectively.

11.7 The Committee noted, in general, the outcomes of MSC 81 on the many other issues of relevance to MEPC (MEPC 55/11/2) and took the action of MSC into account, as appropriate, in its decisions at this session.

Outcome of TC 56

11.8 The Committee was informed of the outcome of the fifty-sixth session of the Technical Co-operation Committee held in June 2006 and as reported in TC 56/12. The Committee noted, in general, the outcomes of TC 56 related to marine environment protection issues (MEPC 55/11/4) and took the action of TC into account in its decisions, as reported under item 16 of this report concerning the Technical Co-operation Programme.

Outcome of FAL 33

11.9 The Committee was informed of the outcome of the thirty-third session of the Facilitation Committee held in July 2006 and as reported in FAL 33/19. FAL had, in particular, noted the outcome of MEPC 54 regarding the proposals to provide electronic access to IMO certificates and documents and agreed with MEPC's view that it should explore the matter further, including the reliability and security of databases on online access to ships' certificates and documents. FAL had urged Member States and organizations to submit relevant proposals for its consideration and also had noted MSC's recommendation that a step-by-step approach should be applied and that an electronic access to certificates would not be considered as an alternative to the physical inspection of the certificates and could, possibly, serve in the context of the prioritization of port State control inspections (MEPC 55/11/5).

11.10 The Committee noted that FAL 33 had established the Correspondence Group on Electronic Access to IMO Certificates and Documents, under the co-ordination of ICS* and with the terms of reference as shown in document MEPC 55/11/5, paragraph 4. The Committee invited interested delegations and international organizations to participate in the work of this FAL correspondence group.

Outcome of C 96

11.11 The Committee was informed of the outcome of the ninety-sixth session of the Council held in June 2006 and its summary of decisions was issued in C 96/D. The Committee noted in general the matters of interest to it, as summarized in document MEPC 55/11/6, including the Council's decision concerning the report of MEPC 54.

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11.12 The Committee noted, in particular with regard to the Council's request in paragraph 3 of MEPC 55/11/6, that the Committee should review the feasibility of including, within the scope of the Voluntary IMO Member State Audit Scheme, security related and other functions not presently covered, as well as their implications, as stipulated in operative paragraph 1 of resolution A.975(24). In this connection, the Committee noted that the Code for the implementation of mandatory IMO instruments (resolution A.973(24)), which served as the audit standard, currently included all the MARPOL Annexes and relevant Codes. The Committee agreed that, as soon as other environmental conventions, such as the AFS and BWM Conventions, came into force, it would consider whether to include these in the scope of the Audit Scheme.

Report of the Joint London Convention-MEPC Correspondence Group

11.13 The Committee recalled that MEPC 53 had established a Joint London Convention-MEPC Correspondence Group to examine two issues related to the boundary between MARPOL Annex V and the London Convention and Protocol concerning:

- .1 the exemption of "normal operations" of vessels under the London Convention; and
- .2 the promotion of good management of spoilt cargoes.

The Committee also developed terms of reference, as reflected in its report (MEPC 53/24, paragraph 6.11). Subsequently, the 27th Consultative Meeting of Contracting Parties to the London Convention had agreed to this Joint Correspondence Group and the terms of reference, as proposed.

11.14 The delegation of Canada, as the lead country for the Joint Correspondence Group, introduced its report (MEPC 55/11/3). While no major overlaps were found between the London Convention and Protocol and MARPOL Annex V, some clarifications were provided regarding the applicability of the London Convention and Protocol to spoilt cargo. The Joint Correspondence Group recommended the establishment of a working group which could be set up under the Consultative Meeting, to develop practical guidance for mariners and possibly to address other joint issues relating to spoilt cargoes. The report also presented in paragraph 48 some suggestions, from a waste management perspective, for the planned review of MARPOL Annex V.

11.15 In concluding on this issue, the Committee:

- .1 accepted the report of the Joint Correspondence Group (MEPC 55/11/3) in general;
- .2 concurred with the view of the Joint Correspondence Group that the approach to manage spoilt cargo in most cases would fall under the London Convention and Protocol;
- .3 agreed, at the recommendation of the Group, to continue the technical discussion among Parties to the London Convention and Protocol and MARPOL Annex V in a working group aimed at developing practical guidance for mariners to manage spoilt cargoes and to include the points raised in paragraph 50 of document MEPC 55/11/3 in its consideration;

- .4 invited Member States to contribute to the work of the working group;
- .5 concurred with the recommendation that this working group should be convened under the auspices of the London Convention and that it should liaise closely with the arrangements for the review of MARPOL Annex V planned for MEPC 56;
- .6 noted the suggestions in MEPC 55/11/3, paragraph 48, for possible consideration during the review of MARPOL Annex V;
- .7 noted also the work being undertaken under the London Convention to develop guidance on best practices to manage wastes from hull scraping, particularly in light of the pending entry into force of the AFS Convention; and
- .8 noting that this report would also be discussed at the 28th Consultative Meeting and 1st Meeting of Contracting Parties (30 October – 3 November 2006), instructed the Secretariat to communicate the Committee's conclusions at this session to those Meetings.

11.16 The Committee expressed its appreciation to the Chairman (Mr. P. Topping, Canada) and the members of the Joint Correspondence Group for the work carried out and the excellent report presented.

Activities of GESAMP

11.17 The Committee noted an overview (MEPC 55/11/8) as well as an update of the GESAMP activities in 2006 confirming the revitalization of GESAMP after a long period of re-orientation and review and after it had received substantial support (US\$ 1,100,000) from the Swedish International Development Co-operation Agency (Sida) for the period 2006 to 2008, on the condition that GESAMP:

- .1 rebuilds and strengthens its network and structure;
- .2 involves scientific experts from developing countries in its activities; and
- .3 plays a role in and supports the 'UN Regular Process for global reporting and assessment of the state of the marine environment, including socio-economic aspects', aiming at fostering regional and local ownership of this 'Regular Process'.

11.18 The Committee noted also that the Swedish Maritime Administration would second a Junior Professional Officer to IMO from 20 November 2006 to assist with the co-ordination of GESAMP activities for a two-year period.

Funding arrangements for continuation of the work of GESAMP/EHS

11.19 The Committee recalled the discussions at MEPC 54 regarding the difficulties in funding the GESAMP/EHS meetings and that it would further consider this issue at this session (MEPC 55/11/1). Concerning the short-term funding aspect, the Secretariat had followed the Committee's suggestion at MEPC 54 to use the 2007 budgetary allocation to fund a second session of GESAMP/EHS in 2006. Consequently, the 43rd session of GESAMP/EHS had been held in June 2006 at IMO Headquarters.

11.20 The Committee noted with appreciation that the Government of Venezuela had made a generous offer of US\$ 50,000 at the ninety-sixth session of the Council in June 2006 for convening the regular 44th session of GESAMP/EHS in 2007. The administrative arrangements for incorporation of the Venezuelan funds in the work planning for 2007 were currently being completed and the *short-term* funding issues to cover the costs of GESAMP/EHS activities had thus been resolved.

11.21 With regard to the issue of finding *long-term* funding solutions, the Committee recalled its suggestion at MEPC 54 that such solutions might involve those cargo interests, namely manufacturers of the chemical products, which benefited directly from the hazard assessment evaluation work done by GESAMP/EHS (MEPC 54/24, paragraphs 10.33 to 10.37).

11.22 The Secretary presented an initial outline of elements that could be used for a *long-term* funding solution, which had been developed along the lines of the funding arrangements for the GESAMP-Ballast Water Working Group established in 2005:

- .1 the Working Group on the Evaluation of the Safety and Pollution Hazards (ESPH 12) held in September 2006, in discussing the implications for its work of the entry into force of the revised MARPOL Annex II and the amended IBC Code as per 1 January 2007, had proposed that, for instance when a manufacturer submitted information about the components of tank cleaning additives for evaluation by GESAMP/EHS, a so-called “owner-pays principle” could be applied;
- .2 a payment by a manufacturer could be a fee per chemical submitted for evaluation or for multiple entries;
- .3 the monies received by IMO should enable it to cover the fees and travel costs of 7 to 8 experts involved in sessions of GESAMP/EHS, as well as the costs of technical support (dossier preparation) provided by the Secretariat;
- .4 payments directly to GESAMP would not be possible, as GESAMP was not a legal entity but a joint advisory body of the UN Organizations. Instead, payments should be made to IMO, in its role as the Administrative Secretariat for and on behalf of GESAMP; and
- .5 although the routeing of manufacturers’ fees through a national Administration would be preferable, this was often regarded as a burden for the Administrations involved. A practical solution would thus have to be found for the routeing of such fees.

11.23 The Committee was invited to discuss this issue further and, upon agreement of suitable suggestions for a long-term funding solution, to instruct the Secretariat to elaborate these further in collaboration with the Chairman of GESAMP/EHS.

11.24 In responding to the suggestions by the Secretariat, many delegations agreed that a long-term solution to fund the work of GESAMP-EHS should be found. In discussion, the following points were raised:

- .1 if a system for financing the evaluation of individual components in cleaning additives would be developed, for instance on the basis of the so-called “owner-pays principle as suggested in ESPH 12, it should be taken into account that an identical system might also be used for evaluation of bulk liquids in the future so as to avoid the development of two systems in isolation;
- .2 one delegation expressed the view that manufacturers should not be charged for the costs to evaluate the hazards of chemical substances carried by ships; another delegation expressed the view that, whilst a procedure was now in place for evaluation of the hazards of chemicals by the GESAMP-EHS Working Group, it would favour self-classification by the industry.
- .3 if manufacturers / transporters of chemicals timely provided all the required data for hazard evaluation, one meeting of GESAMP/EHS per year might be sufficient; and
- .4 the current fee for the evaluation of Active Substances to be used in ballast water management systems stood at US\$ 50,000 per application. If a fee system to fund the work of GESAMP/EHS in future would be agreed, the level of fees per chemical would in all likelihood be substantially lower than US\$ 50,000.

11.25 The Committee agreed to instruct the Secretariat to develop a *long-term* funding arrangement for the work of GESAMP/EHS based on the suggestions by the Secretariat and the comments made. The aim would be to submit a fully developed funding arrangement for consideration at MEPC 56 with a view to its adoption and use in preparation for the GESAMP/EHS activities in 2008. In this regard, the Secretariat was requested to forward the draft funding arrangement to the ESPH Working Group at BLG 11 for review and finalization before submitting it to MEPC 56.

GESAMP report on “Estimates of Oil Entering the Marine Environment from Sea-based Activities”

11.26 The Secretary introduced document MEPC 55/11/7 which provided an executive summary and the recommendations of the recently completed GESAMP Reports and Studies No.75 entitled “Estimates of Oil Entering the Marine Environment from Sea-based Activities”. The full study had been distributed as MEPC 55/INF.5. The Secretary announced that the full study would also be published as soon as possible in the GESAMP Reports and Studies series.

11.27 It was recalled that MEPC 35, in 1994, requested GESAMP to evaluate carefully all available data sources on oil inputs into the marine environment from sea-based activities (i.e. maritime transportation, offshore exploration and production) and, particularly, to develop approaches that might be used for the provision of such input data. Hence, the terms of reference of the GESAMP Oil Input Working Group, which started its work in November 1997, were to estimate the current annual amounts of oil entering the marine environment from sea-based activities and to focus especially on improving the methodology of making such estimates.

11.28 The GESAMP report addressed both inputs and methodologies for making estimates and placed the various types of oil source inputs from ships and ship-related activities into perspective and also pointed out areas of uncertainty. The report covered the following four areas:

- .1 approaches to making estimates of oil inputs;
- .2 oil inputs from ships;
- .3 oil inputs from offshore exploration and production; and
- .4 other oil inputs and related topics.

11.29 The input values used in this report were estimates from both calculations and measurements. With the exception of the data on accidental discharges, most estimates lacked ranges or confidence limits, i.e. measures of variability. The greatest value of the presented input numbers, therefore, was that they gave a picture of relative inputs from the different global ship and sea-based sources and that they pointed to input sources requiring additional research, monitoring, assessment, regulatory and industry attention.

11.30 The average annual inputs of oil entering the marine environment, in metric tonnes per year, from ships and other sea-based activities, based on the most recent 10 year period of data available (1988-1997), were estimated in total at **1,245,200 tonnes per year** with the breakdown as shown in paragraph 6.2 of document MEPC 55/11/7, and a further explanation given in paragraph 6.3.

11.31 The study also presented nine recommendations, as shown in MEPC 55/11/7, pages 7 and 8, stressing the need for improving the ability to provide oil input estimates. Such estimates were important for assessing the efficacy of MARPOL 73/78 and relevant national legislation, and for estimating risks of oiling to coastal and offshore marine ecosystems and living resources, in the years ahead.

11.32 The Committee's attention was drawn, in particular, to the following policy-oriented recommendations:

- .1 (Recommendation 4): "The maintenance and precision of oily water separators on ships should be evaluated and enhanced, in order to control and reduce operational discharges of waste oils."
- .2 (Recommendation 7): "The oil inputs from small craft activity (i.e. recreational craft) are a serious concern and should be extensively monitored and annually summarized." It was noted that the current data were largely based on North American data. The study recommended that the organization and funding of such an effort would need to be discussed within the Committee.
- .3 (Recommendation 8): "Oil inputs from sunken vessels (e.g., war-related casualties) should be selectively monitored, given the number and location of vessels near vulnerable coastlines, and the ageing condition of the wrecks. The risks that such inputs posed to marine coastlines, living resources and ecosystems should be addressed with considerable urgency, given the aging condition of many WWII wrecks, and actions taken to reduce those risks."

11.33 Finally, the Committee was advised that the completion of this GESAMP study had taken 9 years, which was a very long time. The effect had been that the data used in the report mainly covered the period 1988 to 1997, which could be regarded as fairly old data by current standards. The Secretary advised that the new procedures and approaches which GESAMP had

adopted in its Strategic Plan in 2004 should result in better planned and timely delivered advice in the future.

11.34 The delegation of the United Kingdom stated that the GESAMP study was a very valuable reference document. The delegation informed the Committee that in accordance with the OSPAR Convention the discharge of oil-based drilling muds had been phased out in the North-East Atlantic region since 1 January 2001 and that the current discharge standard for oil in production water in this region stood at 30 mg oil per litre water.

11.35 The Chairman observed that the summary of the annual inputs of oil entering the marine environment in the GESAMP study showed that most activities within the remit of the MEPC had been addressed, such as ships and offshore activities, and that the Committee should take the GESAMP study into account in its future considerations. However, there was one issue, which the Committee might wish to consider and that was the oil discharges generated by small craft. Although this item had featured in the Committee's work programme for many years and was currently included in the High-Level Action Plan, the Committee had yet to develop, as a starting point, Guidelines to address this issue.

11.36 The Committee agreed to invite delegations to consider the issue of oil discharges generated by small craft and submit proposals to a future session of the Committee.

11.37 The Committee expressed its appreciation to GESAMP for the provision of this long-awaited report, to Dr. Peter Wells (Canada) as the main author of the GESAMP study, to the members of the GESAMP Working Group which had prepared this study and also to the retired IMO employee Dr. Manfred Nauke to whom this report had been dedicated.

Assessment of Assessments under the UN Regular Process

11.38 The Committee was informed of the decisions at the first meeting of the *Ad Hoc* Steering Group of the "Assessment of Assessments" under the UN Regular Process, which had been held in June 2006 in New York (MEPC 55/11/9). The decisions addressed the organizational set up, the mandate, the arrangements for participation in, and the resource mobilization necessary for the conduct of the "Assessment of Assessments".

11.39 The Committee noted that Mr. Jean-Claude Sainlos had attended the *Ad Hoc* Steering Group meeting and had presented, in his capacity as the Administrative Secretary of GESAMP, GESAMP's offer to advise on the "Assessment of Assessments" and the wish that GESAMP be invited as an observer to attend future meetings of the *Ad Hoc* Steering Group. This offer had been welcomed and had resulted in the successful small GESAMP Workshop held from 18 to 20 September 2006 at IMO to peer review a draft UNEP-WCMC report updating a survey on global and regional marine assessment activities for use as a basic document in the "Assessment of Assessments" (MEPC 55/11/8).

12 STATUS OF CONVENTIONS

12.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection (MEPC 55/12) as follows:

- .1 Annex 1 shows the status, as at 26 June 2006, of the IMO conventions and other instruments relating to marine environment protection;

- .2 Annex 2 shows the status, as at 26 June 2006, of MARPOL;
- .3 Annex 3 shows the status, as at 26 June 2006, of the amendments to MARPOL;
- .4 Annex 4 shows the status, as at 26 June 2006, of 1990 OPRC Convention;
- .5 Annex 5 shows the status, as at 26 June 2006, of 2000 OPRC-HNS Protocol;
- .6 Annex 6 shows the status, as at 26 June 2006, of 2001 AFS Convention; and
- .7 Annex 7 shows the status, as at 26 June 2006, of 2004 BWM Convention.

12.2 The Committee also noted the following information provided by the Secretariat since MEPC 55/12 was issued on 26 June 2006:

- .1 With regard to annex 2 of document MEPC 55/12 on the status of MARPOL:
 - .1 Ireland deposited its instrument of acceptance for Annex IV on 10 August 2006;
 - .2 Liberia deposited its instrument of acceptance for Annex IV on 21 August 2006; and
 - .3 The Netherlands deposited its instrument of acceptance of the 1997 MARPOL Protocol (MARPOL Annex VI) on 2 October 2006;
- .2 With regard to annex 6 of the document MEPC 55/12 on the status of 2001 AFS Convention:
 - .1 Mexico deposited its instrument of accession on 7 July 2006.

12.3 The Committee further noted the following information from delegations:

- .1 the delegation of China stated that their government would deposit their instrument of ratification for MARPOL Annex IV soon;
- .2 the delegation of Croatia stated that their government was expected to ratify the AFS Convention very soon; and
- .3 the delegation of Venezuela stated that their government is in the ratification process for the BWM Convention, the AFS Convention, the OPRC Convention and the 2000 OPRC-HNS Protocol.

13 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS

Update on the Anti-fouling Systems Convention

13.1 The Committee noted the information contained in document MEPC 55/13 (Secretariat) on the Anti-fouling Systems Convention (AFS Convention) adopted by the International Conference on the Control of Harmful Anti-fouling Systems for Ships on 5 October 2001. To date seventeen States representing about 17.43% of the world's merchant shipping, had

ratified the Convention. Bearing in mind the year 2008 deadline for a total prohibition of tin-based anti-fouling systems on ships, the Committee urged Member Governments to ratify the AFS Convention as soon as possible.

13.2 The Committee noted the information provided by the Republic of Korea that their government was expected to finalize national legislation on harmful anti-fouling systems by the end of 2006 and to ratify the AFS Convention soon afterwards.

13.3 The Committee noted the statement made by the European Commission that, fully in line with the AFS Convention, the European Union (EU) has adopted Regulation (EC) No.782/2003 on the prohibition of organotin compounds on ships in 2003, which prohibits the application or reapplication of organotin compounds acting as biocides in anti-fouling systems on ships flying the flag of an EU Member States from 1 July 2003 and would not allow any ship with a tin-based anti-fouling system to enter any EU port or offshore terminal from 1 January 2008.

13.4 The Committee recalled that, in an effort to provide countries with practical guidance on article 5 of the AFS Convention, at its last two sessions, it invited Members to provide examples of their Codes of Practice, Guidance Documents or other relevant documentation that could serve as a basis for the preparation of a concise guide on the environmentally sound management of wastes resulted from the application or removal of an anti-fouling systems. The Committee reiterated its invitation to Members to submit relevant information to MEPC 56 for consideration in accordance with the provisions of Annex 1 to the AFS Convention.

Evidence of the continuing global impact of organotin

13.5 The Committee noted with appreciation the information provided by WWF, FOEI, IUCN, INTERTANKO and Bulgaria (MEPC 55/INF.4) on the presence and continuing impact of organotins in the global marine environment and the urgent need for ratification and effective implementation of the 2001 AFS Convention.

Proposed Code of Practice for minimizing the transfer of invasive aquatic species via biofouling on recreational and similar small boats

13.6 The Committee considered document MEPC 55/13/1 (FOEI), which highlighted the critical importance of anti-fouling systems for impeding the spread of harmful aquatic organisms and pathogens and of the precautionary approach to limit the spread of alien species attached to the hull of small recreational, fishing and other craft.

13.7 With a view to assisting countries to develop such a precautionary approach and bearing in mind that voluntary action is often the common strategy for recreational and other small craft, the Committee agreed to invite Friends of the Earth International, International Sailing Federation and other interested delegations to redraft the proposed Code of Practice contained in the annex of document MEPC 55/13/1 in the form of a draft guidance document to be submitted to MEPC 56, taking into account the comments made in plenary.

13.8 FOEI invited interested delegations to approach the Secretariat for contact details, should they wish to participate in the redrafting process.

14 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL 73/78 AND RELATED INSTRUMENTS

14.1 The Committee considered document MEPC 55/14 (Interpol) providing information on that organization's activities to prevent or combat environmental crime. The Committee noted that the Assembly, at its twenty-fourth session, approved the conclusion of an Agreement of Co-operation between IMO and Interpol which acknowledges co-operation for activities relating to unlawful acts against the safety of maritime navigation and in combating, *inter alia*, marine pollution caused by illegal discharges from ships. The Agreement was subsequently signed by the Secretaries-General of both organizations on 6 January 2006.

14.2 The Committee concurred with Interpol's views that deliberate and illegal discharges of oil, noxious liquid substances and garbage into the marine environment represented a serious enforcement problem and noted that this issue was currently being tackled by the Interpol Pollution Crimes Working Group under its "Project Clean Seas" established in 2002 and that an analysis of the information collected under the Project would be submitted to MEPC 56 by Interpol.

14.3 The Committee thanked Interpol for its submission and expressed appreciation for its continuing efforts under the Project Clean Seas to tackle marine environment-related international crime.

14.4 The Committee, in endorsing the proposal by Interpol, agreed to request member States to provide information on oil pollution-related prosecutions to Interpol*.

15 FOLLOW-UP TO UNCED AND WSSD

15.1 The Committee noted that, under this item, the Committee was normally invited to note or consider developments of the marine environment sector in relation to the Plan of Implementation adopted at the World Summit on Sustainable Development (WSSD), which was held in 2002 in Johannesburg, South Africa.

15.2 The Committee, recognizing that there had been many positive developments in many countries since the 2002 WSSD, invited Members to provide information concerning the work of the MEPC to future sessions of the Committee, so that the Committee could take these developments into account in its work.

16 TECHNICAL CO-OPERATION PROGRAMME

16.1 The Committee recalled that it was past practice to have technical co-operation on its agenda only on alternate meetings. But, given the importance of technical co-operation in the work of the Organization, it was suggested to report on TC activities to every session of the

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Committee. One exhaustive report on the Organization's marine environment-related technical co-operation activities would be provided each year, with an additional update during non-Assembly years.

16.2 The Committee noted that two documents were submitted by the Secretariat under this agenda item, namely: MEPC 55/16 and MEPC 55/16/1 by the Secretariat on the Committee's proposed contribution to the new overall IMO Integrated Technical Co-operation Programme (ITCP) for 2008-2009 and on the Programme activities for the period from January to June 2006. Document MEPC 55/11/4 on the outcome of TC 56 was also relevant and dealt with under agenda item 11 – Work of other bodies.

16.3 The Committee recalled that MEPC 52 approved the updated thematic priorities and the Committee's contribution to the ITCP for 2006-2007 prepared by the Secretariat. These formed the basis for the preparation of the marine environment-related components of the overall ITCP for 2006-2007. The Committee recalled further that the ITCP for 2008-2009 would be considered by TC 56 in June 2007 and should include the MEPC's contribution to that programme. The Committee's contribution, as contained in the annex to document MEPC 55/16, was an updated version of the current ITCP for 2006-2007. This amended version took account of the ongoing ITCP and of the actual activities, implemented and/or programmed, as contained in the relevant ongoing projects and/or programmes.

16.4 The Committee noted the report on the Technical Co-operation Programme on a region-by-region basis (MEPC 55/16/1), which gave an update of the technical co-operation activities related to the protection of the marine environment undertaken during the period January – June 2006. The document also provided information on the activities carried out during the same period under the major projects/programmes financed through outside sources. In this respect, the Committee took note of the developments regarding:

- .1 the project on building Partnerships for Environmental Protection and Management of the Seas of East Asia (PEMSEA);
- .2 the PDF-B Project on Building partnerships to assist Developing Countries to Reduce the Transfer of Harmful Aquatic Organisms in Ships' Ballast Water (Globalast Partnerships);
- .3 the project on the development of a Regional Marine Electronic Highway (MEH) in the East Asian Seas; and
- .4 the EC/MEDA financed project on EUROMED Co-operation on Maritime Safety and Prevention of Pollution from Ships (SAFEMED).

16.5 The Committee also took note of the information provided by the Secretariat on major projects being executed by sister organizations and which included activities to be implemented directly by IMO or under its supervision.

16.6 The Director, Technical Co-operation Division (TCD), recalled that ownership of the ITCP development and implementation process rested with the recipient countries themselves. The needs of the developing regions were a key component of the biennial ITCP, as articulated through regional strategic plans and by regional institutions. One such example was the ROCRAM network, which developed an integrated maritime plan for the Latin American region on a ten-year cycle. IMO's regulatory priorities were also taken into account in this

programme-building process, notably to facilitate the implementation of emerging issues as agreed by the technical committees.

16.7 The Committee noted that, in light of the sharply diminishing resources, and of the dwindling TC Fund reserves, the Secretariat had been asked by TCC to rationalize the ITCP, and to develop a modest, realistic and deliverable programme commensurate with the available resources. This drove the need to prioritize the selection of the individual ITCP components. The Director, TCD, also emphasized that full delivery was dependent on the identification of resources to finance the ITCP implementation.

16.8 The Committee:

- .1 approved the Committee's input to the overall IMO ITCP for 2008-2009;
- .2 instructed the Secretariat to finalize the Committee's input for its incorporation by the Technical Co-operation Division into the overall ITCP for 2008-2009 and subsequent consideration/approval by the Technical Co-operation Committee; and
- .3 took note of the information provided regarding the implementation of the technical co-operation activities for the period from January to June 2006.

17 ROLE OF THE HUMAN ELEMENT

17.1 The Committee, noting that the Joint MSC/MEPC Working Group on the Human Element would be reconvened during MSC 82, which would meet in Istanbul, Turkey, from 29 November to 8 December 2006, considered document MEPC 55/17, containing the outcome of MSC 81 in relation to the role of the human element and, in particular, the work of the Joint MSC/MEPC Working Group on Human Element, as well as the report of the Group of Independent Experts on the assessment of the impact and effectiveness of implementation of the ISM Code.

17.2 Having considered the information provided in the aforementioned document, the Committee noted that:

- .1 MSC 81, noting the concurrent decision of MEPC 53, had approved:
 - MSC-MEPC.7/Circ.1 on Checklist for considering human element issues by IMO bodies, along with the associated checklist;
 - MSC-MEPC.7/Circ.2 on Strengthening of human element input to the work of IMO;
 - MSC-MEPC.7/Circ.3 on Framework for consideration of ergonomics and work environment; and
 - MSC-MEPC.7/Circ.4 on the Organization's strategy to address the human element;
- .2 MSC 81, noting the concurrent decision of MEPC 53, had also approved, under its agenda item 9 (Bulk liquids and gases), the Guidelines on the basic elements of

a shipboard occupational health and safety programme, under cover of circular MSC-MEPC.2/Circ.3;

- .3 MSC 81 had endorsed the decision of MEPC 53 to refer document MEPC 53/INF.7 to the FSI Sub-Committee; and
- .4 the Joint MSC/MEPC Working Group on the Human Element would be reconvened during MSC 82 to consider in detail, *inter alia*, the report of the Group of Independent Experts on the assessment of the impact and effectiveness of implementation of the ISM Code, and that the Joint Group's outcome and the subsequent decisions by MSC 82 would be submitted to MEPC 56 in July 2007, for appropriate action.

18 FORMAL SAFETY ASSESSMENT

18.1 The Committee recalled that, at its fifty-fourth session, it had noted that a Drafting Group on Formal Safety Assessment would be established by MSC 81 and that the decisions taken thereon would be reported to the Committee for appropriate action at the fifty-fifth session.

18.2 The Committee considered document MEPC 55/18 (Secretariat), providing information on the outcome of the Correspondence Group on Formal Safety Assessment established by MSC 80, as well as the results of subsequent deliberations by MSC 81, after considering the outcome of the drafting group established for the purpose.

18.3 Having deliberated on the action requested in document MEPC 55/18, the Committee:

- .1 noted the actions taken by MSC 81 in respect of the report of the Correspondence Group on Formal Safety Assessment, as described in paragraphs 2 to 9 of document MEPC 55/18;
- .2 approved the draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023 – MEPC/Circ.392), under cover of circular MSC-MEPC.2/Circ.5, as set out in annex 1 to document MEPC 55/18, noting that the draft amendments and the associated circular had already been approved by MSC 81; and
- .3 approved the draft amendments to the Guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the IMO rule-making process (MSC/Circ.1022 – MEPC/Circ.391), under cover of circular MSC-MEPC.2/Circ.6, as set out in annex 2 to document MEPC 55/18, noting that the draft amendments and the associated circular had already been approved by MSC 81.

18.4 The Committee considered also the draft Environmental risk evaluation criteria set out in annex 3 to document MEPC 55/18 and agreed that the draft criteria still needed in-depth consideration from the marine environment protection perspective. Subsequently, the Chairman invited Members and international organizations to consider the draft Environment risk evaluation criteria during the intersessional period and submit comments thereon to MEPC 56, for further consideration prior to referring the agreed text to the MSC for appropriate action.

19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Application of requirements for the carriage of bio-fuels and bio-fuel blends

19.1 The Committee noted the proposal by the United Kingdom, Sweden and the International Parcel Tankers Association (IPA) (MEPC 55/19) on the application of requirements for the carriage of bio-fuels and bio-fuel blends under the IBC Code and its inclusion as a new item in the work programme of the BLG Sub-Committee and the provisional agenda of BLG 11.

19.2 The Committee also noted that the submission by Norway (MEPC 55/19/5) supported, in principle, the proposal by the United Kingdom, Sweden and IPTA mentioned in paragraph 19.1 but proposed to include the issue on bio-fuels and bio-fuel blends by amending the ongoing work programme item of the BLG Sub-Committee from “Evaluation of safety and pollution hazards of chemicals and preparations of consequential amendments” to “Evaluation of safety and pollution hazards of Annex I and Annex II products and preparation of consequential amendment”.

19.3 In accordance with paragraph 2.17 of the Committees’ Guidelines (MSC/Circ.1099 – MEPC/Circ.405), the Chairman made a preliminary assessment on the proposed new work programme by the United Kingdom, Sweden and IPTA (MEPC 55/WP.3). The Chairman’s assessment showed that the criteria for general acceptance provided in paragraph 2.9 of the Committees’ Guidelines had been met.

19.4 The Committee, having considered the proposal by the United Kingdom, Sweden and IPTA as well as the comments by Norway, decided to include a new high-priority item on “application of requirements for the carriage of bio-fuels and bio-fuel blends” in the work programme of the BLG Sub-Committee and in the agenda of the BLG 11, with a target completion date of 2008.

Work programmes and provisional agendas of the BLG and FSI Sub-Committees

19.5 The Committee approved the work programme of the BLG Sub-Committee and the provisional agenda for BLG 11 on the basis of those approved by MSC 81 (MEPC 55/19/1, paragraph 2), with the addition of a new item on “application of requirements for the carriage of bio-fuels and bio-fuel blends” as indicated in paragraph 19.4 above.

19.6 The Committee agreed that there should be a Working Group for the item “Development of guidelines for uniform implementation of the 2004 BWM Convention” at BLG 11.

19.7 The Committee approved the work programme of the FSI Sub-Committee and the provisional agenda for FSI 15 on the basis of those approved by MSC 81 and those proposed changes by FSI 14, which met from 5 to 9 June 2006 after MSC 81.

19.8 The work programme of the BLG and FSI Sub-Committees and the provisional agendas for BLG 11 and FSI 15, as revised and approved by the Committee, are set out in annexes 30 and 31 respectively.

Work programme of the DSC, NAV, DE and STW Sub-Committees, which relate to environmental issues

19.9 The Committee agreed to retain the item of “Guidelines on equivalent methods to reduce on-board NO_x emission” as a low priority item in the work programme of the DE Sub-Committee (MEPC 55/19/2, annex), in case there was a need to develop such guidelines in the future.

19.10 The Committee, having taken the above decision, approved the work programmes of the DSC, NAV, DE and STW Sub-Committees which relate to environmental issues, as set out in annex 32.

Proposed international conference on recycling of ships in the biennium 2008-2009

19.11 The Committee, having considered document MEPC 55/19/4 (Secretariat), agreed to request the Council at its ninety-eighth session to consider the allocation of a five-day international conference on recycling of ships and budget in the 2008-2009 biennium to adopt the draft International Convention for the Safe and Environmentally Sound Recycling of Ships.

Review of progress made in implementing the High-level action plan and priorities for the 2006-2007 biennium

Proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium

19.12 The Committee noted that the information concerning review of progress made in implementing the High-level action plan and priorities for 2006-2007 biennium (MEPC 55/19/7, annex 1) and proposals for the High-level action plan and priorities, including planned output, for 2008-2009 biennium (MEPC 55/19/7, annex 2) would, after updating as requested by the Committee, be submitted to the ninety-eighth session of the Council (June 2007) for referral to the Council Working Group on the Strategic plan to be held in September 2007.

19.13 The Committee also noted that any further information on the progress and proposals for the High-level action plan and priorities for the 2008-2009 biennium (MEPC 55/19/7, annex 2) that would be agreed at MEPC 56 should be incorporated and reported to the twenty-fourth extraordinary session of the Council.

Activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies

19.14 The Committee recalled that paragraph 2.5 of the Committees’ Guidelines (MSC/Circ.1099 – MEPC/Circ.405) required that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering the activities, priorities and meeting requirements of their subsidiary bodies over the following two years.

19.15 The Committee noted that, in preparing the activities and priorities of the Committees, the Chairmen took into account resolution A.971(24) on the High-level action plan of the Organization and priorities for the 2006-2007 biennium; resolution A.970(24) on Strategic plan for the Organization (for the six-year period 2006 to 2011); the provisions of resolution A.900(21) which set the objectives of the Organization in the 2000s; resolution A.901(21) on IMO and technical co-operation in the 2000s; and proposals to the 98th session of the Council,

for inclusion in the Organization's High-level action plan and priorities for the 2008-2009 biennium.

19.16 The Committee further noted that the Committees' Chairmen took into account the technical workload of the Organization, the priorities assigned by the Assembly in resolution A.971(24) to subjects for consideration by the MSC and MEPC and the advice provided by the Chairmen of the sub-committees in preparing the following plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the biennium 2008-2009:

Year	MSC	MEPC	BLG	DSC	FP	FSI	COMSAR	NAV	DE	SLF	STW	Total
2008	3	2	1	1	1	1	1	1	1	1	1	14
2009	1.5	1	1	1	1	1	1	1	1	1	1	11.5
Grand total (weeks)												25.5

19.17 The Committee approved, subject to concurrent decision of the MSC, the above plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2008-2009, for inclusion in the Secretary-General's relevant budget proposals.

Items to be included in the Committee's agenda for its forthcoming three sessions

19.18 The Committee approved the items to be included in the agendas for MEPC 56, MEPC 57 and MEPC 58 (MEPC 55/WP.2), which are set out in annex 33.

Dates for MEPC 56, MEPC 57 and MEPC 58

19.19 The Committee noted that MEPC 56 would be held from 9 to 13 July 2007 and that MEPC 57 and MEPC 58 were scheduled tentatively in March 2008 and October 2008, respectively.

Correspondence groups

19.20 The Committee agreed to establish the following intersessional correspondence groups to meet before MEPC 56:

- .1 correspondence group on ship recycling;
- .2 correspondence group on the review of MARPOL Annex V; and
- .3 correspondence group on the Washwater Criteria for Exhaust Gas-SO_x Scrubber Systems.

Intersessional meetings

19.21 The Committee agreed to hold the following intersessional meetings:

- .1 ESPH Working Group to be held some time in 2007 as agreed under agenda item 10;
- .2 OPRC-HNS Technical Group to be held in the week prior to MEPC 56 in July 2007, which should report to MEPC 56; and

- .3 Ship Recycling Working Group to be held some time before MEPC 56 to further develop the draft convention on ship recycling.

Working/review/drafting groups at MEPC 56

19.22 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 56:

- .1 Review Group on Ballast Water Technologies;
- .2 Working Group on Ship Recycling;
- .3 Working Group on Air Pollution;
- .4 Working Group on the Human Element; and
- .5 Drafting Group on Amendments to Mandatory Instruments.

20 APPLICATION OF THE COMMITTEES' GUIDELINES

20.1 The Committee noted that the Chairmen of the MSC, MEPC and Sub-Committees met on 12 May 2006 with the objective to work towards maximizing the efficiency and effectiveness of the Committees and Sub-Committees, including amendments to the Committees' Guidelines (MSC/Circ.1099 – MEPC/Circ.405) in line with the Strategic plan of the Organization and High-level action plan and priorities, adopted by resolutions A.970(24) and A.971(24), respectively.

Report of the 2006 Chairmen's meeting and outcome of MSC 81 on the report of the 2006 Chairmen's meeting

20.2 The Committee recalled that the issues related to the Strategic plan of the Organization and the High-level action plan and priorities were dealt with under agenda item 19.

20.3 The Committee considered the report of the 2006 Chairmen's meeting (MEPC 55/20) in conjunction with the outcome of MSC 81 on the aforementioned report (MEPC 55/20/1) and took the following actions:

- .1 approved the draft amendments to the Committee's Guidelines developed in the context of the requests in resolution A.971(24);
- .2 agreed to the action with regard to review process for the High-level action plan and priorities, including planned output, for the 2006-2007 biennium;
- .3 agreed that the start of working groups' work on Monday mornings was an option and should be decided at the plenary with caution; however, wherever possible, terms of reference of working groups should be agreed at the previous sessions of the parent Committee(s) or Sub-Committee(s);
- .4 noted the discussion on splinter group(s) of working groups;

- .5 requested the Secretariat to make every effort for the timely posting of documents on IMODOCS website and also requested Member Governments and international organizations to submit documents as early as possible and not just on deadlines of the submission of documents;
- .6 noted that the Chairmen's meeting was not in a position to decide on the proposal to reduce the deadline for new work programme items from 20 weeks to 13 weeks and that it should be considered and decided by the Committees and action taken as appropriate;
- .7 noted that the meeting favoured the modification of paragraphs 1.10.2 to 4.10.7 of the Committees' Guidelines by replacing the words "at IMO Headquarters" by the words "at IMO Headquarters and on the IMO documents website"; and
- .8 agreed that the Committees' Guidelines should be amended and requested the Secretariat to prepare draft amendments to the Guidelines for submission to MEPC 55 and MSC 82 for consideration.

20.4 Regarding paragraph 20.3.6 above, the Committee noted that MSC 81 had already decided that the deadline should be reduced to 13 weeks and the new deadline should take effect from MSC 82 (December 2006) and, accordingly, also decided to reduce the deadline to 13 weeks and to take effect from MEPC 56 (July 2007).

Review of the Committee's Guidelines

20.5 The Committee recalled that the existing Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies were approved by MSC 77 and MEPC 49 and issued as a joint circular MSC/Circ.1099 – MEPC/Circ.405.

20.6 The Committee also recalled that MSC 80 and MEPC 53 in 2005, having considered the outcome of the 2005 Chairmen's meeting and other issues relating to the Committees' work and working methods, had taken a number of decisions, as reflected in documents MSC 80/24, section 20 and MEPC 53/24, section 21, which should be incorporated in the Guidelines.

20.7 The Committee recalled that, under the current Committees' Guidelines, only working groups and drafting groups could be established. With a view to accommodating the need of other groups required under environmental conventions, the Committee decided to include technical groups and review groups in the Committees' Guidelines.

20.8 The Committee noted that the draft amendments to the Committees' Guidelines as annexed to document MEPC 55/20/1 were considered and agreed to by the Committees up to MEPC 54 and MSC 81.

20.9 The Committee, after due consideration and subject to concurrent decision of MSC 82, approved all the draft amendments to the Committees' Guidelines contained in the annex to document MEPC 55/20/1, including new paragraph 3.29 concerning MEPC's "technical or review groups".

20.10 The delegation of Brazil, referring to paragraph 19 of the document MEPC 55/20/1, suggested that the establishment of technical groups and review groups should be applicable to MSC. In response, the Chairman stated that matters concerning the MSC could only be

decided by that Committee and, therefore, Brazil might consider making such a proposal to MSC 82.

20.11 The Committee requested the Secretariat to prepare, subject to concurrent decision of MSC 82, a revised text of the Committees' Guidelines, incorporating all the amendments, and issue it as new MSC/MEPC circular, superseding MSC/Circ.1099 – MEPC/Circ.405.

21 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2007

21.1 In accordance with rule 17 of the Rules of Procedure, the Committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman, and re-elected Mr. Ajoy Chatterjee (India) as Vice-Chairman, both for 2007.

22 ANY OTHER BUSINESS

IMO's Children's Initiatives

22.1 The Committee, having recalled that children representing the Junior programme of the Hellenic Marine Environment Protection Association (HELMEPA) had last informed the Committee of their activities to protect the marine environment in 1999, noted with much appreciation two presentations by 12 year olds Dionysia Lymperopoulou (representing HELMEPA JUNIOR) and Serra Kuman (representing TURMEPA JUNIOR).

22.2 The two girls highlighted how their respective Marine Environment Protection Associations (MEPAs) had assisted them in gaining a better understanding of the immense problem of marine pollution and how they were motivated to become environmentally aware and responsible citizens of tomorrow. They also pointed out how they had had to confront the indifference of grownups towards nature but noted that the common work for a cleaner planet, by all children-members of the MEPA Juniors, had made them stronger. Their voices were being heard from as far afield as possible, from children around the world and from other MEPAs, all helping to make this world better.

22.3 The two MEPA Juniors stressed that it was the responsibility of all to give to the next generation, a planet that is healthy and inhabitable by all species of flora and fauna. Unfortunately, it was their generation, as well as the ones to come, that would have to confront the environmental issues of the planet. The MEPA Juniors suggested that they would punish ships leaving garbage, poisonous materials or invasive species in their beautiful countries and seas. They also hoped that they could fund organizations trying to save the sea animals and marine environment and called on the IMO to use all its power to save the seas, noting that it was a very precious treasure that needed help and protection.

22.4 The Secretary-General, in extending his sincere gratitude to the girls for making the considerable journey to London, recognized that their work had been effective in dealing with local environmental problems, such as marine debris on beaches in the communities of several countries in the Mediterranean Sea area, and in raising awareness of the need to protect the marine environment.

22.5 The Secretary-General reminded the Committee that he had, on a number of occasions, spoken about increasing IMO's visibility amongst the younger generation and he recalled that IMO had made some significant steps in this direction, by facilitating the attendance of children

at the Children's World Summit for the Environment last year, in co-operation with the Junior sections of HELMEPA, TURMEPA and CYMEPA.

22.6 The Secretary-General stressed that children everywhere were sentinels in a world under pressure, yet, at the same time, they provided much needed hope for the future and that we should listen to them and provide encouragement and support for their endeavours and ideas.

22.7 In view of this, the Secretary-General set out a range of actions, with a view to promoting the development of an IMO Children's policy. This policy would aim to establish stronger relationships with children in the wider world through initiatives that would be introduced in the coming months. These IMO Children's Initiatives would include:

- .1 the establishment of a dedicated children's IMO Web-site, based around the existing "Little 'Mo" Web-pages, that would provide children's educational material regarding marine environmental protection, the maritime transport sector and the interaction of the shipping industry with the environment and how impacts on the environment were being addressed by IMO and its members. The Web-site would also contain an interactive mechanism by which children could provide ideas and comments. An appropriate IMO body would consider relevant ideas;
- .2 an extension of the children's ambassador for the protection of the marine environment concept and include a long-term engagement with the Junior MEPAs. In this respect every IMO member was encouraged to consider establishing MEPAs to promote the protection of the marine environment amongst the younger generation in their respective countries; and
- .3 the development of a range of small goods and articles that appeal to children and that can be purchased over the net (via publications) or at the delegates' shop-front. The articles would have a clear IMO branding and include messages regarding the marine environment. All funds received would go to the Organization for the promotion of children's activities.

Global Integrated Shipping Information System (GISIS)

22.8 The Committee noted the information provided by the Secretariat (MEPC 55/22/1) on the "Global Integrated Shipping Information System" (GISIS) and emphasized the importance of this system which allows public access to sets of data collected by the Secretariat.

Ship strikes with cetaceans: Report of the International Whaling Commission (IWC) Ship Strikes Working Group

22.9 The Committee recalled that, at previous sessions, it was presented with information regarding the issue of whale protection in the context of identifying and implementing Particularly Sensitive Sea Areas and Special Areas, reducing the effect of harmful anti-fouling systems (organotins) on whales, and in regard to new and amended traffic separation systems to minimize ship collisions with whales.

22.10 The Committee noted with appreciation the report of the International Whaling Commission (MEPC 55/22 and MEPC 55/INF.22) on Ship Strikes with Cetaceans presented by Belgium and, in particular, the information on the ship-related recommendations aimed at

reducing cetacean mortality due to ship strikes. The Committee also noted that the International Whaling Commission (IWC) was seeking ways to co-ordinate better with IMO, with a view to improving the conservation of cetaceans and the safety of passengers and crew on ships navigating near cetaceans.

22.11 The Committee also noted that this work was primarily conducted by the Ship Strikes Working Group of the IWC which was established in June 2005 under the Conservation Committee of the IWC on the initiative of Belgium*. The work was endorsed by the IWC during its 58th annual meeting held in St Kitts and Nevis in June 2006.

22.12 The Committee further noted that the report proposed that the Organization might assist in areas such as:

- .1 identify large-area and small-area hot spots of dense shipping globally;
- .2 offer guidance for improved reporting and data management and processing from IWC member nations as well as others;
- .3 evaluate the potential for whale-related data into Automatic Identification System (AIS) data that appear on vessel radar screens;
- .4 advise on the setting up of a centralized international database on ship strikes using a template with standardized parameters;
- .5 as appropriate, advise on ship-related national and regional legislation, rules and action plans to reduce the impact of ship strikes, with priority for high-risk areas; and
- .6 continue to review the work of the Ship Strikes Working Group, widen its membership and circulate the progress report widely.

22.13 The Committee also noted, with interest, the statement made by the representative of UNEP/CMS, who stressed that ships strikes remained a serious threat to the survival of several cetacean species and the increasing number of vessels and their speeds were a serious worry for a UN conservation body like CMS.

22.14 The representative noted the need for interagency co-operation in order to promote a better co-ordination on initiatives for the conservation and protection of cetaceans, and possibly reinforce the conservation message within UN bodies whose mandate takes them to protect the marine environment. In this regard, the representative called on IMO to set in motion a number of actions to address ship strikes, in consultation with other relevant bodies. Actions might include assessments and monitoring, awareness raising in the sector, increase watch keeping in areas of heavy migration, identification and promotion of suitable technical solutions.

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22.15 Following discussion, the Committee agreed that IMO is the competent body to address ship strikes with cetaceans, and invited delegations to submit proposals to relevant Committees and Sub-Committees for consideration.

22.16 The Committee noted that IWC intended to put in place co-operative arrangements with IMO in accordance with the established procedures.

New Publication Ship to Shore – Sustainable Stewardship in Cruise Destinations

22.17 The observer from ICCL invited the Committee to note the availability of a new publication entitled ‘From Ship to Shore – Sustainable Stewardship in Cruise Destinations’ which had been developed by Conservation International with support from the ICCL. The booklet examines the shared responsibilities among governments, cruise lines, civil society groups and shore operators to ensure a sustainable future for cruise tourism while maintaining the natural and unique cultural integrity of international destinations.

Expressions of appreciation

22.18 The Committee expressed appreciation to Mr. A. Chrysostomou (Chairman of the Committee), to Mr. A. Chatterjee (Vice-Chairman of the Committee), to Mr. B. Elliot (Chairman of the Review Group on Ballast Water), to Mr. J. Koefoed (Chairman of the Working Group on Ship Recycling), to Mr. B. Okamura (Chairman of the Working Group on Air Pollution), to Mr. Z. Alam (Chairman of the Drafting Group on MARPOL Amendments), and to Mr. D. Macrae (Chairman of the Drafting Group on IBC amendments) for their outstanding contribution to the success of MEPC 55.

22.19 The Committee also expressed appreciation to all delegates, who had recently relinquished their duties, retired or had been transferred to other duties or were about to be, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties, including:

- Mr. J. Ormaechea (Uruguay) (on transfer)
- Mr. J. Velasco (Mexico) (on transfer)
- Capt. E. Pacha (Spain) (on appointment as Director of IMSO)
- Mr. D. Howard (United Kingdom) (on retirement)
- Mr. J. Østergaard (Secretariat) (on retirement)

22.20 The Committee, noting that this was the last session of the Committee for Mr. J.-C. Sainlos (Secretary of the Committee and Director of the Organization’s Marine Environment Division) to attend, expressed appreciation to him for his dedicated and outstanding service to the work of the Committee for many years and sincerely wished him a long, healthy and enjoyable retirement.

ANNEX 1

**RESOLUTION MEPC.149(55)
Adopted on 13 October 2006****GUIDELINES FOR BALLAST WATER EXCHANGE DESIGN AND
CONSTRUCTION STANDARDS (G11)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that Regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through Ballast Water Management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that Regulation D-1 of the Ballast Water Management Convention stipulates that ships performing ballast water exchange shall do so with an efficiency of at least 95 per cent volumetric exchange of ballast water and that MEPC 51 identified the need for additional guidance on design and construction standards for ships conducting ballast water exchange,

NOTING ALSO that resolution 1 adopted by the International Conference on Ballast Water Management for Ships invited the Organization to develop the Guidelines for uniform application of the Convention as a matter of urgency,

HAVING CONSIDERED, at its fifty-fifth session, the draft Guidelines for ballast water exchange design and construction standards (G11) developed by the Ballast Water Working Group, and the recommendation made by the Sub-Committee on Bulk Liquids and Gases at its tenth session,

1. ADOPTS the Guidelines for ballast water exchange design and construction standards (G11);
2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and
3. AGREES to keep the Guidelines under review.

ANNEX

GUIDELINES FOR BALLAST WATER EXCHANGE DESIGN AND CONSTRUCTION STANDARDS (G11)

1 INTRODUCTION

Purpose

1.1 These Guidelines outline recommendations for the design and construction of ships to assist compliance with Regulation D-1 (*Ballast Water Exchange Standard*) of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Convention).

1.2 These Guidelines have been developed to give guidance to shipbuilders, ship designers, owners and operators of ships in designing safe, environmentally acceptable, technically achievable, practicable, and cost effective ballast water exchange as required in Regulation D-1.

1.3 These Guidelines should be applied without compromising the ship's safety and operational efficiency and taking into account the design of ship types, which may have special safety considerations for example container ships and bulk carriers.

2 DEFINITIONS

2.1 For the purposes of these Guidelines, the definitions in the Convention apply and:

- .1 "Ballast Water Tank" – means any tank, hold or space used for the carriage of ballast water as defined in Article 1 of the Convention.
- .2 "Sequential Method" – means a process by which a ballast tank intended for the carriage of ballast water is first emptied and then re-filled with replacement ballast water to achieve at least a 95 per cent volumetric exchange.
- .3 "Flow-through Method" – means a process by which the replacement ballast water is pumped into a ballast tank intended for the carriage of ballast water, allowing water to flow through overflow or other arrangements.
- .4 "Dilution Method" – means a process by which replacement ballast water is filled through the top of the ballast tank intended for the carriage of ballast water with simultaneous discharge from the bottom at the same flow rate and maintaining a constant level in the tank throughout the ballast exchange system.

3 BALLAST WATER EXCHANGE – DESIGN AND CONSTRUCTION CONSIDERATIONS

General considerations

3.1 When designing and constructing a ship that will operate with ballast water exchange the following considerations should be taken into account:

- .1 maximizing the efficiency of ballast water exchange;
- .2 increasing the range of sea conditions under which ballast water exchange may be conducted safely;
- .3 shortening the time to complete ballast water exchange (thereby increasing the types of voyages under which ballast water exchange can be undertaken safely); and
- .4 minimizing the accumulation of sediments (refer to Guidelines on design and construction to facilitate sediment control on ships (G12)).

Consideration at the design phase of new ships

3.2 When designing new ships the following aspects related to ballast water management equipment should be considered:

- .1 ballast water management and the processes chosen to achieve it, should be considered as a component of the ship's design;
- .2 design and installation of the ballast water pumping and piping system should ensure that ease of operation and maintenance is maximized;
- .3 ballast tank design should facilitate all aspects of ballast water management;
- .4 installation of monitoring and/or recording equipment for all ballast water operations and treatment processes. If any records are automatically recorded by the equipment they should be in a format that can easily be retained and be made readily available to appropriate authorities;
- .5 remote data management;
- .6 the design of the ballast water exchange system should be such that it facilitates future compliance of the standards set in Regulation D-2 of the Convention, minimizing the need to install new equipment/retrofitting and to carry out dry-docking and/or hot work. It should reduce, as far as possible, the costs of any adaptation for this purpose. Special consideration should be given to the feasibility of combining ballast water exchange methods with ballast water treatment technologies, aiming at meeting, in the future, the standards of Regulation D-2. Adequate spaces for new complementary equipment and pipelines, which may be necessary to meet future standards D-2, should also be considered and planned.

3.3 Where designing new ships ballast water systems designs should take special account of the need for sampling the ballast water by port State control or other authorized organizations. The arrangements should be such that samples as required by the Guidelines for ballast water sampling (G2) can be taken. The sampling arrangements should enhance the quality and ease of sampling of ballast water or sediments, without the need to enter potentially dangerous spaces or partially filled ballast tanks.

3.4 Where ballast water exchange at sea is the chosen method, when designing new ships the following aspects should be considered:

- .1 design of ship structures to enable ballast water exchange to be conducted at various sea states/swell conditions and provide to the ship information on the maximum sea state that ballast water exchange can be conducted;
- .2 minimize the burden on ships crew (e.g. minimize the number of operational steps, the number of partially loaded tanks and the time taken);
- .3 minimize the risk of tank over/under pressurization;
- .4 minimize the flow of ballast water on deck;
- .5 maintaining bridge visibility standards (SOLAS V/22), propeller immersion and minimum draft forward at any stage of a designed ballast water exchange operation;
- .6 the consequences of ballast water exchange at sea, including stability, hull girder strength, shear forces, torsional stresses, resonance, sloshing, slamming and propeller immersion.

3.5 The ballast water exchange methods currently in use are the sequential, flow-through (tank overflow) and dilution methods:

- .1 where the sequential method is to be used, particular attention should be given to the ballast tank layout, total ballast capacity, individual tank configuration and hull girder strength. If the plan requires simultaneously emptying and refilling closely matched diagonal tanks then consequential torsional stresses should be considered. Still water bending moments, shear forces and stability should remain at or within safe limits;
- .2 where the flow through method is to be used adequate provision should be made to avoid the risk of over pressurization of ballast tanks or ballast piping. The installation of additional air pipes, access hatches (as an alternative to deck manholes), internal overflow pipes (to avoid flowing over the deck) and interconnecting ballast trunks between tanks where applicable and possible may be considered. Water on decks and/or direct contact poses a safety and occupational health hazard to personnel. The design should, where possible, be such that it avoids water overflowing directly on to decks to avoid the direct contact by personnel with the ballast water;

- .3 where the dilution method is to be used adequate provision should be made for appropriate piping arrangements to facilitate the ballast water pumping into the previously ballasted tanks through the top of the ballast tank and, simultaneously, discharging the ballast water through the bottom of the tank at the same flow rate while maintaining a constant ballast water level in the tank throughout the exchange operation. Adequate provision should also be made to avoid the risk of over pressurization of ballast tanks or ballast piping. The hydrodynamic performance of the ballast tank is crucial to ensure full water exchange and sediment scouring.

4 DESIGN CONSIDERATIONS TO ENHANCE MANAGEMENT, CONTROL AND OPERATIONAL STRATEGIES

Sea chests

4.1 The following should be considered:

- .1 sea chest design should be such that sediment accumulation is minimized; and
- .2 provision of a high sea chest.

Ballast tanks

4.2 The design of ballast tanks should also take account of the Guidelines on design and construction to facilitate sediment control on ships (G12).

Ship-to-shore ballast transfer arrangements

4.3 If consideration is given to providing ship-to-shore connections to transfer ballast to shore-based ballast water reception facilities, the arrangements should be compatible with a recognized standard such as those in the Oil Companies International Marine Forum (OCIMF) "Recommendations for Oil Tankers Manifolds and Associated Equipment". It is recognized that this standard was originally produced for oil transfer connections, however the general principles in this standard can be applied to connections for ballast transfer in particular the sections related to flanges and connection methods.

ANNEX 2

**RESOLUTION MEPC.150(55)
Adopted on 13 October 2006****GUIDELINES ON DESIGN AND CONSTRUCTION TO FACILITATE
SEDIMENT CONTROL ON SHIPS (G12)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that Regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through Ballast Water Management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that Regulation B-5.2 of the Ballast Water Management Convention provides that, ships constructed in or after 2009 should, without compromising safety or operational efficiency, be designed and constructed with a view to minimize the uptake and undesirable entrapment of sediments, facilitate removal of sediments, and provide safe access to allow for sediment removal and sampling taking into account Guidelines developed by the Organization,

NOTING ALSO that resolution 1 adopted by the International Conference on Ballast Water Management for Ships invited the Organization to develop these Guidelines as a matter of urgency,

HAVING CONSIDERED, at its fifty-fifth session, the draft Guidelines on design and construction to facilitate sediment control on ships developed by the Ballast Water Working Group, and the recommendation made by the Sub-Committee on Bulk Liquids and Gases at its tenth session,

1. ADOPTS the Guidelines on design and construction to facilitate sediment control on ships as set out in the Annex to this resolution;
2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and
3. AGREES to keep the Guidelines under review.

ANNEX

GUIDELINES ON DESIGN AND CONSTRUCTION TO FACILITATE SEDIMENT CONTROL ON SHIPS (G12)

1 PURPOSE

1.1 Regulation B-5.2 of the Convention requires that ships described in Regulations B-3.3 to B-3.5 should, without compromising safety or operational efficiency, be designed and constructed with a view to minimize the uptake and undesirable entrapment of sediments, facilitate removal of sediments and provide safe access to allow for sediment removal and sampling, taking into account these Guidelines. Ships described in Regulation B-3.1 of the Convention should, to the extent practicable, also comply with Regulation B-5.2 taking into account these Guidelines.

1.2 The purpose of these Guidelines is to provide guidance to ship designers, ship builders, owners and operators in the development of ship structures and equipment to achieve the objectives of paragraph 1.1 and thereby, reduce the possibility of introducing harmful aquatic organisms and pathogens.

1.3 There may be a conflict between preventing accumulation of sediments and preventing the discharge of harmful aquatic organisms and pathogens.

2 INTRODUCTION

2.1 Water taken up as ships' ballast can contain solid alluvial matter that, once the water is becalmed in a ship's ballast tank, will settle out onto the bottom of the tank and other internal structures.

2.2 Aquatic organisms can also settle out of the ballast water and can continue to exist within the sediment. These organisms can survive for long periods after the water they were originally in has been discharged. They may thereby be transported from their natural habitat and discharged in another port or area where they may cause injury or damage to the environment, human health, property and resources.

2.3 Regulation B-5.1 of the Convention requires that all ships remove and dispose of sediments from spaces designated to carry ballast water in accordance with the Ballast Water Management Plans. These Guidelines are to assist ship designers, ship builders, owners and operators to design ships to minimise the retention of sediment. Guidance on the management of sediment is contained in the Guidelines for Ballast Water Management and the Development of Ballast Water Management Plans (G4).

3 DEFINITIONS

3.1 For the purposes of these Guidelines, the definitions in the International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Convention) apply.

3.2 Ballast Water Tank – for the purposes of these Guidelines a ballast water tank is any tank, hold or space used for the carriage of ballast water as defined in Article 1 of the Convention.

4 DESIGN FOR REDUCING ACCUMULATION OF SEDIMENT

4.1 Ballast water tanks and their internal structure should be designed to avoid the accumulation of sediment in a ballast tank. The following should, as far as is practicable, be taken into account when designing ballast tanks:

- .1 horizontal surfaces to be avoided wherever possible;
- .2 where longitudinals are fitted with face bar stiffeners, consideration should be given to fit the face bar stiffeners below the horizontal surfaces to aid drain off from the stiffeners;
- .3 arrange for induced flows of water, either by pump forces or gravitational forces, to wash along horizontal or near horizontal surfaces so that it re-suspends already settled sediment;
- .4 where horizontal stringers or webs are required, drainage holes to be as large as possible, especially if edge toe-stops are fitted where horizontal stringers are used as walkways, to encourage rapid flow of water off them as the water level in the tank falls;
- .5 internal girders, longitudinals, stiffeners, intercostals and floors, where fitted should incorporate extra drain holes which allow water to flow with minimal restriction during discharge and stripping operations;
- .6 where inner members butt against bulkheads, their installation should be such as to prevent the formation of stagnant pools or sediment traps;
- .7 scallops should be located at the joints of the inner bottom (tank top) longitudinals or intercostals and floors to allow for good airflow, and thus drying out of an empty tank. This will also allow air to escape to the air pipe during filling so that minimum air is trapped within the tank;
- .8 pipeline systems should be designed such that, when deballasting, disturbance of the water in the tank is as powerful as possible, so that the turbulence re-suspends sediment; and
- .9 flow patterns in ballast water tanks should be studied (for example by the use of Computational Fluid Dynamics (CFD)) and considered, so that internal structure can be designed to provide effective flushing. The amount of internal structure in double bottom tanks will reduce the scope for improving flow patterns. The hydrodynamic performance of the ballast tank is crucial to ensure sediment scouring.

4.2 Any designs depending upon water flow to re-suspend sediment should, as far as possible be independent of human intervention, in order that the work load of ships' crews is minimal when operating the system.

4.3 The benefits of design concepts for reducing sediment accumulation are that there is likely to be good sediment removal while deballasting, with minimum retention of sediment in the tanks, and therefore a reduction or no need for removal by other means.

4.4 The design of all ships should provide safe access to allow for sediment removal and sampling.

4.5 The design of ballast water tanks should facilitate installation of high sea suction points on each side of the tank.

4.6 When practical, equipment to remove suspended matter at the point of uptake should be installed.

ANNEX 3**RESOLUTION MEPC.151(55)
Adopted on 13 October 2006****GUIDELINES ON DESIGNATION OF AREAS FOR BALLAST WATER
EXCHANGE (G14)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that Regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through Ballast Water Management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that regulation B-4.2 of the Convention stipulates that in sea areas where the distance from the nearest land or the depth does not meet the parameters described in Regulation B-4.1, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct ballast water exchange and MEPC 52 identified the need for additional guidance on the designation of areas for ballast water exchange,

NOTING ALSO that resolution 1 adopted by the International Conference on Ballast Water Management for Ships invited the Organization to develop the Guidelines for uniform application of the Convention as a matter of urgency,

HAVING CONSIDERED, at its fifty-fifth session, the draft Guidelines on designation of areas for ballast water exchange (G14) developed by the Ballast Water Working Group, and the recommendation made by the Sub-Committee on Bulk Liquids and Gases at its tenth session,

1. ADOPTS the Guidelines on designation of areas for ballast water exchange (G14) as set out in the Annex to this resolution;
2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and
3. AGREES to keep the Guidelines under review.

ANNEX

GUIDELINES ON DESIGNATION OF AREAS FOR BALLAST WATER EXCHANGE (G14)

1 PURPOSE

1.1 The purpose of these Guidelines is to provide guidance to port States for the identification, assessment and designation of sea areas where ships may conduct ballast water exchange in accordance with Regulation B-4.2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Convention).

2 INTRODUCTION

2.1 Regulation B-4.2 of the Convention allows port States to designate areas, in consultation with adjacent or other States, as appropriate, where ships may conduct ballast water exchange.

2.2 These Guidelines provide generic guidance to promote uniform application of Regulation B-4.2 in designating areas for ballast water exchange to minimize the risk of introduction of harmful aquatic organisms and pathogens. Party or Parties designating an area according to Regulation B-4.2 should endeavour not to impair or damage their environment, human health, property or resources or those of other States (under Article 2.6 of the Convention).

3 APPLICATION

3.1 These Guidelines are intended for port States considering and intending to designate areas for ballast water exchange in accordance with Regulation B-4.2. Regulation B-4.2 states that "in sea areas where the distance from the nearest land or the depth does not meet the parameters described in paragraph 1.1 or 1.2, the port State may designate areas, in consultation with adjacent or other States, as appropriate, where a ship may conduct Ballast Water exchange".

4 DEFINITIONS

4.1 For the purposes of these Guidelines, the definitions in the Convention apply.

5 PROCESS FOR THE DESIGNATION OF SEA AREAS FOR BALLAST WATER EXCHANGE

5.1 There are three integral steps to designating an area as a ballast water exchange area: identification, assessment and designation. The Guidelines provide criteria to address and consider for each of these steps (see sections 7, 8 and 9), however these criteria are not intended to be exhaustive.

5.2 A port State considering designating ballast water exchange areas shall do this in accordance with its rights and obligations under international law.

6 CONSULTATION AND REGIONAL CO-OPERATION

6.1 The port State should consult with adjacent or other States, as appropriate, when identifying, assessing and designating potential ballast water exchange areas. It must be recognized that some States may not be a Party to the Convention, however this should not negate the consultation process. The port State initiating the consultation process should exchange information and should take into account all views and comments of the adjacent and other States as far as practicable. States should endeavour to resolve any identified concerns.

6.2 If multiple Parties wish to jointly designate ballast water exchange areas, they could do so under Article 13.3 of the Convention through a regional agreement.

7 IDENTIFICATION OF POTENTIAL SEA AREAS FOR BALLAST WATER EXCHANGE

7.1 Depending upon the nature of the seas surrounding the port State, it may be considered appropriate for single or multiple ballast water exchange areas to be identified.

7.2 The following considerations should be taken into account when identifying potential sea area(s) for undertaking ballast water exchange:

Legal aspects

7.2.1 Any national or international legal requirements or obligations should be considered in identifying potential sea areas for designation under Regulation B-4.2.

7.2.2 Sea areas beyond the jurisdiction of a port State may provide the most practical and appropriate area for ballast water exchange. A Party should not designate ballast water exchange areas in waters under the jurisdiction of another State, without its agreement and consultation with adjacent and other States. Consultation should be initiated as soon as possible in the process to facilitate exchange of information and agreement for the designation of the ballast water exchange area (see section 6).

Important resources and protected areas

7.2.3 In the designation of ballast water exchange area, Parties should consider and avoid, to the extent practicable, potential adverse impact in aquatic areas protected under national or international law, as well as other important aquatic resources including those of economic and ecological importance.

Navigational constraints

7.2.4 Any designation of ballast water exchange areas should take into account navigation impacts, including the desirability of minimizing delays, as appropriate, taking into consideration the following:

- .1 the area should be on existing routes if possible,
- .2 if the area cannot be on existing routes, it should be as close as possible to them.

7.2.5 Constraints to safe navigation must be considered when selecting the location and size of the ballast water exchange area. Such considerations should include, but are not limited to:

- .1 increased shipping traffic congestion;
- .2 proximity to other vessel traffic (small craft, offshore platforms, etc.);
- .3 adequate aids to navigation;
- .4 security of the area; and
- .5 shipping lanes/routeing systems.

8 ASSESSMENT OF IDENTIFIED SEA AREAS

8.1 Risk assessment is a logical process for objectively assigning the likelihood and consequences of specific events. Risk assessments can be qualitative or quantitative, and can be a valuable decision aid if completed in a systematic and rigorous manner.

8.1.1 The following key principles define the nature and performance of risk assessment:

- .1 **Effectiveness** – That risk assessments accurately measure the risks to the extent necessary to achieve an appropriate level of protection.
- .2 **Transparency** – That the reasoning and evidence supporting the actions recommended by risk assessments, and areas of uncertainty (and their possible consequences to those recommendations), are clearly documented and made available to decision-makers.
- .3 **Consistency** – That risk assessments achieve a uniform high level of performance, using a common process and methodology.
- .4 **Comprehensiveness** – That the full range of values, including economic, environmental, social and cultural, are considered when assessing risks and making recommendations.
- .5 **Risk Management** – Low risk scenarios may exist, but zero risk is not obtainable, and as such risk should be managed by determining the acceptable level of risk in each instance.
- .6 **Precautionary** – That risk assessments incorporate a level of precaution when making assumptions, and making recommendations, to account for uncertainty, unreliability, and inadequacy of information. The absence of, or uncertainty in, any information should therefore be considered an indicator of potential risk.
- .7 **Science based** – That risk assessments are based on the best available information that has been collected and analysed using scientific methods.
- .8 **Continuous improvement** – Any risk model should be periodically reviewed and updated to account for improved understanding.

8.2 The identified ballast water exchange area(s) should be assessed in order to ensure that its designation will minimize any threat of harm to the environment, human health, property or resources taking into account but not limited to the following criteria:

8.2.1 **Oceanographic** (e.g., currents, depths)

- Currents, upwellings or eddies should be identified and considered in the evaluation process. Sea areas where currents disperse discharged ballast water away from land should be selected where possible.
- Areas where tidal flushing is poor or where a tidal stream is known to be turbid, should be avoided where possible.
- The maximum water depth available should be selected where possible.

8.2.2 **Physico-chemical** (e.g., salinity, nutrients, dissolved oxygen, chlorophyll 'a')

- High nutrient areas should be avoided where possible.

8.2.3 **Biological** (e.g., presence of Harmful Aquatic Organisms and Pathogens, including cysts; organisms density)

- Areas known to contain outbreaks, infestations, or populations of Harmful Aquatic Organisms and Pathogens (e.g. harmful algal blooms) which are likely to be taken up in Ballast Water, should be identified and avoided where possible.

8.2.4 **Environmental** (e.g., pollution from human activities)

- Sea area(s) that may be impacted by pollution from human activities (e.g., areas nearby sewage outfalls) where there may be increased nutrients or where there may be human health issues, should be avoided where possible.
- Sensitive aquatic areas should be avoided to the extent practicable.

8.2.5 **Important resources** (e.g., fisheries areas, aquaculture farms)

- Location of important resources, such as key fisheries areas and aquaculture farms should be avoided.

8.2.6 **Ballast water operations** (e.g., quantities, source, frequency)

- A foreseen estimation of the quantities, sources and frequencies of ballast water discharges from vessels that will use the designated sea area should be considered in the assessment of such area.

8.3 An assessment of the most appropriate size of the designated ballast water exchange area needs to take into account the above considerations.

9 DESIGNATION OF SEA AREAS FOR BALLAST WATER EXCHANGE

9.1 The location and size that provide the least risk to the aquatic environment, human health, property or resources should be selected for designation. The spatial limits of the ballast water exchange area/s should be clearly defined and shall be in accordance with international law. It may also be possible for the designation of a ballast water exchange area to apply over specified timeframes, and these should be clearly defined.

9.2 A baseline evaluation should be conducted to aid future monitoring and review. The process of identification and assessment may provide sufficient information for the baseline.

10 COMMUNICATION

10.1 A Party or Parties intending to designate areas for ballast water exchange under Regulation B-4.2 should communicate this intention to the Organization prior to the implementation of the designated ballast water exchange area. Such communication should include:

- .1 The precise geographical co-ordinates, depth limit and/or distance from nearest land that defines the designated ballast water exchange area.
- .2 Other information that may be relevant to facilitate ships' identification of the designated ballast water exchange area, for example navigation aids.
- .3 Details of the characteristics of the designated ballast water exchange area that may be relevant to assist ships plan their voyage, including: use of area by other traffic, current and tidal flow, wind and swell conditions, seasonal events (cyclones, typhoons, ice, etc.).

10.2 The Organization shall circulate information regarding designated ballast water exchange areas to the Members of the Organization.

10.3 Port States should provide adequate advice to ships on the location and terms of use of the designated ballast water exchange area. Such advice may include exchanging as many tanks as possible under regulation B-4.1, as far as practicable taking into account regulation B-4.3, before utilizing the designated ballast water exchange area.

11 MONITORING AND REVIEW

11.1 The use of the designated ballast water exchange area and any impacts on the aquatic environment, human health, property or resources of the port State or those of other States should be monitored and reviewed on a regular basis.

11.2 One reason for monitoring may be to document the occurrence of harmful aquatic organisms in such areas which may be introduced by ballast water exchange. In case harmful aquatic organisms are found to be introduced, the designated ballast water exchange area may be closed to avoid promoting the spread of such newly occurring species to other regions.

ANNEX 4

**RESOLUTION MEPC.152(55)
Adopted on 13 October 2006****GUIDELINES FOR SEDIMENT RECEPTION FACILITIES (G1)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that Regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through Ballast Water Management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that Article 5 of the Ballast Water Management Convention provides that, each Party undertakes to ensure that, in ports and terminals designated by that Party where cleaning or repair of ballast tanks occurs, adequate facilities are provided for the reception of sediments, taking into account the Guidelines developed by the Organization,

NOTING ALSO that resolution 1 adopted by the International Conference on Ballast Water Management for Ships invited the Organization to develop these Guidelines as a matter of urgency,

HAVING CONSIDERED, at its fifty-fifth session, the draft Guidelines for sediment reception facilities (G1) developed by the Ballast Water Working Group, and the recommendation made by the Sub-Committee on Flag State Implementation at its fourteenth session,

1. ADOPTS the Guidelines for sediment reception facilities (G1) as set out in the Annex to this resolution;
2. INVITES Governments to apply these Guidelines as soon as possible, or when the Convention becomes applicable to them; and
3. AGREES to keep these Guidelines under review.

ANNEX

GUIDELINES FOR SEDIMENT RECEPTION FACILITIES (G1)

1 INTRODUCTION

Purpose

1.1 The purpose of these guidelines is to provide guidance for the provision of facilities for the reception of sediments that are provided in accordance with Article 5 of the Convention. The guidance is also intended to encourage a worldwide uniform interface between such facilities and the ships without prescribing dedicated shoreside reception plants.

Application

1.2 These guidelines apply to sediment reception facilities referred to in the International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Convention), Article 5 and Regulation B-5.

1.3 These guidelines do not apply to sediment from tanks other than ballast water tanks.

1.4 It is recognized that some countries, areas or ports have requirements or regulations relating to the disposal of waste materials including waste material from ships which may include sediment from ships ballast water tanks. These guidelines are not intended in any way to replace or adversely impact any local or national requirements or regulations concerning the disposal and/or treatment of sediment from ships ballast water tanks.

2 DEFINITIONS

2.1 For the purposes of these guidelines, the definitions in the Convention apply and:

- .1 "Ballast Water Tank" means any tank, hold or space used for the carriage of ballast water as defined in Article 1 of the Convention.

3 GENERAL REQUIREMENTS FOR RECEPTION FACILITIES

3.1 Article 5 of the Convention requires that: "reception facilities shall operate without causing undue delay to ships and shall provide for the safe disposal of such sediments that does not impair or damage their environment, human health, property or resources or those of other States."

3.2 A facility should provide the resources to enable, as far as practicable, their use by all ships wishing to discharge sediment from ballast water tanks.

3.3 Each Party shall report to the Organization and, where appropriate, make available to other Parties, information on the availability and location of any reception facilities for the environmentally safe disposal of sediments.

4 PROVISION OF SEDIMENT RECEPTION FACILITIES

4.1 When considering the requirements of these facilities many factors will have to be taken into account, these should include but not be limited to:

- .1 regional, national and local legislation which will affect the facility and related to the items below;
- .2 site selection;
- .3 collection, handling and transport of sediment;
- .4 sampling, testing and analysis of sediment;
- .5 storage of sediment and storage conditions;
- .6 estimated required capacity (volume/weight) including moisture content of the sediment the facility will handle;
- .7 environmental benefits and costs;
- .8 proximity of available sites to local ballast tank cleaning and repair facilities;
- .9 effect on the environment in construction and operation of the facility;
- .10 training of facility staff;
- .11 equipment required to off load sediment from ships, such as cranes;
- .12 human health;
- .13 safety;
- .14 maintenance;
- .15 operational limitations; and
- .16 waterway access, approaches and traffic management.

5 TREATMENT, HANDLING AND DISPOSAL OF RECEIVED SEDIMENT

5.1 Disposal, handling and treatment measures applied to the sediment shall avoid unwanted side effects that may create a risk to or damage to the Party's environment, human health, property or resources or those of other States.

5.2 Personnel involved in the handling of sediment should be aware of the possible risk to human health associated with sediment from ships ballast water tanks. Personnel should be adequately trained and be provided with suitable personal protective clothing and equipment.

6 CAPABILITIES OF A RECEPTION FACILITY

6.1 Reception facilities should be designed, taking into account the ship types that may be anticipated to use them and consideration should be given to the requirements for ballast tank cleaning that may take place and of repair facilities in the area(s) the reception facility serves.

6.2 Details of the capabilities and any capacity limitations of reception process (facilities and equipments) should be made available to ships wishing to use the facility. The details made available to ships should include but not be limited to:

- .1 maximum capacity (volume or weight) of sediment;
- .2 maximum volume or weight that can be handled at any one time;
- .3 packaging and labelling requirements;
- .4 hours of operation;
- .5 ports, berths, areas where access to the facility is available;

- .6 ship-to-shore transfer details;
- .7 if ship or shore crew are required for the transfer;
- .8 contact details for the facility;
- .9 how to request use of the facility including any notice period and what information is required from the ship;
- .10 all applicable fees; and
- .11 other relevant information.

7 TRAINING

7.1 Personnel in charge of and those employed in the provision of a sediment reception facility including the treatment and disposal of sediment, should have received adequate instruction. Frequent training should include but not be limited to:

- .1 the purpose and principles of the Convention;
- .2 the risks to the environment and human health;
- .3 risk associated with the handling of sediment including both general safety and human health risks;
- .4 safety;
- .5 adequate knowledge of the equipment involved;
- .6 a sufficient understanding of ships using the facility, and any operational constraints;
- .7 the ship/port communication interface; and
- .8 an understanding of local disposal controls.

7.2 The training should be organized by the manager or the operator of the reception facility and delivered by suitably qualified professionals.

ANNEX 5**RESOLUTION MEPC.153(55)
Adopted on 13 October 2006****GUIDELINES FOR BALLAST WATER RECEPTION FACILITIES (G5)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four Conference resolutions,

NOTING that Regulation A-2 of the Ballast Water Management Convention requires that discharge of ballast water shall only be conducted through Ballast Water Management in accordance with the provisions of the Annex to the Convention,

NOTING FURTHER that Regulation B-3.6 of the Ballast Water Management Convention provides that, the requirements of ballast water management standards do not apply to ships that discharge ballast water to a reception facility designed taking into account the Guidelines developed by the Organization for such facilities,

NOTING ALSO that resolution 1 adopted by the International Conference on Ballast Water Management for Ships invited the Organization to develop these Guidelines as a matter of urgency,

HAVING CONSIDERED, at its fifty-fifth session, the draft the Guidelines for ballast water reception facilities (G5) developed by the Ballast Water Working Group, and the recommendation made by the Sub-Committee on Flag State Implementation at its fourteenth session,

1. ADOPTS the Guidelines for ballast water reception facilities (G5) as set out in the Annex to this resolution;
2. INVITES Governments to apply these Guidelines as soon as possible, or when the Convention becomes applicable to them; and
3. AGREES to keep these Guidelines under review.

ANNEX

GUIDELINES FOR BALLAST WATER RECEPTION FACILITIES (G5)

1 INTRODUCTION

Purpose

1.1 The purpose of these guidelines is to provide guidance for the provision of facilities for the reception of ballast water as referred to in Regulation B-3.6 of the Convention. These guidelines are not intended to require that a Party shall provide such facilities. The guidance is also intended to encourage a worldwide uniform interface between such facilities and the ships without prescribing dedicated shoreside reception plants.

Application

1.2 These guidelines apply to ballast water reception facilities referred to in the International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Convention), Regulation B-3.6.

1.3 These guidelines do not apply to reception facilities for sediment referred to in Article 5 and Regulation B-5 of the Convention.

2 DEFINITIONS

2.1 For the purposes of these guidelines, the definitions in Article 1 and Regulation A-1 of the Convention apply.

3 GENERAL REQUIREMENTS FOR BALLAST WATER RECEPTION FACILITIES

3.1 A ballast water reception facility should be capable of receiving ballast water from ships so as not to create a risk to the environment, human health, property and resources arising from the release to the environment of Harmful Aquatic Organisms and Pathogens. A facility should provide pipelines, manifolds, reducers, equipment and other resources to enable, as far as practicable, all ships wishing to discharge ballast water in a port to use the facility. The facility should provide adequate equipment for mooring ships using the facility and when applicable safe anchorage.

3.2 Each Party shall report to the Organization and, where appropriate, make available to other Parties, information on the availability and location of any reception facilities for the environmentally safe disposal of ballast water.

4 PROVISION OF BALLAST WATER RECEPTION FACILITIES

4.1 When considering the requirements of these facilities many factors will have to be taken into account, these should include but not be limited to:

- .1 regional, national and local legislation which will affect the facility and related to the items below;
- .2 site selection;
- .3 ship type and size that will use the facility;
- .4 ship configurations;
- .5 mooring requirements;
- .6 handling of ballast water;
- .7 sampling, testing and analysis of ballast water;
- .8 storage and of conditions of ballast water;
- .9 environmental benefits and costs;
- .10 proximity of available sites to local ports;
- .11 effect on the environment in construction and operation of the facility;
- .12 training of facility staff;
- .13 human health;
- .14 safety;
- .15 maintenance;
- .16 operational limitations;
- .17 waterway access, approaches and traffic management; and
- .18 the amount of ballast water likely to be received.

5 TREATMENT AND DISPOSAL OF RECEIVED BALLAST

5.1 Disposal of ballast water from a reception facility should not create a risk to the environment, human health, property and resources arising from the release or transfer to the environment of Harmful Aquatic Organisms and Pathogens.

5.2 Treatment methods applied to the ballast water should not produce effects that may create a risk to the environment, human health, property and resources.

5.3 Where ballast water is disposed into the aquatic environment it should at least meet the ballast water performance standard specified in Regulation D-2 of the Convention. Disposal to other environments should be to a standard acceptable to the Port State. Such a standard should not create a risk to the environment, human health, property and resources arising from the release or transfer to the environment of Harmful Aquatic Organisms and Pathogens.

6 SUSPENDED MATTER

6.1 Ballast water discharged from a ship should be accepted by the ballast water reception facility including its suspended matter.

7 CAPABILITIES OF A RECEPTION FACILITY

7.1 Details of the capabilities and any capacity limitations of a treatment facility should be made available to the ships that intend to use the facility.

7.2 The details made available to ships should include but not be limited to:

- .1 maximum volumetric capacity of ballast water;
- .2 maximum volume of ballast water that can be handled at any one time;

- .3 maximum transfer rates of ballast water (cubic metres per hour);
- .4 hours of operation;
- .5 ports, berths, areas where access to the facility is available;
- .6 ship-to-shore pipeline connection details (pipeline size and reducers available);
- .7 if ship or shore crew are required for duties such as to connect or disconnect hoses;
- .8 contact details for the facility;
- .9 how to request use of the facility including any notice period and what information is required from the ship;
- .10 all applicable fees; and
- .11 other relevant information.

7.4 The facility should provide ship to shore connections that are compatible with a recognized standard such as those in the Oil Companies International Marine Forum (OCIMF) “Recommendations for Oil Tankers Manifolds and Associated Equipment”. It is recognized that this standard was originally produced for oil tankers however the general principles in this standard can be applied to connections for ballast transfer on other ship types in particular the sections related to flanges and connection methods.

8 TRAINING

8.1 Personnel in charge of and those employed in the provision of a ballast water reception facility including the treatment and disposal of ballast water should have received adequate instruction. Frequent training should include but not be limited to:

- .1 the purpose and principles of the Convention;
- .2 the risks to the environment and human health;
- .3 risk associated with the handling of ballast water including both general safety and human health risks;
- .4 safety;
- .5 adequate knowledge of the equipment involved;
- .6 a sufficient understanding of ships using the facility, and any operational constraints;
- .7 the ship/port communication interface; and
- .8 an understanding of local disposal controls.

8.2 The training should be organized by the manager or the operator of the reception facility and delivered by suitably qualified professionals.

ANNEX 6**STATEMENT BY THE INTERNATIONAL CHAMBER OF SHIPPING (ICS)
IN CONNECTION WITH THE REPORT OF THE
BALLAST WATER REVIEW GROUP**

I would like to start by thanking Mr Brian Elliott, the Review Group and the Secretariat for their hard work and long hours. Unfortunately despite this, we find the outcome rather unsatisfactory and I have a number of points to make.

First, and definitely foremost, in support of the Secretary General's opening remarks, we encourage the earliest possible ratification of the Convention – its early entry into force will enable us to face up properly to the now pressing problems.

The industry needs certainty now, and to engage in a further review at MEPC 56, as suggested in the Report, is to deny the industry any such certainty. In our view the necessary decisions must be taken here, and now.

ICS made very clear its concerns with the Ballast Water Convention at the Diplomatic Conference, arguing, amongst other things, against the fixed dates. As a result of the discussion, the review process was agreed upon – specifically to question whether in fact suitable treatment equipment would be approved and commercially available in time to be fitted, during construction, for ships to be delivered from January 2009. These ships are already ordered and construction has started.

We have been actively engaged in the review group and would summarise its conclusion on the question of availability to be “yes probably but”. Annex 5 of the report with its tabulation of concerns raised by administrations themselves is particularly telling. Our grave concern that suitable equipment may not be available has not been addressed and we still lack the certainty, that we need, to brief shipowners and shipbuilders.

It seems to us that we have three options:

Option 1. To delay the first operative date for the application of Regulation D-2 by at least two years. This leaves intact the requirement for ships to exchange ballast water. This is our preferred option and the one that we believed had been recognized at the Diplomatic Conference and at MEPC 54. You will recall that a three year lead time was built into the review process to reflect the time between ordering a ship and its delivery; this lead time is now being eroded with every passing day. This Option equates to the Review Group's Option 1 but we cannot afford to wait until the entry into force criteria has been almost met. This gives the industry no certainty at all.

Option 2. Is to offer some form of exemption (as noted in the Review Group report) to ships required to comply from January 2009 but for which no suitable equipment is available.

Option 3. Has not been identified in the Report but we suggest that we resolve at this meeting (or at the very latest at MEPC 56) that ships built up to a date yet to be determined by this Committee would not be required to comply with the treatment requirements. Once again the requirements for ballast water exchange would be unaffected by this resolution.

ICS fully embraces the need to stop the spread of invasive species in ballast water but the current route which does not adequately recognize the non-availability of compliance machinery is not the way to solve the environmental problem. We can assure the Committee that shipowners would by far prefer to fit treatment equipment than to commit to long term ballast water exchange routines.

If one of the three options just mentioned cannot be taken up by this meeting of the Committee then we request member States to explain to us how compliance with the Convention can be achieved. We need this information now to pass on to shipowners that have already ordered ships for delivery in 2009. We further invite any State providing this advice to also indicate when they expect to ratify the Convention.

ANNEX 7

**STATEMENT BY GREENPEACE INTERNATIONAL ON
THE SHIP RECYCLING ISSUE**

On behalf of the NGO Platform on Shipbreaking, and at the closing of these proceedings, we would like to leave you with a thought. We'd like to reference a recent BBC news article that appeared a few days ago. It was about another industry trying to come to terms with its own post-consumer transport waste - here the subject was not about obsolete ships, but rather obsolete airplanes.

According to the article, the life span of most commercial airplanes is said to be around 30 years; and so, just as there was a 1970s explosion in aircraft production, now there's a big jump in the number of planes beyond use. Its estimated 8,000 will need to be retired in the next decade.

What's to be done with them? Aircraft contain toxic materials, so dumping them at a far-off airfield or throwing them in the sea is clearly unacceptable.

Concerned by this and aware that getting rid of airplanes was only going to become more of an issue, Boeing set up the Aircraft Fleet Recycling Association (Afra). It's a union of recycling companies with two airports - Chateauroux in central France and Evergreen Air Centre in Arizona. While Boeing pursue the Afra project, Airbus have a similar scheme called Pamela – Process for Advanced Management of End of Life Aircraft.

So both of these major manufacturers are clearly concerned about this issue and are seeking to solve it before it becomes a problem. Each is drawing up a code of good practice in the hope that legislators will reward their efforts. In other words, the industry is taking their extended producer responsibility seriously.

On top of the concern about dumped planes and a desire to develop best practice, there was a political motive, he says. "There are no set rules for doing this. So if we sit down and talk about what are the best ways – the most environmental and economical ways of doing this – and then present that as a set of rules for the legislators to work with, so much the better."

The article ends with the statement: After all those years of service, surely those jumbos deserve a decent end.

When reading this article, it is impossible not to be struck by the contrast in the two industries. The airplane industry on the one hand and the shipping industry on the other.

The airline industry is now proactively seeking the best practices globally possible, not trying to green-gloss an unregulated, mafia dominated, exploitive, status quo horror story – not trying to protect their industrial sector at the expense of human health and the environment. They are not going to use the developing world as a global dumping ground even given the very real allure of cheap labour. They are developing one state of the art facility in Europe, one in North America. They will not be seeking to externalize environmental costs and liabilities but rather the producers have immediately recognized that producers are responsible and must pay. They are going to respect, rather than ignore established principles of policy and law.

These principles include: The Polluter Pays Principle, The Precautionary Principle, The Principle, the Principle of Producer Responsibility, the Principles of Self-sufficiency and Proximity, The Principle of Environmental Justice, The Principle of Substitution, The Principle of Common But Differentiated Responsibilities, the Principle 14 of the Rio Declaration against transferring harm, Principle 16 of the Rio Declaration against externalizing costs. These principles have taken years of negotiations and were adopted by consensus in meetings like this one but here they have been ignored or swept aside.

Coming into this meeting the NGO Platform on Shipbreaking brought, as we have done in numerous occasions in the past, concerns and recommendations from civil society. We have recommended pragmatic means to implement established principles, with obligations commensurate with the crisis at hand. But to date these necessary reforms have been ignored by this body. But we are not alone, other important stakeholders, including the United Nations Special Rapporteur on Human Rights, the Basel Convention, Green ship recyclers in developed countries, the International Labor Organization, trade unions, and especially the interests of workers themselves, have also been ignored. Indeed, this body has not heeded the advice of its own Secretary General who, at the opening of this meeting stated that we must seek the maximum, yes the maximum levels of environmental protection. Do we truly think we are doing that?

Just as in the airplane industry, in the next few years, the peak of the shipbreaking crisis will be upon us with thousands of ships reaching end-of-life with inadequate capacity to responsibly recycle them. It is clear that not only do we need a dramatic shift from business as usual in the text of the new Convention but we will need dramatic interim measures to avert a toxic flood.

We urge all of you that seek true solutions to heed the Secretary General's call to maximize environmental protection, to take inspiration from responsible industries that have taken the long-term look and embraced another way, a way that pragmatically implements the aforementioned principles that the international community has set as a standard for corporate and national responsibility. And most of all we urge you to never lose sight of the plight of the workers, who now, as we speak and equivocate over commitments, are dying horrific deaths from explosions, or of cancer and asbestosis. So far we must all admit that the response falls far short of the crisis at hand and far short of what the global community has called us to do. Between now and our next meeting it is our duty to reflect on the gulf that lies between the global crisis and our response and remember we still have the opportunity to chart a responsible course.

Thank you. We would like this statement attached to the report of this meeting.

ANNEX 8**UNIFIED INTERPRETATIONS TO MARPOL ANNEX VI AND THE
NO_x TECHNICAL CODE AND RELATED IMPLEMENTATION ISSUES****MARPOL ANNEX VI****Regulation 12 – Ozone-depleting substances**

Regulation 12 reads as follows:

“Ozone-depleting substances

- (1) Subject to the provisions of regulation 3, any deliberate emissions of ozone-depleting substances shall be prohibited. Deliberate emissions include emissions occurring in the course of maintaining, servicing, repairing or disposing of systems or equipment, except that deliberate emissions do not include minimal releases associated with the recapture or recycling of an ozone-depleting substance. Emissions arising from leaks of an ozone-depleting substance, whether or not the leaks are deliberate, may be regulated by Parties to the Protocol of 1997.
- (2) New installations which contain ozone-depleting substances shall be prohibited on all ships, except that new installations containing hydrochlorofluorocarbons (HCFCs) are permitted until 1 January 2020.
- (3) The substances referred to in this regulation, and equipment containing such substances, shall be delivered to appropriate reception facilities when removed from ships.”

Interpretation:

With respect to the completion of the IAPP certificate supplement items 2.1.2 and 2.1.3, permanently sealed refrigeration equipment should not be included. Permanently sealed refrigeration equipment are equipment where there is no refrigerant charging connections or potentially removable components.

Regulation 14 – Sulphur Oxides (SO_x)

Regulation 14(1) reads as follows:

The sulphur content of any fuel oil used on board ships shall not exceed 4.5% m/m.

Regulation 14(4)(a) reads as follows:

The sulphur content of fuel oil used on board ships in a SO_x emission control area does not exceed 1.5% m/m.

Interpretation:

The 4.5% limit should be applied to all ships starting from the 19 May 2005 even if the IAPP certificate was not already issued for the ships concerned. The same applies for the 1.5% limit starting from 19 May 2006 for the Baltic Sea SO_x emission control area and the corresponding entry into effect dates for other designated SO_x emission control areas.

Regulation 16 – Shipboard incinerators

Regulation 16(9) reads as follows:

Monitoring of combustion flue gas outlet temperature shall be required at all times and waste shall not be fed into a continuous-feed shipboard incinerator when the temperature is below the minimum allowed temperature of 850°C. For batch-loaded shipboard incinerators, the unit shall be designed so that the temperature in the combustion chamber shall reach 600°C within five minutes after start-up.

Interpretation:

The minimum stabilised combustion chamber flue gas outlet temperature of 850°C is equally applicable to continuous-feed and batch-loaded shipboard incinerators. Monitoring of the combustion flue gas outlet temperature shall be required at all times for both types of incinerators.

Regulation 18 – Fuel oil quality

Regulation 18(3) reads as follows:

For each ship subject to regulations 5 and 6 of this Annex, details of fuel oil for combustion purposes delivered to and used on board shall be recorded by means of a bunker delivery note which shall contain at least the information specified in appendix V to this Annex.

Interpretation:

Bunker delivery notes, for fuel oil delivered to and for use onboard on or after the 19 May 2005, should be kept on board even if the IAPP certificate has not been issued yet.

THE NO_x TECHNICAL CODE

Chapter 3.2 – Test cycles and weighting factors to be applied

Chapter 3.2.3 reads as follows:

For variable-pitch propeller sets, test cycle E2 shall be applied in accordance with table 1.

Table 1 – Test cycle for “Constant-speed main propulsion” application (including diesel-electric drive and variable-pitch propeller installations)

Test cycle type E2	Speed	100%	100%	100%	100%
	Power	100%	75%	50%	25%
	Weighting factor	0.2	0.5	0.15	0.15

Interpretation:

For application of the term “variable-pitch propeller sets” it shall be interpreted that the E2 cycle is applicable to any propulsion engine coupled to a variable pitch propeller, irrespective of whether the system operates at constant speed or variable speeds.

Chapter 5.9.6 – Test sequence

Chapter 5.9.6.2 reads as follows:

During each mode of the test cycle after the initial transition period, the specified speed shall be held within $\pm 1\%$ of rated speed or 3 min⁻¹, whichever is greater, except for low idle, which shall be within the tolerances declared by the manufacturer. The specific torque shall be held so that the average, over the period during which the measurements are to be taken, is within 2% of the maximum torque at the test speed.

Interpretation:

For application of the term “within 2% of the maximum torque” it shall be interpreted that in order to be consistent between the constant (D2 and E2) and the variable speed (C1 and E3) test cycles the specific torque at each load shall be held within 2% of the maximum (rated) torque at the engine’s rated speed.

Chapter 5.9.9 – Re-checking the analysers

Chapter 5.9.9 reads as follows:

After the emission test, the calibration of the analysers shall be re-checked, using a zero gas and the same span gas as used prior to the measurements. The test shall be considered acceptable if the difference between the two calibration results is less than 2%.

Interpretation:

For application of this section the following interpretations shall be applied:

- (a) The term “the calibration of the analysers shall be re-checked,” shall be interpreted as the zero and span response of the analysers shall be re-checked’.
- (b) The term “if the difference between the two calibration results is less than 2%” shall be interpreted as ‘if the difference between the two check results is less than 2%’ where the 2% is understood to be 2% of the span gas concentration (and not analyser full scale), i.e.: Maximum permitted difference in span or zero check readings (ppm or % as appropriate):

= 0.02. Initial span gas concentration reading.

Chapter 5.10 – Test report

Chapter 5.10.1 reads as follows:

For every engine tested for pre-certification or for initial certification on board without pre-certification, the engine manufacturer shall prepare a test report which shall contain, as a minimum, the data as set out in appendix 5 of this Code. The original of the test report shall be maintained on file with the engine manufacturer and a certified true copy shall be maintained on file by the Administration.

Interpretation:

For application of this section the term “as a minimum” shall be interpreted as incorporating the necessary data to fully define the engine performance and enable calculation of the gaseous emissions, in accordance with 5.12, from the raw data units to the cycle weighed NOx emission value in g/kWh. The data set given under Appendix 5 should not be considered definitive and any other test data (i.e. engine performance or setting data, description of control devices, etc.) relevant to the approval of a specific engine design and/or on-board NOx verification procedures must also be given.

With reference to appendix 5 of the Code it shall be further interpreted that:

The term “Deviation” as given under “Sheet 3/5, Measurement equipment, Calibration” refers to the deviation of the analyser calibration and not the deviation of the span gas concentration.

ANNEX 9**WORK PLAN TO IDENTIFY AND DEVELOP THE MECHANISMS NEEDED TO ACHIEVE THE LIMITATION OR REDUCTION OF CO₂ EMISSIONS FROM INTERNATIONAL SHIPPING**

1 The Marine Environment Protection Committee, at its fifty-fifth session, held from 9 to 13 October 2006, considered the required follow-up actions in technical and methodological perspective to resolution A.963(23) on IMO Policies and Practices Related to Reduction of Greenhouse Gas Emissions from ships.

2 The Committee agreed to the following work plan with timetable in accordance with paragraph 2(b) of resolution A.963(23), having recognized that CO₂ is the main greenhouse gas emitted by ships. The Committee will carry out its work in this regard taking into consideration the work plan with the timetable.

WORK PLAN

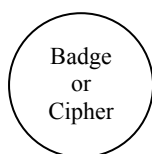
- 1 CO₂ Emission Indexing Scheme (action 1(b) of resolution A.963(23)):
 - .1 Member States and the industry to continue to carry out trials in accordance with MEPC/Circ.471 and submit the results to MEPC; and
 - .2 Improve indexing method set out in MEPC/Circ.471.
- 2 CO₂ emission baseline(s) (action 1(a) and (b) of resolution A.963(23)):
 - .1 Consider methodology for CO₂ emission baseline(s) in terms of efficiency;
 - .2 Evaluate the methodology referred to in paragraph 2.1 by accumulated data on CO₂ emission;
 - .3 Draft proposal(s) on CO₂ emission efficiency baseline(s); and
 - .4 Explore other types of baseline(s), if necessary.
- 3 Consider technical, operational and market-based methods for dealing with GHG emissions (action 1(d) of resolution A.963(23)).

TIMETABLE

Above work items should be conducted according to the following timetable.

Item	MEPC 55 Oct. 06	MEPC 56 July 07	A 25 Nov. 07	MEPC 57 Mar. 08	MEPC 58 Oct. 08	MEPC 59 July 09
1.1	O	O		O	O	
1.2					O	O
2.1		O		O	O	O
2.2				O	O	O
2.3					O	O
2.4					O	O
3		O		O	O	O

ANNEX 10



NAME OF ADMINISTRATION

SECA COMPLIANCE CERTIFICATE

CERTIFICATE OF UNIT APPROVAL FOR EXHAUST GAS-SO_x CLEANING SYSTEMS

Issued under the provisions of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 related thereto under the authority of the Government of:

.....
(full designation of the country)

by.....
*(full designation of the competent person or organization
authorized under the provisions of the Convention)*

This is to certify that the Exhaust Gas-SO_x Cleaning System (EGCS-SO_x) unit listed below has been surveyed in accordance with the requirements of the specifications contained under Scheme A in the Guidelines for on-board exhaust gas-SO_x cleaning systems – adopted by resolution MEPC.130(53) in line with regulation 14(4)(b) of MARPOL Annex VI.

This Certificate is valid only for the EGCS-SO_x unit referred to below:

Unit manufacturer	Model/type	Serial number	EGCS-SO_x Unit and EGCS-SO_x Technical Manual approval number

A copy of this Certificate, together with the EGCS-SO_x Technical Manual, shall be carried onboard the ship fitted with this EGCS-SO_x unit at all times.

This Certificate is valid for the life of the EGCS-SO_x unit subject to surveys in accordance with section 2 of the Guidelines and regulation 5 of MARPOL Annex VI, installed in ships under the authority of this Government.

Issued at
place of issue of certificate

dd/mm/yyyy

.....
date of issue

.....
*signature of duly authorized official
issuing the certificate*

(Seal or Stamp of the authority, as appropriate)

ANNEX 11**RESOLUTION MEPC.154(55)
Adopted on 13 October 2006****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973****(Designation of the Southern South African waters as a Special Area)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

HAVING CONSIDERED proposed amendments to regulation 1 of the revised Annex I to MARPOL 73/78, with a view to designating the Southern South African waters as a Special Area,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to the revised Annex I of MARPOL 73/78, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 September 2007, unless prior to that date, not less than one-third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 March 2008 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the Annex; and
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the present resolution and its Annex.

ANNEX

AMENDMENTS TO THE REVISED ANNEX I OF MARPOL 73/78

(Designation of the Southern South African waters as a Special Area)

A new subparagraph .10 is added to regulation 1.11 as follows:

“.10 *the Southern South African waters* means the sea area enclosed by the following co-ordinates:

31° 14' S; 017° 50' E
31° 30' S; 017° 12' E
32° 00' S; 017° 06' E
32° 32' S; 016° 52' E
34° 06' S; 017° 24' E
36° 58' S; 020° 54' E
36° 00' S; 022° 30' E
35° 14' S; 022° 54' E
34° 30' S; 026° 00' E
33° 48' S; 027° 25' E
33° 27' S; 027° 12' E”

ANNEX 12**RESOLUTION MEPC.155(55)
Adopted on 13 October 2006****AMENDMENTS TO THE CONDITION ASSESSMENT SCHEME**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

NOTING ALSO that regulation 13G of Annex I of MARPOL 73/78 specifies that the Condition Assessment Scheme, adopted by resolution MEPC.94(46), may be amended provided such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the 1973 Convention relating to amendment procedures applicable to an appendix to an Annex,

RECOGNIZING the need to amend the Condition Assessment Scheme in respect of the proceedings where there is a change of flag, ownership or recognized organization affecting an oil tanker holding a valid Statement of Compliance, or a change of flag during a Condition Assessment Scheme survey,

HAVING CONSIDERED, at its fifty-fifth session, the proposed amendments to the Condition Assessment Scheme,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to the Condition Assessment Scheme, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 September 2007, unless, prior to that date, not less than one third of the Parties to MARPOL 73/78 or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified to the Organization their objections to the amendments;
3. INVITES Parties to MARPOL 73/78 to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 March 2008 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the Annex;

5. REQUESTS FURTHER the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization which are not Parties to MARPOL 73/78;
6. INVITES the Maritime Safety Committee to note the amendments to the Condition Assessment Scheme and take action as appropriate in the review of the Guidelines on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers adopted by resolution A.744(18), as amended.

ANNEX

**AMENDMENTS TO THE CONDITION ASSESSMENT SCHEME (CAS)
(RESOLUTION MEPC.94(46), AS AMENDED)**

1 In Table 7.3.3, at the end of the entry “.1 Each deck plate”, the following text is added: “(see note)”.

2 A note is added below Table 7.3.3 as follows:

“Note:

In conjunction with thickness measurement procedures, in case of concern regarding residual throat thickness of the fillet weld between the deck plate and deck longitudinals or possible detachment of a deck longitudinal member, the attending surveyor may refer to the Guidelines on the assessment of residual fillet weld between deck plating and longitudinals adopted by resolution MEPC.147(54).”

3 The annex to resolution MEPC.94(46), as amended, is further amended by deleting and replacing the existing paragraphs 13.8, 13.9 and 13.10 with the following new paragraphs:

“13.8 The flag Administration may consider and declare that the Statement of Compliance of a ship entitled to fly its flag remains valid and in full force and effect if:

- .1 a change in ownership of the ship should occur; or
- .2 there is a change in the RO from the RO that performed the CAS survey work and prepared the CAS final report, which was reviewed and accepted by the Administration for the issuance of the Statement of Compliance by the Administration, to a new RO acceptable to the Administration, and that all information required to be submitted under the requirements of this resolution has been provided to the new RO; or
- .3 the safe operation and maintenance of the ship is assumed by a Company, as defined in SOLAS chapter IX, other than the one that was operating the ship at the time of the completion of the CAS survey; or
- .4 any combination of 13.8.1, 13.8.2 and 13.8.3 should simultaneously occur;

provided that the Administration:

- .5 maintains the same period of validity; and
- .6 co-ordinates the transmittal of specific information, requirements, and procedures concerning the maintenance of the validity of the CAS Statement of Compliance in question to the new owner and/or Company, which shall remain those adopted by the Administration at the time of the issue of the original Statement of Compliance.

13.9 The Administration shall suspend and/or withdraw the Statement of Compliance of a ship if it is no longer considered to be compliant with the requirements of the CAS.

13.10 The Administration may reinstate a suspended and/or withdrawn Statement of Compliance when it is satisfied that the requirements of the CAS are again being met, but not beyond the limits of the period and the terms and conditions of validity of the Statement of Compliance previously established by the Administration.

13.11 The Administration shall withdraw the Statement of Compliance of a ship if it is no longer entitled to fly its flag.

13.12 If a ship to which a valid Statement of Compliance has already been issued is transferred to the flag of another Party, the new Administration may consider issuing a new Statement of Compliance to that ship on the basis of the Statement of Compliance issued by the previous Administration, provided that the new Administration obtains from the previous Administration:

- .1 a certified copy of the Statement of Compliance that the ship was issued with at the time of the transfer;
- .2 a statement certifying that the RO, which provided the CAS Final Report to the previous Administration, is an RO authorized to act on its behalf;
- .3 a status report from the RO that provided the CAS Final Report to the previous Administration that, at the time of transfer, all the terms and conditions justifying the issuance of the Statement of Compliance to that ship are still valid and being maintained; and
- .4 a copy of both the CAS Final Report and the complete Review Record of all the CAS documentation relating to that ship, which the previous Administration has compiled for the issue or renewal and the maintenance of the validity of the Statement of Compliance that the ship was issued with at the time of the transfer.

13.13 With a change of flag, for the issuance of an Interim Statement of Compliance issued for a period of not more than 90 days to allow the continued operation of the ship while the new Administration performs a technical review and assessment of the CAS Final Report and Review Record, the new Administration shall need only to depend upon the certifications and status report referred to in paragraph 13.12 and provided by the previous Administration and the responsible RO.

13.14 On satisfactory completion of the technical review and assessment of the CAS Final Report and Review Record by the new Administration, under the circumstance of a change of flag as described in paragraph 13.12, a full term Statement of Compliance may be issued by the new Administration limited to the period and no less than the terms and conditions of validity of the Statement of Compliance issued by the previous Administration. In the event the review is unsatisfactory, the new Administration shall revert to the provisions of paragraphs 13.9 and 13.10.

13.15 Should a change of flag take place during the course of a CAS survey, the new Administration shall determine at what point in the CAS Schedule provided in annex 3 to MEPC/Circ.390 and under what conditions it will assume responsibility for and allow the CAS survey to continue. Sufficient documentation should be provided by the shipowner and the responsible RO to the new Administration upon which to make its decision.”

ANNEX 13**RESOLUTION MEPC.156(55)
Adopted on 13 October 2006****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973****(Revised Annex III of MARPOL 73/78)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

RECALLING further that, at its fifty-fourth session, it had endorsed the proposal by the DSC Sub-Committee regarding the timeframe leading to the entry into force of the revised MARPOL Annex III to make it coincide with the entry into force of amendment 34-08 to the International Maritime Dangerous Goods (IMDG) Code,

HAVING CONSIDERED the proposed amendments to Annex III of MARPOL 73/78 (revised Annex III),

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex III of MARPOL 73/78, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2009, unless prior to that date, not less than one-third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2010 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the Annex; and

5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the present resolution and its Annex.

ANNEX

AMENDMENTS TO ANNEX III OF MARPOL 73/78

(Revised Annex III)

The existing text of MARPOL Annex III is replaced by the following:

**“REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL
SUBSTANCES CARRIED BY SEA IN PACKAGED FORM**

Regulation 1

Application

- 1 Unless expressly provided otherwise, the regulations of this Annex apply to all ships carrying harmful substances in packaged form.
 - .1 For the purpose of this Annex, “harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code)* or which meet the criteria in the Appendix of this Annex.
 - .2 For the purposes of this Annex, “packaged form” is defined as the forms of containment specified for harmful substances in the IMDG Code.
- 2 The carriage of harmful substances is prohibited, except in accordance with the provisions of this Annex.
- 3 To supplement the provisions of this Annex, the Government of each Party to the Convention shall issue, or cause to be issued, detailed requirements on packing, marking, labelling, documentation, stowage, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances.*
- 4 For the purposes of this Annex, empty packagings which have been used previously for the carriage of harmful substances shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is harmful to the marine environment.
- 5 The requirements of this Annex do not apply to ship’s stores and equipment.

* Refer to the IMDG Code adopted by the Organization by resolution MSC.122(75), as amended by the Maritime Safety Committee.

Regulation 2

Packing

Packages shall be adequate to minimize the hazard to the marine environment, having regard to their specific contents.

Regulation 3

Marking and labelling

- 1 Packages containing a harmful substance shall be durably marked with the correct technical name (trade names alone shall not be used) and, further, shall be durably marked or labelled to indicate that the substance is a marine pollutant. Such identification shall be supplemented where possible by any other means, for example, by use of the relevant United Nations number.
- 2 The method of marking the correct technical name and of affixing labels on packages containing a harmful substance shall be such that this information will still be identifiable on packages surviving at least three months' immersion in the sea. In considering suitable marking and labelling, account shall be taken of the durability of the materials used and of the surface of the package.
- 3 Packages containing small quantities of harmful substances may be exempted from the marking requirements.*

Regulation 4**

Documentation

- 1 In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of each such substance shall be used (trade names alone shall not be used) and the substance further identified by the addition of the words "MARINE POLLUTANT".
- 2 The shipping documents supplied by the shipper shall include, or be accompanied by, a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate and in proper condition for carriage to minimize the hazard to the marine environment.
- 3 Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of the harmful substances on board may be used in place of such special list or manifest. Copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded. A copy of one of these documents shall be made

* Refer to the specific exemptions provided for in the IMDG Code adopted by resolution MSC.122(75), as amended.

** Reference to "documents" in this regulation does not preclude the use of electronic data processing (EDP) and electronic data interchange (EDI) transmission techniques as an aid to paper documentation.

available before departure to the person or organization designated by the port State authority.

- 4 At any stopover, where any loading or unloading operations, even partial, are carried out, a revision of the documents listing the harmful substances taken on board, indicating their location on board or showing a detailed stowage plan, shall be made available before departure to the person or organization designated by the port State authority.
- 5 When the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea, 1974, as amended, the documents required by this regulation may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Annex.

Regulation 5

Stowage

Harmful substances shall be properly stowed and secured so as to minimize the hazards to the marine environment without impairing the safety of the ship and persons on board.

Regulation 6

Quantity limitations

Certain harmful substances may, for sound scientific and technical reasons, need to be prohibited for carriage or be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity, due consideration shall be given to size, construction and equipment of the ship, as well as the packaging and the inherent nature of the substances.

Regulation 7

Exceptions

- 1 Jettisoning of harmful substances carried in packaged form shall be prohibited, except where necessary for the purpose of securing the safety of the ship or saving life at sea.
- 2 Subject to the provisions of the present Convention, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard, provided that compliance with such measures would not impair the safety of the ship and persons on board.

Regulation 8

*Port State control on operational requirements**

- 1 A ship when in a port or an offshore terminal of another Party is subject to inspection by officers duly authorized by such Party concerning operational requirements under this Annex, where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by harmful substances.
- 2 In the circumstances given in paragraph 1 of this regulation, the Party shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.
- 3 Procedures relating to the port State control prescribed in article 5 of the present Convention shall apply to this regulation.
- 4 Nothing in this regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention.

* Refer to the Procedures for port State control adopted by the Organization by resolution A.787(19) and amended by A.882(21).

APPENDIX TO ANNEX III

Criteria for the identification of harmful substances in packaged form

For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances*:

Category: Acute 1

96 hr LC ₅₀ (for fish)	≤ 1 mg/l and/or
48 hr EC ₅₀ (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	≤ 1 mg/l

Category: Chronic 1

96 hr LC ₅₀ (for fish)	≤ 1 mg/l and/or
48 hr EC ₅₀ (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	≤ 1 mg/l

and the substance is not rapidly degradable and/or the log K_{ow} ≥ 4 (unless the experimentally determined BCF < 500).

Category: Chronic 2

96 hr LC ₅₀ (for fish)	>1 to ≤ 10 mg/l and/or
48 hr EC ₅₀ (for crustacea)	>1 to ≤ 10 mg/l and/or
72 or 96 hr ErC ₅₀ (for algae or other aquatic plants)	>1 to ≤ 10 mg/l

and the substance is not rapidly degradable and/or the log K_{ow} ≥ 4 (unless the experimentally determined BCF < 500), unless the chronic toxicity NOECs are > 1 mg/l.

* The criteria are based on those developed by the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS), as amended.
For definitions of acronyms or terms used in this appendix, refer to the relevant paragraphs of the IMDG Code.

ANNEX 14

**RESOLUTION MEPC.157(55)
Adopted on 13 October 2006**

**RECOMMENDATION ON STANDARDS FOR THE RATE OF DISCHARGE
OF UNTREATED SEWAGE FROM SHIPS**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING resolution MEPC.115(51) by which the Committee adopted the revised MARPOL Annex IV, which entered into force on 1 August 2005,

NOTING ALSO the provisions of regulation 11.1.1 of MARPOL Annex IV,

RECOGNIZING that untreated sewage that has been stored in holding tanks shall not be discharged instantaneously but that the discharge is to be undertaken at a moderate rate approved by the Administration based upon the standards developed by the Organization,

HAVING CONSIDERED the recommendations made by the Sub-Committee on Bulk Liquids and Gases at its tenth session,

1. ADOPTS the Recommendation on standards for the rate of discharge of untreated sewage from ships, the text of which is set out in the Annex to the present resolution;
2. RECOMMENDS member Governments to accept the rate of discharge based upon the annexed Standards,
3. ENCOURAGES operators of ships that may have high discharge requirements to keep calculations of actual discharges to demonstrate compliance to the Administration and to port or coastal State authorities.

ANNEX

RECOMMENDATION ON STANDARDS FOR THE RATE OF DISCHARGE OF UNTREATED SEWAGE FROM SHIPS

1 INTRODUCTION

- 1.1 Regulation 11.1.1 of the revised Annex IV of MARPOL 73/78 requires that untreated sewage, which may be discharged at more than 12 nautical miles from the nearest land, should not be discharged instantaneously but at a moderate rate of discharge when the ship is en route and proceeding at a speed not less than 4 knots, while the rate should be approved by the Administration based upon standards developed by the Organization. This Recommendation provides the standard and guidance for the approval and calculation of a moderate rate of discharge.
- 1.2 A moderate rate of discharge applies to the discharge of untreated sewage that has been stored in holding tanks.
- 1.3 This standard does not incorporate the dilution of sewage with water or greywater into calculations of the discharge rate. Therefore the rate is a conservative estimate and it is recognised that discharges of sewage in accordance with this standard will present a higher level of protection to the marine environment due to mixing prior to the actual discharge in addition to the mixing action of the ship's wake.

2 DEFINITIONS

- 2.1 *Swept volume* means ship breadth x draft x distance travelled.
- 2.2 *Untreated sewage* means sewage that has not been treated by a type approved sewage treatment plant, or that has not been comminuted and disinfected.

3 DISCHARGE RATE

- 3.1 The maximum permissible discharge rate is 1/200,000 (or one 200,000th part) of swept volume as follows:

$$DR_{\max} = 0.00926 V D B$$

Where:

DR_{\max} is maximum permissible discharge rate (m³/h)
V is ship's average speed (knots) over the period
D is Draft (m)
B is Breadth (m)

- 3.2 The maximum permissible discharge rate specified in 3.1 refers to the average rate as calculated over any 24 hour period, or the period of discharge if that is less, and may be exceeded by no more than 20% when measured on an hourly basis.

4 APPROVAL OF RATE BY ADMINISTRATION

4.1 The Administration should approve the rate of discharge specified in 3.1 based upon the ship's maximum summer draft and maximum service speed¹. Where sewage is to be discharged at a different combination of draft and speed one or more secondary discharge rates may also be approved².

5 METHOD OF CALCULATION

5.1 The calculated swept volume of the ship is to be determined for drafts up to and including the summer draft assigned in accordance with Article 3 of International Convention on Load Lines, 1966.

5.2 Where a ship is to discharge sewage from a holding tank using a pump calibrated at a fixed rate, the pump can either be:

- calibrated at a the rate permitted at 4 knots; or
- calibrated for a specific minimum ship's speed in excess of 4 knots.

5.3 Where the intended actual discharge rate exceeds that permissible at 4 knots, the actual discharge rate may need to be reduced or the speed increased. The rate and speed is to be detailed in the approval issued by the Administration.

6 COMPLIANCE WITH THE RATE

6.1 Before undertaking a sewage discharge in accordance with this standard, the crew member responsible for sewage operations should ensure that the ship is en route, is more than 12 nautical miles from the nearest land and the navigation speed is consistent with the discharge rate that has been approved by the Administration. Ships with high discharge requirements are encouraged to keep notes of calculations of the actual discharges to demonstrate compliance with the approved rate.

¹ The attention of ship operators and personnel is drawn to the reduction in permissible rate of discharge at reduced draft and/or speed.
² Presentation may be tabular, refer to table below. For ships other than those having a high requirement for untreated sewage discharge, such as passenger ships and livestock carriers, the discharge rate criterion will generally not be exceeded at ship speed of 4 knots.

DISCHARGE RATE (m ³ /h)					
SPEED (kt)	4	6	8	10	12
DRAFT (m)					
5	4.63	6.94	9.26	11.57	13.89
6	5.56	8.33	11.11	13.89	16.67
7	6.48	9.72	12.96	16.20	19.45
8	7.41	11.11	14.82	18.52	22.22
9	8.33	12.50	16.67	20.83	25.00

ANNEX 15

**RESOLUTION MEPC.158(55)
Adopted on 13 October 2006**

**AMENDMENTS TO THE GUIDELINES FOR THE TRANSPORT AND HANDLING OF
LIMITED AMOUNTS OF HAZARDOUS AND NOXIOUS LIQUID SUBSTANCES IN
BULK ON OFF-SHORE SUPPORT VESSELS (RESOLUTION A.673(16))**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee,

RECALLING ALSO resolution A.673(16) by which the Assembly adopted the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (LHNS Guidelines),

NOTING that the Assembly, by the aforementioned resolution, authorized the Maritime Safety Committee and the Marine Environment Protection Committee to amend the Guidelines as may be necessary,

NOTING ALSO that the Maritime Safety Committee will, at its eighty-third session in 2007, adopt the Guidelines for the design and construction of offshore supply vessels (OSV Guidelines),

NOTING FURTHER that the LHNS Guidelines were referred to in, and applied in addition to, the OSV Guidelines, stipulating that where the Guidelines set forth alternative safety standards to those contained in the OSV Guidelines, the provisions of the LHNS Guidelines should be followed,

BEING DESIROUS of keeping the LHNS Guidelines up to date,

NOTING that it is highly desirable for the provisions of the LHNS Guidelines to remain identical when adopted by the Marine Environment Protection Committee and the Maritime Safety Committee,

1. ADOPTS the amendments to the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (resolution A.673(16)), the text of which is set out in the Annex to the present resolution;
2. INVITES all Governments to take appropriate steps to give effect to the annexed amendments to the LHNS Guidelines; and
3. INVITES ALSO the Maritime Safety Committee to note this resolution and take action as appropriate.

ANNEX

**AMENDMENTS TO THE GUIDELINES FOR THE TRANSPORT AND HANDLING
OF LIMITED AMOUNTS OF HAZARDOUS AND NOXIOUS LIQUID SUBSTANCES
IN BULK ON OFFSHORE SUPPORT VESSELS (RESOLUTION A.673(16))**

PREAMBLE

1 In paragraph 2, the words “regulation 13(4) of Annex II” are replaced by the words “regulation 11(2) of Annex II”.

2 In paragraph 5, the year “[2007]” is inserted after “Guidelines for the Design and Construction of Offshore Supply Vessels” and “(resolution A.469(XII))” is replaced by “resolution MSC...(…)”.

CHAPTER 1 – GENERAL

1.1 Application

2a Paragraph 1.1.7 is deleted.

2b Insert new paragraph 1.1.7 “For provisions regulating the transport of dangerous goods and marine pollutants in packaged form, including transport of dangerous goods in portable tanks, refer to the International Maritime Dangerous Goods (IMDG) Code”.

3 In paragraph 1.1.8, the reference to “(resolution A.469(XII))” is deleted in the first sentence and the words “to those contained in resolution A.469(XII)” are deleted in the second sentence.

1.2 Scope

4 In paragraph 1.2.2.1.2, the words “category A, B and C” are deleted.

1.3 Definitions

5 Paragraph 1.3.6 is deleted.

6 Paragraphs 1.3.7, 1.3.8 and 1.3.9 are renumbered as paragraphs 1.3.6, 1.3.7 and 1.3.8, respectively.

7 Paragraph 1.3.10 is renumbered as paragraph 1.3.9 and the words “, as amended” are added after the words “MEPC.19(22)”.

8 Paragraph 1.3.11 is renumbered as paragraph 1.3.10 and the words “, as amended” are added after the words “MSC.5(48)”.

9 Paragraphs 1.3.12 and 1.3.13 are deleted.

1.5 Survey and certification

- 10 In paragraph 1.5.1, the following new sentence is added after the existing first sentence:
“If the language used is not English, French or Spanish, the text should include the translation into one of these languages.”
- 11 In paragraph 1.5.2, the words “regulation 11 of Annex II” are replaced by the words “regulations 7 and 9 of Annex II”.

CHAPTER 2 – STABILITY AND CARGO TANK LOCATION

- 12 In paragraph 2.1.1, the year “[2007]” is inserted after the words “Guidelines for the design and construction of offshore supply vessels” and the words “(resolution A.469(XII))” are replaced by “resolution MSC...(…)”.

CHAPTER 3 – SHIP DESIGN

3.4 Cargo tank construction

- 12a Paragraph 3.4.2 is deleted.
- 12b Insert new paragraph 3.4.2 “Instead of the use of permanently attached deck-tanks, portable tanks meeting the requirements of the International Maritime Dangerous Goods (IMDG) Code or other portable tanks specifically approved by the Administration may be used for cargoes indicated in paragraph 1.2.2 provided that the tanks are properly located and secured to the vessel”.
- 13 In paragraph 3.4.4.1, the words “0.7 bar” are replaced by the words “0.07 MPa”.

3.6 Cargo tank vent systems

- 14 In paragraph 3.6.2, the reference to “8.2.2” is replaced by the reference to “8.3.4”.

3.9 Fire-fighting requirements

- 15 In paragraph 3.9.1.1, the references to “60, 61, 62 and 63” are replaced by the references to “4.5.5, 10.8 and 10.9”.
- 16 In paragraph 3.9.1.2, the references to “56.1, 56.2, 56.4, 56.8 and 56.7” are replaced by the references to “4.5.1.1, 4.5.1.2, 4.5.1.4, 4.5.2.1 to 4.5.2.3 and 9.2.4.2.5”, respectively and the word “metres” is replaced by the symbol “m”.
- 17 In paragraph 3.9.1.3, the reference to “57.1” is replaced by the reference to “9.2.4.1” and the reference to “42.5.1” is replaced by the reference to “9.2.3.1.1.1”.
- 18 In paragraph 3.9.1.4, the reference to “44” is replaced by the reference to “9.2.3” and the reference to “58” is replaced by the reference to “9.2.4.2”.

19 In paragraph 3.9.1.5, the word “regulation” is replaced by the word “regulations” and the reference to “59” is replaced by the reference to “4.5.3, 4.5.4 and 4.5.6 to 4.5.8”.

20 The existing text of paragraph 3.9.1.6 is replaced by the following:

“regulations 10.2, 10.4 and 10.5, except regulation 10.5.6, should apply as they would apply to tankers of 2,000 gross tonnage and over;”.

21 In paragraph 3.9.1.7, the reference to “61” is replaced by the reference to “10.8”.

22 In paragraph 3.9.1.8, the reference to “63” is replaced by the reference to “10.9”.

23 In paragraph 3.9.2.3, the words “should be provided” are deleted.

24 In paragraph 3.9.2.3.4.3, the words “per square metre” are deleted.

25 The existing text of paragraph 3.9.2.4 is replaced by the following:

“An alternative to the systems required in 3.9.2.3 above may be approved in accordance with the procedures contained in SOLAS regulation II-2/17.”

3.16 Emergency remote shutdown

26 In paragraph 3.16, the words “50 bar gauge” are replaced by the words “5 MPa”.

CHAPTER 4 – POLLUTION REQUIREMENTS

27 The existing text of paragraph 4.1 is replaced by the following:

“Each ship certified to carry noxious liquid substances should be provided with a Cargo Record Book, a Procedure and Arrangements Manual and a Shipboard Marine Emergency Plan developed for the ship in accordance with Annex II to MARPOL 73/78 and approved by the Administration.”

28 The existing text of paragraph 4.2 is replaced by the following:

“Discharge into the sea of residues of noxious liquid substances permitted for the carriage in Ship Type 3, or products listed in appendix 1 or ballast water, tank washings, or other residues or mixtures containing such substances, is prohibited. Any discharges of residues and mixtures containing noxious liquid substances should be to reception facilities in port. As a consequence of this prohibition, the Administration may waive the requirements for efficient stripping and underwater discharge arrangements in MARPOL 73/78, Annex II.”

29 Paragraph 4.3 is deleted and paragraph 4.4 is renumbered as paragraph 4.3.

30 The existing text of appendix 1 is replaced by the following:

APPENDIX 1

TABLE OF PERMITTED PRODUCTS

	Flammability
Oil based mud containing mixtures of products listed in Chapters 17 and 18 of the IBC Code and the MEPC.2/Circular and permitted to be carried under paragraph 1.2 of these Guidelines	No
Water based mud containing mixtures of products listed in Chapters 17 and 18 of the IBC Code and the MEPC.2/Circular and permitted to be carried under paragraph 1.2 of these Guidelines	No
Drilling Brines, including:	No
Sodium Chloride Solution	No
Calcium Bromide Solution	No
Calcium Chloride Solution	No
Calcium nitrate/Magnesium nitrate/Potassium chloride solution	No
Calcium Nitrate Solution (50% or less)	No
Drilling brines (containing zinc salts)	No
Potassium Formate Solution	No
Potassium Chloride Solution	No
Ethyl Alcohol	Yes
Ethylene Glycol	No
Ethylene Glycol monoalkyl ether	Yes
Methyl Alcohol	Yes
Acetic acid	Yes
Formic acid	Yes
Hydrochloric Acid	No
Hydrochloric-hydrofluoric mixtures containing 3% or less Hydrofluoric acid	No
Sulphuric Acid	No
Toluene	Yes
Xylene	Yes
Liquid carbon dioxide	No
Liquid nitrogen	No
Noxious liquid, NF, (7) n.o.s. (trade name ..., contains ...) ST3, Cat. Y	No
Noxious liquid, F, (8) n.o.s. (trade name, contains ...) ST3, Cat. Y	Yes
Noxious liquid, NF, (9) n.o.s. (trade name ..., contains ...) ST3, Cat. Z	No
Noxious liquid, F, (10) n.o.s. (trade name ..., contains ...) ST3, Cat. Z	Yes
Noxious liquid, (11) n.o.s. (trade name ..., contains ...) Cat. Z	No
Non-noxious liquid, (12) n.o.s. (trade name ..., contains ...) Cat. OS	No

APPENDIX 2 – MODEL FORM OF CERTIFICATE OF FITNESS

31 The existing text of appendix 2 is replaced by the following:

“CERTIFICATE OF FITNESS

(Official seal)

Issued under the provisions of the

**GUIDELINES FOR THE TRANSPORT AND HANDLING OF LIMITED AMOUNTS OF
HAZARDOUS AND NOXIOUS LIQUID SUBSTANCES IN BULK ON OFFSHORE
SUPPORT VESSELS**

(resolution A.673(16), as amended by resolutions MSC...(82) and MEPC.158(55))

under the authority of the Government of

.....
(full official designation of country)

by
*(full official designation of the competent person
or organization recognized by the Administration)*

Particulars of ship¹

Name of ship
Distinctive number or letters
IMO Number²
Port of registry
Gross tonnage
Date on which keel was laid or on
which the vessel was at a similar
stage of construction or (in the case of a converted vessel) date
on which conversion for the carriage
of bulk liquids subject to these
Guidelines was commenced:

The ship also complies fully with the following amendments to the Guidelines:

.....
The ship is exempted from compliance with the following provisions of the Guidelines:
.....

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with IMO ship identification number scheme, adopted by the Organization by resolution A.600(15).

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the provisions of 1.5 of the Guidelines;
- 2 That the survey showed that the construction and equipment of the ship:
 - .1 complied with the relevant provisions of the Guidelines applicable to “new” ships³;
 - .2 complied with the provisions of the Guidelines in respect of “existing” ships³.
- 3 That the ship has been provided with a Manual in accordance with Appendix 4 of Annex II of MARPOL 73/78 as called for by regulation 14 of Annex II and that the arrangements and equipment of the vessel prescribed in the manual are in all respects satisfactory;
- 4 That the ship complies with the requirements of the Guidelines and Annex II to MARPOL 73/78 for carriage in bulk of the following products provided that all relevant operational provisions of the Guidelines and Annex II are observed:

Products (refer to Notes 1,2 on completion of Certificate)	Conditions of carriage (tank numbers, etc.)	Pollution Category
Continued on attachment 1, additional signed and dated sheets ³ . Tank numbers referred to in this list are identified on attachment 2, showing a signed and dated simplified tank plan.		

³ Delete as appropriate.

5 That, in accordance with 1.4³ of the Guidelines and 2.8.2³ of the IBC Code, the provisions of the Guidelines and the Code are modified in respect of the vessel in the following manner:
.....

6 That the ship must be loaded:

- .1 in accordance with the loading conditions provided in the approved loading manual, stamped and dated and signed by a responsible officer of the Administration, or of an organization recognized by the Administration³;
- .2 in accordance with the loading limitations appended to this Certificate³.

Where it is required to load the ship other than in accordance with the above instructions, then the necessary calculations to justify the proposed loading conditions should be communicated to the certifying Administration who may authorize in writing the adoption of the proposed loading condition.⁴

This Certificate is valid until (dd/mm/yyyy):⁵
subject to surveys in accordance with 1.5 of the Guidelines.

Completion date of the survey on which this certificate is based:
(dd/mm/yyyy)

Issued at
(Place of issue of Certificate)

.....
(Date of issue)

.....
(Signature of authorized official
issuing the Certificate)

(Seal or stamp of the authority, as appropriate)

³ Delete as appropriate.

⁴ Instead of being incorporated in the Certificate, this text may be appended to the Certificate if duly signed and stamped.

⁵ Insert the day of expiry, as specified by the Administration, which should not exceed 5 years from the date of initial survey or the periodical survey.

Notes on completion of Certificate:

- 1 Products: products listed in appendix 1 to the Guidelines or which have been evaluated by the Administration in accordance with 1.2.4 of the Guidelines should be listed. In respect of the latter “new” products, any special requirements provisionally prescribed should be noted.
- 2 Products: the list of products the vessel is suitable to carry should include the Noxious Liquid Substances of category Z which are not covered by the Guidelines and should be identified as “IBC Code chapter 18 category Z”.

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by 1.5.2 of the Code the ship was found to comply with the relevant provisions of the Guidelines.

Annual survey: Signed:
(Signature of duly authorized official)
Place:
Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

Annual/Intermediate³ survey: Signed:
(Signature of duly authorized official)
Place:
Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

Annual/Intermediate³ survey: Signed:
(Signature of duly authorized official)
Place:
Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

³ Delete as appropriate.

Annual survey:

Signed:
(Signature of duly authorized official)

Place:

Date(dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

ANNUAL/INTERMEDIATE SURVEY IN ACCORDANCE WITH PARAGRAPH 1.5.6.8.3

THIS IS TO CERTIFY that, at an annual/intermediate³ survey in accordance with paragraph 1.5.8.6.3 of the Code, the ship was found to comply with the relevant provisions of the Guidelines:

Signed:
(Signature of duly authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID
FOR LESS THAN 5 YEARS WHERE PARAGRAPH 1.5.6.3 APPLIES**

The ship complies with the relevant provisions of the Guidelines, and this Certificate shall, in accordance with paragraph 1.5.6.3 of the Code, be accepted as valid until (dd/mm/yyyy):.....

Signed:
(Signature of duly authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN
COMPLETED AND PARAGRAPH 1.5.6.4 APPLIES**

The ship complies with the relevant provisions of the Guidelines, and this Certificate shall, in accordance with paragraph 1.5.6.4 of the Code, be accepted as valid until (dd/mm/yyyy):
.....

³ Delete as appropriate.

Annual survey:

Signed:

(Signature of duly authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE
UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD
OF GRACE WHERE PARAGRAPH 1.5.6.5 OR 1.5.66 APPLIES**

This Certificate shall, in accordance with paragraph 1.5.6.5/1.5.6.6³ of the Code, be accepted as valid until

Signed:

(Signature of duly authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

**ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE WHERE
PARAGRAPH 1.5.6.8 APPLIES**

In accordance with paragraph 1.5.6.8 of the Code, the new anniversary date is

Signed:

(Signature of duly authorized official)

Place:

Date (dd/mm/yyyy):

(Seal or stamp of the Authority, as appropriate)

³ Delete as appropriate.

ATTACHMENT 1 TO THE CERTIFICATE OF FITNESS

Continued list of products to those specified in section 3, and their conditions of carriage.

Products (refer to Notes 1, 2 on completion of Certificate)	Conditions of carriage (tank numbers, etc.)	Pollution Category

Date
(dd/mm/yyyy)
(as for Certificate)

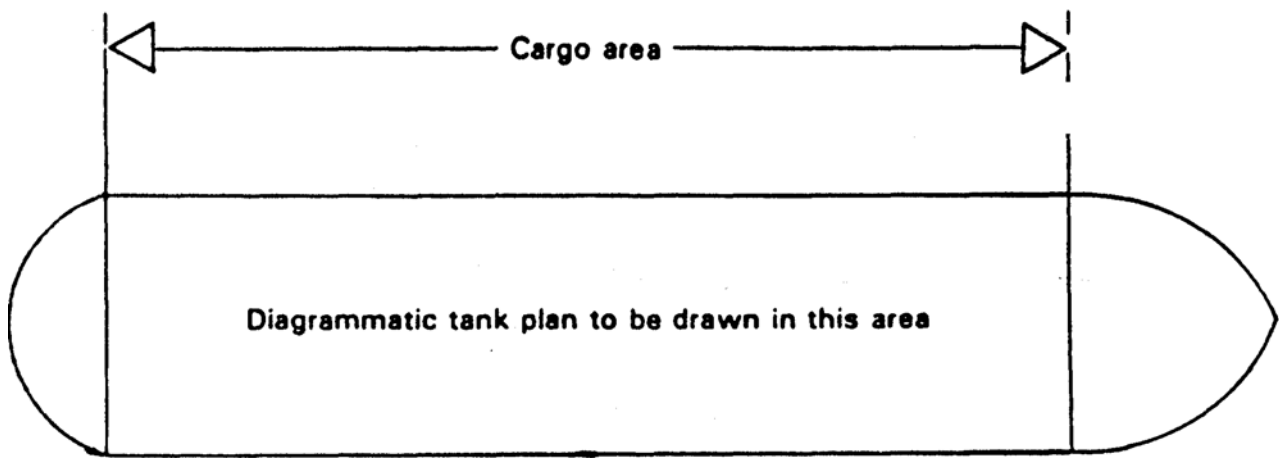
.....
(Signature of official issuing the
Certificate and/or seal of issuing authority)

**ATTACHMENT 2
TO THE CERTIFICATE OF FITNESS**

TANK PLAN (specimen)

Name of ship:

Distinctive number or letters:



Date

(dd/mm/yyyy)
(as for certificate)

.....
*(Signature of official issuing the Certificate
and/or seal of issuing authority)"*

ANNEX 16

**PROPOSED AMENDMENTS TO THE REVISED MARPOL ANNEX I
(Reception facilities outside special areas)**

Regulation 38.2.5 is amended to read as follows:

“all ports in respect of oily bilge waters and other residues that cannot be discharged in accordance with regulations 15 and 34 of this Annex; and”

ANNEX 17

UNIFIED INTERPRETATION TO REGULATION 10.1 OF MARPOL ANNEX IV

All ships subject to Annex IV, irrespective of their size and of the presence of a sewage treatment plant or sewage holding tank, shall be provided with a pipeline and the relevant shore connection flange for discharging sewage to port sewage treatment facility.

ANNEX 18

**UNIFIED INTERPRETATION TO REGULATION 15.2.1 OF THE
REVISED MARPOL ANNEX I**

22A Definition of “en route”

En route means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which, as far as practicable for navigation purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable.

ANNEX 19

**WORK PROGRAMME AND PROVISIONAL AGENDA FOR
THE OPRC-HNS TECHNICAL GROUP
Work Programme**

ACTIVITY	MEPC 54	MEPC 55	MEPC 56	MEPC 57	MEPC 58
Year:	2006	2006	2007	2008	2008
HNS - Related Activities					
INFORMATION SERVICES					
1. Organization of fourth R&D Forum	X	X	X	X	X...
MANUALS & RESOURCES FOR CAPACITY BUILDING					
2. Development of manuals and guidance documents on chemical pollution					
1. Manual/guidance on chemical pollution to address legal and administrative aspects of HNS incidents	X	X	X	X	
TRAINING					
3. Two model courses on preparedness and response to HNS incidents					
1. Introductory Course for Operations/First Responder Level	X	X	X	X	
2. Introductory Course for Incident Management Level	X	X	X	X	
OPRC - Related Activities					
4. Reviewing and upgrading combating manuals/guidelines					
1. Manual on oil pollution – Section I : Prevention		X	X	X	X
2. Manual on oil pollution – Section V: Administrative Aspects of Oil Pollution Response	X	X	X		
5. Creation of new manuals and guidance					
1. Manual on oil spill risk evaluation and assessment of response preparedness	X	X	X	X	
2. IMO/UNEP Manual on the assessment and restoration of environmental damage following marine oil spills	X	X	X		
6. OPRC Training programme					
1. Review and update the OPRC train-the-trainers	X	X	X	X	
2. Briefing package for senior level executives for oil and HNS incidents	X	X			
Co-operation with other International Organizations					
7. Co-operation with IAEA					
1. Pursue the possibility of establishing cooperative arrangements for response to radiological/nuclear incidents at sea/in ports	X	X	X		
8. Promotion of Co-operation between IMO and EC, as appropriate	Ongoing				

DRAFT PROVISIONAL AGENDA FOR TG 6

Opening of the session

- 1 Adoption of the agenda
- 2 Decisions of other bodies
- 3 Manuals and guidance documents
 - .1 Manual on oil spill risk evaluation and assessment of response preparedness
 - .2 IMO/UNEP Guidance Manual on the Assessment and Reinstatement of Environmental Damage following Marine Oil Spills
 - .3 Manual on oil pollution – Section V: Administrative Aspects of Oil Pollution Response
 - .4 Manual on Oil Pollution Section I – Prevention
 - .5 Guidance document on chemical pollution to address legal and administrative aspects of HNS incidents
- 4 Training
 - .1 IMO training courses on the introduction to preparedness and response for HNS
 - .2 OPRC Train-the-Trainer course
- 5 Information services and exchange
 - .1 Consideration of 4th R&D Forum
 - .2 Recent spills and lesson learnt
- 6 Co-operation with other organizations
 - .1 Co-operation and activities with other organizations
- 7 Technical co-operation implementation on OPRC and HNS
- 8 Work programme and provisional agenda for TG 7
- 9 Any other business
- 10 Report to the Committee

ANNEX 20

PSSA PROPOSAL REVIEW FORM

The Technical Group will ask that the proposing Member Government provide a response to the issues raised below, including the appropriate citations to its submission. This, in combination with comments and information offered by other Member Governments regarding the proposed PSSA, will enable a thorough discussion and assessment of the proposal by the Technical Group.¹

1 General

- 1.1 Name of area proposed to be designated as a PSSA: _____
- 1.2 Proposing Member Government(s): _____
- 1.3 Document containing proposal: _____
- 1.4 Related documents: _____
- 1.5 Navigational chart number which depicts area: _____

2 Summary of the Proposal and Other Necessary Background Information

- 2.1 What are the objectives of the proposed designation? (paragraph 7.4)²
- 2.2 Is the description of the area complete and is it, and the existing or proposed associated protective measure (APM), clearly depicted on a chart or chartlet? (paragraph 7.5.1.1)
- 2.3 Does the application provide an adequate summary of the need for protection, including a demonstration of the identified vulnerability to international shipping? (paragraph 7.4)
- 2.4 Is the APM adequately described, including how it will address the identified vulnerability? (paragraph 7.4)

¹ As with the PSSA Guidelines, references to “Member Government” and “measure” are in the singular and it is intended that such usage encompasses both the singular and plural of these terms.

² The paragraphs are citations to the appropriate paragraphs in the Revised PSSA Guidelines.

- 2.5 Are the reasons included as to why the APM is the preferred method for providing protection? (paragraph 7.4)
- 2.6 Are there other Member States that have a common interest in the proposed area? (paragraph 3.1)
- 2.7 If the answer to 2.6 is yes, have they been consulted to formulate a coordinated proposal, with integrated measures and procedures for cooperation? (paragraph 3.1)

3 Ecological, Socio-economic, or Scientific Criteria (Guidelines Section 4)

Do the supporting documentation and references establish that the area is vulnerable to damage or the identified threat of damage from international shipping activities for at least one of the following reasons? (paragraph 4.1)

(In addressing this point, at least one of the criteria needs to exist throughout the entire proposed area, though the same criterion need not be present throughout the entire area.) (paragraph 4.4)

Ecological criteria (beginning at paragraph 4.4.1)

- 3.1 Uniqueness or rarity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.2 Critical habitat: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.3 Dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

- 3.4 Representativeness: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.5 Diversity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.6 Productivity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.7 Spawning or breeding grounds: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.8 Naturalness: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.9 Integrity: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.10 Fragility: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.11 Bio-geographic importance: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Social, cultural, and economic criteria (beginning at paragraph 4.4.12)

- 3.12 Social or economic dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.13 Human dependency: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.14 Cultural heritage: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Scientific and educational criteria (beginning at paragraph 4.4.15)

- 3.15 Research: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.16 Baseline for monitoring studies: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?
- 3.17 Education: Is the proposal based on this criterion? If so, is the criterion met, why, and based on what information?

Conclusion: Does the proposed area fulfil at least one of the above criteria in section 3 throughout the entire proposed area? If so, which criterion, why, and based on what information? The Technical Group should provide a brief summary of this element in its report to the Committee.

4 Vulnerability to Impacts from International Shipping (Guidelines, Section 5)

Do the supporting documentation and references support that the area is vulnerable to damage or the identified threat of damage from international shipping? In addressing this question, the following factors, as well as the time for which the information applies, should be considered:

Vessel traffic characteristics

- 4.1 Operational factors: What types of maritime activities exist in the area that may reduce the safety of navigation? (paragraph 5.1.1)
- 4.2 Vessel types: What types of vessels pass through or adjacent to the area? (paragraph 5.1.2)
- 4.3 Traffic characteristics: What are the data provided on the vessel traffic characteristics (e.g., volume or concentration of traffic, vessel interactions, distance offshore, other dangers to navigation)? (paragraph 5.1.3)
- 4.4 Harmful substances: What information is there on harmful substances being carried? (paragraph 5.1.4)

Natural factors

- 4.5 Hydrographic conditions: What information is provided on the hydrographical conditions? (paragraph 5.1.5)
- 4.6 Meteorological conditions: What information is provided on the meteorological conditions? (paragraph 5.1.6)

- 4.7 Oceanographic conditions: What information is provided on the oceanographic conditions? (paragraph 5.1.7)

Conclusion: Are there factors relating to vessel traffic characteristics and natural conditions that result in the attributes of the proposed area being vulnerable to damage from international shipping and if so, what are they and based on what information? The Technical Group should provide a short summary of the information provided and its assessment.

5 Associated Protective Measure Proposed to Protect the Area from the Identified Vulnerability (Sections 6 and 7)

- 5.1 Is there an IMO measure already in place to protect the area from the identified vulnerability? (paragraph 7.2 and 7.5.2.1)

- 5.1.1 If so, how does it protect the attributes of the area from the identified vulnerability by international shipping? (paragraph 7.2)

- 5.2 Is there a new IMO measure being proposed to protect the area? (paragraphs 7.1 and 7.5.2)

- 5.2.1 Is there a draft of the proposal for such a measure appended to the submission? (paragraph 7.5.2.2)

If yes, what is the measure?

- 5.2.2 What is its legal basis? (paragraphs 7.1, 7.5.2.2, 7.5.2.3)

5.2.2.1 Is it:

- .1 An existing IMO measure? (paragraph 7.5.2.3(i))

If so, under what IMO instrument is it being proposed? (paragraph 7.6.1)

- .2 A measure that does not yet exist at IMO, but could become available through amendment of an IMO instrument or adoption of a new IMO instrument? (paragraph 7.5.2.3(ii))

If so, what steps have been set forth in its application that the proposing Member Government has taken or will take to have the amendment or instrument approved or adopted by IMO? (paragraphs 7.1 and 7.5.2.3(ii)) Is the measure proposed consistent with the requirements being proposed? (paragraph 7.6.1)

- .3 A measure proposed for adoption in the territorial sea or by IMO pursuant to UNCLOS Article 211(6) where generally applicable measures would not adequately address the particularized need of the proposed area? (paragraph 7.5.2.3(iii))

If it is a measure under Article 211(6), what steps have been set forth in its application that the proposing Member Government has taken or will take to obtain adoption of this measure? Is the measure proposed consistent with the requirements of this Article? (paragraph 7.6.1)

5.2.2.2 Is the proposed measure consistent with the legal instrument under which the APM is being proposed? (paragraph 7.6.1)

- 5.2.2.3 How does the associated protective measure provide the needed protection from the threats of damage to the attributes of the area posed by international shipping activities and is it specifically tailored to do so? (paragraph 7.5.2.4)
- 5.3 To what category or categories of ships does the APM apply? (paragraph 7.5.2.5)
- 5.4 Are there any possible impacts of the proposed measure on the safety and efficiency of navigation? (paragraph 7.6)
- 5.5 Is there a possibility that the existing or proposed APM might result in undesirable adverse effects by international shipping on the environment outside of the proposed PSSA? (paragraph 8.2.2)
- 5.6 After considering the full range of protective measures available and reviewing the existing or proposed associated protective measure, are there any other more appropriate APMs than that being proposed to address the identified vulnerability (e.g., more environmentally protective or having less impact on international shipping)? (paragraph 8.2.1)

Conclusion: Is the proposed APM the appropriate measure to address the identified vulnerability to the attributes of the area and if so, why? (paragraph 8.2.3) Is there an identified legal basis for this measure and what is it? The Technical Group should provide a short summary of its assessment of the APM and the linkage among the three elements of the PSSA proposal (i.e., the attributes of the area, the identified vulnerability and the APM).

6 Miscellaneous Issues

- 6.1 Is the size of the area commensurate with that necessary to address the identified need? (paragraph 8.2.3)

- 6.2 Has the Member Government taken steps to date to protect the area (e.g., with respect to its vessels, as a condition of port entry, or intended to apply to vessels in the area, consistent with international law)? (paragraph 7.8)
- 6.3 What are the enforcement actions that may be taken pursuant to domestic law for the failure of a ship to comply with an APM? (paragraph 7.9)
- 6.4 Does the area include a buffer zone? Why is a buffer zone necessary? How were the boundaries of the buffer zone drawn? (paragraph 6.3)
- 6.5 If the answer to 6.4 is yes, how does it directly contribute to the protection of the area? (6.3)
- 6.6 Has the area been declared a World Heritage Site, a Biosphere Reserve, or included on a list of areas of international, regional, or national importance or is the area the subject of international, regional, or national conservation action or agreements? (paragraph 6.2) If so, please describe.

7 Conclusion

The Technical Group's report should contain a recommendation to the Committee, based on its assessment of the proposal, regarding whether the proposed area should be designated as a PSSA "in principle", while awaiting action by the appropriate Subcommittee or Committee on the APM. If the PSSA is based on an existing measure, the Group – again, after its assessment – may recommend to the Committee that it designate the area as a PSSA. Finally, if the Group decides to recommend against designation, it should provide the Committee with a statement of reasons for its recommendation and, if appropriate, request additional information.

ANNEX 21**STATEMENT BY ICS
CONCERNING PILOTAGE IN THE TORRES STRAIT PSSA**

ICS, BIMCO, INTERGARGO and INTERTANKO would like to take this opportunity to once again record their concern with the fragility of the Torres Strait environment, its ecosystem and their awareness of the navigational difficulties associated with the passage of, in particular large ships. We support the need for appropriate protective measures.

The industry sponsors can also support that the application of a compulsory pilotage regime for ships flying the Australian flag and for ships flying other flags bound directly for Australian ports is not only appropriate, but well founded in international law.

The application of a regime of compulsory pilotage for ships enjoying the right of *transit passage* in an international strait and of the requirement of UNCLOS Article 42(2) that such transit passage should not be denied, hampered or impaired have been the subject of considerable debate at several meetings of this Organization. It is not our wish to re-visit these arguments although our original intent in submitting this paper had been to seek clarification from the Government of Australia on how the measures described in Marine Notice 8/2006 would be applied to international shipping which was neither flying the Australian flag nor calling at an Australian port.

However we now feel that the matter can more simply be resolved by recalling the decision of MEPC 53 and resolution MEPC 133(53) which extended the Great Barrier Reef PSSA to include the Torres Strait. This, *inter alia*, made the APMs associated with the Great Barrier Reef applicable to the Torres Strait. The record of MEPC 53 includes a statement made by the delegation of the United States which appeared to reflect the consensus of the meeting after its deliberation and with your permission, I should like to quote from the record of that meeting.

“The delegation of the United States stated that this draft resolution recognised not only the environmental sensitivity of the Torres Strait, but also the important and fundamental navigational rights provided by international law; supported raising the international awareness of the environmental sensitivity of the Torres Strait and the facilitation of safe and efficient shipping within this Strait; and was clear in its language and effect and represented a serious commitment by IMO and member States regarding the protection of the Torres Strait. The delegation also stated that it must be recognised that this resolution was recommendatory and provided no international legal basis for mandatory pilotage for ships in transit in this or any other strait used for international navigation.”

It is our view that the statement of the United States summed up the consensus view of the Committee, including those States that spoke in support of the statement joined with the United States in undertaking to urge that ships in their flag should use the pilotage service. The sponsors of this paper likewise urge their members to use the service.

In conclusion, we firstly ask member States to state if their understanding of the outcome of MEPC 53 is as encapsulated in the recorded statement of the United States; and, if so, secondly ask that the report of the meeting on this issue reflect the Committee's view that its decision at MEPC 53 was that pilotage in the Torres Strait for ships on transit passage should be recommendatory.

ANNEX 22**STATEMENT BY THE DELEGATION OF SINGAPORE
CONCERNING PILOTAGE IN THE TORRES STRAIT PSSA**

This delegation would like to thank the Chairman for the concise summation of the Committee's consensus on resolution MEPC.133(53) that it is recommendatory in nature and does not provide an international legal basis for compulsory pilotage in the Torres Strait or any other Strait used for international navigation.

This delegation fully agrees with and supports this summation of the Committee's consensus.

The Singapore delegation would strongly urge Australia to review its position and bring it in line with the understanding agreed by the Committee on resolution MEPC.133(53).

Thank you.

Second Statement on Singapore's position on Australian Marine Notice 16/2006

If there are no other delegations wishing to speak, Singapore would like to have the opportunity to speak again. In the interest of time, we do not intend to reopen debates on UNCLOS but we would like to take this opportunity to state our position on the Australian Marine Notices 8/2006 and 16/2006.

We note that the Australian delegation has clearly accepted the understanding of the MEPC resolution as re-stated by the Committee, in particular its recommendatory nature.

With regard to Marine Notice 16/2006, we note that Australia had introduced a measure under which ships may be prosecuted on their next entry into an Australian port for not taking pilotage services on voyages transiting the Torres Strait en route to other destinations.

This has the same practical effect of imposing compulsory pilotage for ships on transit in the Torres Strait.

By threatening criminal action against parties who fail to take on pilotage whilst transiting the Torres Strait when the ship next calls at an Australian port, this effectively continues to treat pilotage for transit vessels as compulsory.

If a right of transit passage exists, action by a State Party to criminalize the proper exercise of that right by a vessel is wholly inconsistent with giving effect to that right, even if it cannot immediately enforce such legislation. It has the effect of denying or impairing that right because any vessel which chooses to act inconsistently with the Marine Notice faces the threat of domestic prosecution.

Such a measure would in fact go against the Committee's understanding of resolution MEPC.133(53) which states that pilotage is only recommendatory for ships on transit in the Torres Strait.

Finally, this delegation like to re-assure the Committee, in particular Australia and Papua New Guinea, that Singapore recognizes and fully appreciates the environmental concerns relating to the Torres Strait but we cannot accept the current measures stated in the Australian Marine Notices 8/2006 and 16/2006 due to the reasons as stated.

Thank you.

ANNEX 23**STATEMENT BY THE DELEGATION OF AUSTRALIA
CONCERNING PILOTAGE IN THE TORRES STRAIT PSSA**

Thank you Mr. Chairman, Australia had prepared a detailed intervention in response to this paper. However noting the time constraints that we are now faced with and the likelihood of a protracted debate covering issues we are all familiar with, Australia can accept your proposal and we are in your hands, Mr. Chairman.

Thank you Mr. Chairman,

This delegation had been prepared to make a detailed response to the paper MEPC 55/8/3, but given your introductory remarks, I will try to keep our response brief.

Delegates will be aware that the system of pilotage in the Torres Strait has been fully discussed in this Organization since the proposal was first introduced by Australia and Papua New Guinea in 2003, including at MEPC 49, 52 and 53, NAV 50, MSC 79 and LEG 89. The terms of resolution MEPC.133(53) were developed and agreed at MSC 79 and adopted at MEPC 53. The words of the resolution and the nature of Australia's system of pilotage for the Torres Strait, as an extension of the existing pilotage arrangements in the Great Barrier Reef, were well understood by both Committee and accurately recorded in the reports.

Mr. Chairman, nothing has changed. In accordance with the requirements of Australia's legal system and our long established practice of giving effect to the decisions of IMO, we have simply developed domestic legislation that gives effect to resolution MEPC.133(53). This means that navigating without a pilot in the waters of the Torres Strait that are prescribed under Australian legislation may be an offence under that Act from 6 October 2006. Exactly the same approach to domestic legislation was followed by Australia in giving effect to the 1991 resolution MEPC.45(30) relating to pilotage in the Great Barrier Reef, and has been operating successfully for more than 15 years.

Mr. Chairman, in the interests of time and given the mandate of this committee we do not propose again to cover matters related to UNCLOS, as these issues were fully addressed in Australia's submission to the eighty-ninth session of the Legal Committee (document LEG 89/15).

In response to document MEPC 55/8/3 Australia has promulgated additional information in the form of a marine notice which is now available on the internet as Marine Notice 16 of 2006.

This notice sets out clearly and unambiguously that under no circumstances will Australia deny, hamper or impair transit passage. Should circumstances arise in which a pilot is not available, no enforcement action would subsequently be taken on arrival in an Australian port. Similarly, the new marine notice explains that legal action would not be taken if a pilot could not be carried because of stress of weather, saving life at sea or other unavoidable cause.

Mr. Chairman, document MEPC 55/8/3 refers to the record of MEPC 53 and that Australia did not object to the United States' statement that the resolution provided no international legal basis for mandatory pilotage for ships in transit in this or any other strait used for international navigation. The fact that Australia did not intervene following the United

States' statement and remained silent is simply recognition by Australia of the United States' right, as a member of this Organization, to state its position. It does not mean that we accepted that position. Nor does the inclusion of the United States statement in the record of MEPC 53 mean that adoption of the operative paragraph of the MEPC resolution was conditional on acceptance by MEPC of the United States view. The alternative view as supported by Australia and several other States is clearly noted in the records of LEG 89.

Mr. Chairman, I would reiterate that the Torres Strait PSSA proposal and the associated protective measures were considered and endorsed by IMO in full compliance with the Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas applicable at that time. Subsequent actions to give effect to the measures in Australian domestic legislation are fully consistent with the wording of resolution MEPC.133(53).

In conclusion, the issue that has been raised in document MEPC 55/8/3 is purely a legal issue and beyond the mandate of this Committee. The view of this delegation is that there is nothing to be gained in discussing the matter further in this Committee.

In the interests of time and given the constraints that this Committee is now operating under, this delegation does however make the commitment to take note of the comments made by Singapore and the Russian Federation and will undertake to accurately report these views back to our capital.

Mr. Chairman, I can provide a copy of this statement to the Secretariat and request that it be included in the report.

Thank you.

ANNEX 24**STATEMENT BY THE DELEGATION OF DENMARK
CONCERNING PILOTAGE IN THE TORRES STRAIT PSSA**

Denmark has supported Australia's efforts to establish the PSSA for the Great Barrier Reef and also the Torres Strait. We understand and sympathize with the Australian efforts to do what is necessary to protect these waters.

In the past, different Committees and Sub-Committees of IMO have had lengthy debates about the possibilities of introducing mandatory pilotage schemes in these sensitive sea areas. However, so far, it has not been possible to adopt any such measures.

We find this regrettable. We believe that we must shift focus in order to adapt to the international opinion and current international priorities.

The main focus has been on freedom of the oceans and the safety of international transports. Today these issues remain important, but today we also must take protection of the environment and coastal State's interests into account.

This development has been recognized by this Organization with the adoption of the PSSA initiative. We believe we have to look closely at the principles that guide us, when we decide what requirements should apply to international shipping. This also entails restrictions in navigation – however every measure must be seen in the light of the specific circumstances of a situation.

In conclusion, Denmark understands and shares the concerns which lie behind the Australian initiative. We believe that there is a way to attain mandatory pilotage in an international strait and we will continue to support any future efforts to get mandatory pilotage in the Torres Strait and similar exposed areas, at the IMO, or at any other competent level.

ANNEX 25

**PROPOSED AMENDMENTS TO THE REVISED LIST OF SUBSTANCES ANNEXED
TO THE PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS
IN CASES OF POLLUTION BY SUBSTANCES OTHER THAN OIL, 1973
(RESOLUTION MEPC.100(48))**

In the List of Substances referred to in paragraph 2 (a) of Article 1 of the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973, set out in the Annex to resolution MEPC.100(48), paragraph 2 is replaced by the following:

- “2 **Noxious Liquid Substances**, as defined in Annex II to MARPOL 73/78, as amended, when carried in bulk, and identified:
- .1 as Pollution Category X or Y, in:
 - .1 Chapter 17 of the International Bulk Chemical Code (IBC Code);
or
 - .2 Lists 1 to 4 of MEPC.2/Circulars, issued annually in December; or
 - .2 in the composite list of GESAMP Hazard Profiles, issued periodically as BLG circulars, with either:
 - .1 a ‘2’ in column B1 and ‘2’ in column E3; or
 - .2 ‘3’ in column E3;”

ANNEX 26**RESOLUTION MEPC.159(55)
Adopted on 13 October 2006****REVISED GUIDELINES ON IMPLEMENTATION OF EFFLUENT STANDARDS
AND PERFORMANCE TESTS FOR SEWAGE TREATMENT PLANTS**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING resolution MEPC.2(VI) adopted on 3 December 1976 by which the Marine Environment Protection Committee adopted, at its sixth session, the Recommendation on International Effluent Standards and Guidelines for Performance Tests for Sewage Treatment Plants and invited Governments to apply the Effluent Standards and Guidelines for approving sewage treatment plants; to take steps to establish testing programmes in accordance with the Guidelines for Performance Tests; and provide the Organization with a list of sewage treatment plants meeting the standards,

NOTING ALSO resolution MEPC.115(51) adopted on 1 April 2004 by which the Marine Environment Protection Committee adopted, at its fifty-first session, the revised MARPOL Annex IV and which entered into force on 1 August 2005,

NOTING FURTHER the provisions of regulation 9.1.1 of MARPOL Annex IV, in which reference is made to the above-mentioned guidelines,

RECOGNIZING that resolution MEPC.2(VI) should be amended in order that current trends for the protection of the marine environment and developments in the design and effectiveness of commercially available sewage treatment plants be reflected; and the proliferation of differing unilateral more stringent standards that might be imposed worldwide be avoided,

HAVING CONSIDERED the recommendation made by the Sub-Committee on Bulk Liquids and Gases, at its tenth session,

1. ADOPTS the Revised Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants, the text of which is set out in the Annex to this resolution;
2. INVITES Governments to:
 - (a) implement the Revised Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants and apply them so that all equipment installed on board on or after 1 January 2010 meets the Revised Guidelines in so far as is reasonable and practicable; and

- (b) provide the Organization with information on experiences gained from their application and, in particular, on successful testing of equipment against the Standards;

3. FURTHER INVITES Governments to issue an appropriate “Certificate of type approval for Sewage Treatment Plants” as referred to in paragraph 5.4.2 and the annex of the Revised Guidelines and to recognize such certificates issued under the authority of other Governments as having the same validity as certificates issued by them; and

4. SUPERSEDES the Recommendation on International Effluent Standards and Guidelines for Performance Tests for Sewage Treatment Plants contained in resolution MEPC.2(VI).

ANNEX

**REVISED GUIDELINES ON IMPLEMENTATION OF EFFLUENT STANDARDS
AND PERFORMANCE TESTS FOR SEWAGE TREATMENT PLANTS**

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ANNEX

Form of Certificate of Type Approval for Sewage Treatment Plants and Appendix

REVISED GUIDELINES ON IMPLEMENTATION OF EFFLUENT STANDARDS AND PERFORMANCE TESTS FOR SEWAGE TREATMENT PLANTS

1 INTRODUCTION

1.1 The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) adopted resolution MEPC.2(VI) Recommendation on International Effluent Standards and Guidelines for Performance Tests for Sewage Treatment Plants in 1976.

1.2 This document contains the Revised Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants (Guidelines). These Guidelines are intended to assist Administrations in establishing operational performance testing programmes for sewage treatment plants for the purpose of type approval under regulation 9.1.1 of Annex IV of the Convention.

1.3 These Guidelines apply to sewage treatment plants installed on board on or after 1 January 2010.

2 DEFINITIONS

Annex IV – the revised Annex IV of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) as amended by resolution MEPC.115(51).

Convention – the International Convention for the Prevention of Pollution from Ships 1973/1978 (MARPOL 73/78).

Geometric mean – the n th root of the product of n numbers.

Greywater – is drainage from dishwater, shower, laundry, bath and washbasin drains.

Testing onboard – testing carried out on a sewage treatment plant that has been installed upon a ship.

Testing ashore – testing carried out on a sewage treatment plant prior to installation e.g. in the factory.

Thermotolerant coliforms – the group of coliform bacteria which produce gas from lactose in 48 hours at 44.5°C. These organisms are sometimes referred to as “faecal coliforms”; however, the term “thermotolerant coliforms” is now accepted as more appropriate, since not all of these organisms are of faecal origin.

3 GENERAL

3.1 An approved sewage treatment plant must meet the standards in section 4 and the tests outlined in these Guidelines. It should also be noted that, when ships are operating approved sewage treatment plants, Annex IV also provides that the effluent shall not produce visible floating solids or cause discolouration of the surrounding water.

3.2 It is acknowledged that the performance of sewage treatment plants may vary considerably when the system is tested ashore under simulated shipboard conditions or onboard a ship under actual operating conditions. Where testing ashore demonstrates that a system complies with the standards, but subsequent onboard testing does not meet the standards, the Administration should determine the reason and take it into account when deciding whether to type approve the plant.

3.3 It is recognized that Administrations may wish to modify the specific details outlined in these Guidelines to take account of very large, very small or unique sewage treatment plants.

4 STANDARDS

4.1 For the purpose of regulation 4.1 of Annex IV, a sewage treatment plant should satisfy the following effluent standards when tested for its Certificate of Type Approval by the Administration:

.1 Thermotolerant Coliform Standard

The geometric mean of the thermotolerant coliform count of the samples of effluent taken during the test period should not exceed 100 thermotolerant coliforms/100 ml as determined by membrane filter, multiple tube fermentation or an equivalent analytical procedure.

.2 Total Suspended Solids (TSS) Standard

(c) The geometric mean of the total suspended solids content of the samples of effluent taken during the test period shall not exceed 35 mg/l.

(d) Where the sewage treatment plant is tested onboard ship, the maximum total suspended solids content of the samples of effluent taken during the test period may be adjusted to take account of the total suspended solid content of the flushing water. In allowing this adjustment in maximum TSS, Administrations shall ensure sufficient tests of TSS are taken of the flushing water throughout the testing period to establish an accurate geometric mean to be used as the adjustment figure (defined as x). In no cases shall the maximum allowed TSS be greater than 35 plus x mg/l.

Method of testing should be by:

- .1 filtration of representative sample through a 0.45 μm filter membrane, drying at 105°C and weighing; or
- .2 centrifuging of a representative sample (for at least five minutes with mean acceleration of 2,800-3,200 g), drying at least 105°C and weighing; or
- .3 other internationally accepted equivalent test standard.

.3 Biochemical Oxygen Demand and Chemical Oxygen Demand

Administrations should satisfy themselves that the sewage treatment plant is designed to reduce both soluble and insoluble organic substances to meet the requirement that, the geometric mean of 5-day Biochemical Oxygen Demand (BOD₅) of the samples of effluent taken during the test period does not exceed 25 mg/l and the Chemical Oxygen Demand (COD) does not exceed 125 mg/l. The test method standard should be ISO 15705:2002 for COD and ISO 5815-1:2003 for BOD₅, or other internationally accepted equivalent test standards.

.4 pH

The pH of the samples of effluent taken during the test period shall be between 6 and 8.5.

.5 Zero or non-detected values

For thermolerant coliforms, zero values should be replaced with a value of 1 thermotolerant coliform/100 ml to allow the calculation of the geometric mean. For total suspended solids, biochemical oxygen demand and chemical oxygen demand, values below the limit of detection should be replaced with one half the limit of detection to allow the calculation of the geometric mean.

4.2 Where the sewage treatment plant has been tested ashore, the initial survey should include installation and commissioning of the sewage treatment plant.

5 TESTING CONSIDERATIONS

5.1 Testing of the operational performance of a sewage treatment plant should be conducted in accordance with the following subparagraphs. Unless otherwise noted, the subparagraphs apply to testing both onboard and ashore.

5.2 Raw sewage quality

5.2.1 Sewage treatment plants tested ashore - the influent should be fresh sewage consisting of faecal matter, urine, toilet paper and flush water to which, for testing purposes primary sewage sludge has been added as necessary to attain a minimum total suspended solids concentration appropriate for the number of persons and hydraulic loading for which the sewage treatment plant will be certified. The testing should take into account the type of system (for example vacuum or gravity toilets) and any water or greywater that may be added for flushing to the sewage before treatment. In any case the influent concentration of total suspended solids should be no less than 500 mg/l.

5.2.2 Sewage treatment plants tested onboard - the influent may consist of the sewage generated under normal operational conditions. In any case the average influent concentration of total suspended solids should be no less than 500 mg/l.

5.3 Duration and timing of test

5.3.1 The duration of the test period should be a minimum of 10 days and should be timed to capture normal operational conditions, taking into account the type of system and the number of persons and hydraulic loading for which the sewage treatment plant will be type approved. The test should commence after steady-state conditions have been reached by the sewage treatment plant under test.

5.4 Loading factors

5.4.1 During the test period the sewage treatment plant should be tested under conditions of minimum, average and maximum volumetric loadings.

- .1 For testing ashore, these loadings will be as laid down in the manufacturer's specifications. Figure 1 shows suggested timings for sampling each loading factor.
- .2 For testing onboard, minimum loading will represent that generated by the number of persons on the ship when it is alongside in port, and average and maximum loadings will represent those generated by the number of persons on the ship at sea and will take account of meal times and watch rotations.

5.4.2 The Administration should undertake to assess the capability of the sewage treatment plant to produce an effluent in accordance with the standards prescribed by section 4 following minimum, average and maximum volumetric loadings. The range of conditions under which the effluent standards were met should be recorded on the Certificate of Type Approval. The form of the Certificate of Type Approval and appendix is set out in the annex to these Guidelines.

5.5 Sampling methods and frequency

5.5.1 Administrations should ensure that the sewage treatment plant is installed in a manner which facilitates the collection of samples. Sampling should be carried out in a manner and at a frequency which is representative of the effluent quality. Figure 1 provides a suggested frequency for sampling, however, the frequency should take account of the residence time of the influent in the sewage treatment plant. A minimum of 40 effluent samples should be collected to allow a statistical analysis of the testing data (e.g. geometric mean, maximum, minimum, variance).

5.5.2 An influent sample should be taken and analyzed for every effluent sample taken and the results recorded to ensure compliance with section 4. If possible, additional influent and effluent samples should be taken to allow for a margin of error. Samples should be appropriately preserved prior to analysis particularly if there is to be a significant delay between collection and analysis or during times of high ambient temperature.

5.5.3 Any disinfectant residual in samples should be neutralized when the sample is collected to prevent unrealistic bacteria kill or chemical oxidation of organic matter by the disinfectant brought about by artificially extended contact times. Chlorine (if used) concentration and pH should be measured prior to neutralization.

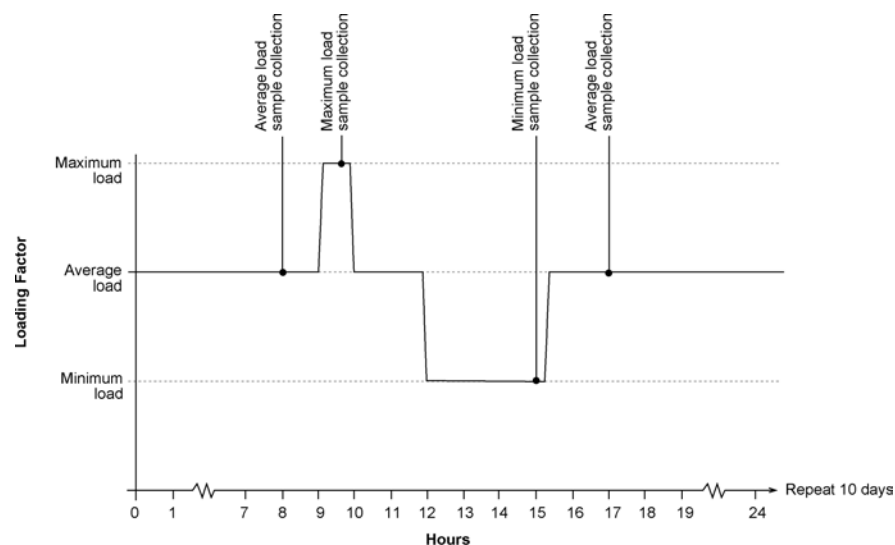


Figure 1: Suggested hydraulic loading factors and sampling frequency for testing sewage treatment plants. May be modified as necessary to take account of characteristics of individual sewage treatment plants

5.6 Analytical testing of effluent

5.6.1 The Administration should give consideration to the recording of other parameters in addition to those required (thermotolerant coliforms, total suspended solids, BOD₅, COD, pH and residual chlorine) with a view to future technological development. Parameters which might be considered include total solids, volatile solids, settleable solids, volatile suspended solids, turbidity, total phosphorus, total organic carbon, total coliforms and faecal streptococci.

5.7 Disinfectant residual

5.7.1 The potential adverse environmental effects of many disinfectant residuals and by-products, such as those associated with the use of chlorine or its compounds, are well recognized. It is, therefore, recommended that Administrations encourage the use of ozone, ultra-violet irradiation or any other disinfectants which minimize adverse environmental effects, whilst pursuing the thermotolerant coliform standard. When chlorine is used as a disinfectant, the Administration should be satisfied that the best technical practice is used to keep the disinfectant residual in the effluent below 0.5 mg/l.

5.8 Scaling considerations

5.8.1 Only full-scale marine sewage treatment plants should be accepted for testing purposes. The Administration may certify a range of the manufacturer's equipment sizes employing the same principles and technology, but due consideration must be given to limitations on performance which might arise from scaling up or scaling down. In the case of very large, very small or unique sewage treatment plants, certification may be based on results of prototype tests. Where possible, confirmatory tests should be performed on the final installation of such sewage treatment plants.

5.9 Environmental testing of the sewage treatment plant

5.9.1 The Administration should be satisfied that the sewage treatment plant can operate under conditions of tilt consistent with internationally acceptable shipboard practice.

5.9.2 Tests for certification should be carried out over the range of temperature and salinity specified by the manufacturer, and the Administration should be satisfied that such specifications are adequate for the conditions under which the equipment must operate.

5.9.3 Control and sensor components should be subjected to environmental testing to verify their suitability for marine use. The Test Specifications section in part 3 of the annex to resolution MEPC.107(49) provides guidance in this respect.

5.9.4 Any limitation on the conditions of operation should be recorded on the Certificate.

5.9.5 The Administration should also consider requiring the manufacturer to include in the operating and maintenance manuals, a list of chemicals and materials suitable for use in the operation of the sewage treatment plant.

5.10 Other considerations

5.10.1 The type and model of the sewage treatment plant and the name of the manufacturer should be noted by means of a durable label firmly affixed directly to the sewage treatment plant. This label should include the date of manufacture and any operational or installation limits considered necessary by the manufacturer or the Administration.

5.10.2 Administrations should examine the manufacturer's installation, operating and maintenance manuals for adequacy and completeness. The ship should have on board at all times a manual detailing the operational and maintenance procedures for the sewage treatment plant.

5.10.3 Qualifications of testing facilities should be carefully examined by the Administration as a prerequisite to their participation in the testing programme. Every attempt should be made to assure uniformity among the various facilities.

6 RENEWAL AND ADDITIONAL SURVEYS

6.1 Administrations should endeavour to ensure, when conducting renewal or additional surveys in accordance with regulations 4.1.2 and 4.1.3 of Annex IV, that the sewage treatment plant continues to perform in accordance with the conditions outlined in regulation 4.1.1 of Annex IV.

7 FAMILIARIZATION OF SHIP PERSONNEL IN THE USE OF THE SEWAGE TREATMENT PLANT

7.1 Recognizing that the appropriate regulations relating to familiarization are contained within the Ships Safety Management Systems under the International Safety Management Code, Administrations are reminded that ship staff training should include familiarization in the operation and maintenance of the sewage treatment plant.

ANNEX

FORM OF CERTIFICATE OF TYPE APPROVAL
FOR SEWAGE TREATMENT PLANTS AND APPENDIX

BADGE
OR
CIPHER

NAME OF ADMINISTRATION

**CERTIFICATE OF TYPE APPROVAL
FOR SEWAGE TREATMENT PLANTS**

This is to certify that the Sewage Treatment Plant, Type,
having a designed hydraulic loading of cubic metres per day, (m³/day), an organic loading of
..... kg per day Biochemical Oxygen Demand (BOD) and of the design shown on Drawings Nos.
manufactured by

has been examined and satisfactorily tested in accordance with the International Maritime Organization
resolution MEPC.159(55) to meet the operational requirements referred to in regulation 9.1.1 of Annex IV
of the International Convention for the Prevention of Pollution from Ships, 1973/78 as modified by
resolution MEPC.115(51).

The tests on the sewage treatment plant were carried out
ashore at*
onboard at*
and completed on

The sewage treatment plant was tested and produced an effluent which, on analysis, produces:

- (i) a geometric mean of no more than 100 thermotolerant coliforms/100 ml;
- (ii) a geometric mean of total suspended solids of 35 mg/l if tested ashore or the maximum total
suspended solids not exceeding 35 plus x mg/l for the ambient water used for flushing purposes if
tested on board;
- (iii) a geometric mean of 5-day Biochemical Oxygen Demand (BOD₅) of no more than 25 mg/l;
- (iv) a geometric mean of Chemical Oxygen Demand of no more than 125 mg/l;
- (v) pH of the effluent is between 6 and 8.5.

The Administration is satisfied that the sewage treatment plant can operate at angles of inclination
of 22.5° in any plane from the normal operating position.

Details of the tests and the results obtained are shown on the Appendix to this Certificate.

A plate or durable label containing data of the manufacturer's name, type and serial numbers, hydraulic
loading and date of manufacture is to be fitted on each sewage treatment plant.

A copy of this Certificate shall be carried on board any ship equipped with the above described sewage
treatment plant.

Official stamp Signed

Administration of

Dated this.....day.....of.....20....

* Delete as appropriate.

BADGE
OR
CIPHER

APPENDIX TO
CERTIFICATE OF TYPE APPROVAL FOR SEWAGE TREATMENT PLANTS

Test results and details of tests conducted on samples from the Sewage Treatment Plant in accordance with resolution MEPC.159(55):

Sewage Treatment Plant, Type
 Manufactured by
 Organization conducting the test
 Designed hydraulic loading m³/day
 Designed organic loading kg/day BOD

Number of effluent samples tested
 Number of influent samples tested
 Raw sewage (influent) quality mg/l Total Suspended Solids
 Maximum hydraulic loading m³/day
 Minimum hydraulic loading m³/day
 Average hydraulic loading m³/day

Geometric Mean of Total
 Suspended Solids mg/l
 Geometric Mean of the thermotolerant
 coliform count coliforms/100 ml
 Geometric Mean of BOD₅ mg/l

Type of disinfectant used
 If Chlorine - residual Chlorine:
 Maximum mg/l
 Minimum mg/l
 Geometric Mean mg/l

Was the sewage treatment plant tested with:
 Fresh Water flushing? Yes/No*
 Salt Water flushing? Yes/No*
 Fresh and Salt Water flushing? Yes/No*
 Greywater added? Yes – proportion: /No*

Was the sewage treatment plant tested against the environmental conditions specified in section 5.9 of resolution MEPC.159(55):
 Temperature Yes/No*
 Humidity Yes/No*
 Inclination Yes/No*
 Vibration Yes/No*
 Reliability of Electrical and Electronic Equipment Yes/No*

Limitations and the conditions of operation are imposed:
 Salinity
 Temperature
 Humidity
 Inclination
 Vibration

Results of other parameters tested
 Official stamp Signed
 Administration of Dated this day of 20

* Delete as appropriate.

ANNEX 27

PROPOSED AMENDMENT TO REGULATION 11 OF THE REVISED
MARPOL ANNEX IV

Regulation 11.1.1 is replaced by the following:

- “1 the ship is discharging comminuted and disinfected sewage using a system approved by the Administration in accordance with regulation 9, paragraph 1.2 of this Annex at a distance of more than 3 nautical miles from the nearest land, or sewage which is not comminuted or disinfected, at a distance of more than 12 nautical miles from the nearest land, provided that, in any case, the sewage that has been stored in holding tanks, or sewage originating from spaces containing living animals, shall not be discharged instantaneously but at a moderate rate when the ship is *en route* and proceeding at not less than 4 knots; the rate of discharge shall be approved by the Administration based upon standards developed by the Organization; or”

ANNEX 28

**CONSOLIDATED TEXT OF THE DRAFT AMENDMENTS TO
CHAPTERS 17, 18 AND 19 OF THE IBC CODE**

The text of annex 28 is contained in document MEPC 55/23/Add.1.

ANNEX 29**RESOLUTION MEPC.160(55)
Adopted on 13 October 2006****IMPLICATIONS OF THE REVISED ANNEX II TO MARPOL 73/78 FOR
THE REFERENCE IN ARTICLE 1.5(a)(ii) OF THE HNS CONVENTION
TO “NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK”**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

BEING AWARE that the conditions for the deemed acceptance of the 2004 amendments to the Annex to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (revised Annex II to MARPOL 73/78), which were adopted at the fifty-second session of the Committee on 15 October 2004, by resolution MEPC.118(52), were met on 1 July 2006, and that the revised Annex II of MARPOL 73/78 will enter into force on 1 January 2007,

NOTING that the definition of “noxious liquid substances carried in bulk” in article 1.5(a)(ii) of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention), refers to Appendix II of Annex II to MARPOL 73/78, as amended,

NOTING ALSO that the revised Annex II to MARPOL 73/78 does not contain Appendix II; nonetheless, that “noxious liquid substances carried in bulk” remain covered by regulation 1.10 of revised Annex II,

NOTING FURTHER that the Legal Committee adopted resolution LEG.4(91) on the implications of the revised Annex II to MARPOL 73/78 for the reference in article 1.5(a)(ii) of the HNS Convention to “noxious liquid substances carried in bulk”,

DESIRING to ensure that all Contracting States and all States wishing to become Parties to the HNS Convention interpret and implement the Convention in a consistent and uniform manner,

1. URGES Governments concerned to note that, as the revised Annex II to MARPOL 73/78 will enter into force on 1 January 2007, “noxious liquid substances carried in bulk” in article 1.5(a)(ii) of the HNS Convention will, as from the same date, refer to noxious liquid substances as defined in regulation 1.10 of the revised Annex II of MARPOL 73/78, which are carried in bulk;

2. REQUESTS the Secretary-General, in accordance with article 53(2)(vii) of the HNS Convention, to transmit certified copies of the present resolution to all States which have signed or acceded to the HNS Convention;

3. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution to the Members of the Organization which have not signed or acceded to the HNS Convention;
4. INVITES Governments to bring this resolution to the attention of all Parties concerned.

ANNEX 30

**REVISED WORK PROGRAMME OF THE BLG SUB-COMMITTEE
AND PROVISIONAL AGENDA FOR BLG 11**

		Target completion date/number of sessions needed for completion	Reference
1	Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments	Continuous	BLG 10/19, section 3
2	Casualty analysis (co-ordinated by FSI)	Continuous	MSC 70/23, paragraphs 9.17 and 20.4; MSC 80/24, paragraph 21.6 BLG 10/19, section 10
3	Consideration of IACS unified interpretations	Continuous	MSC 78/26, paragraph 22.12; BLG 10/19, section 9
H.1	Environmental and safety aspects of alternative tanker designs under MARPOL 73/78, regulation I/13F		BLG 3/18, paragraph 15.7
	.1 assessment of alternative tanker designs, if any (as necessary)	Continuous	BLG 1/20, section 16; BLG 4/18, paragraph 15.3
H.2	Oil tagging systems	2008	MEPC 45/20, paragraph 17.4; BLG 8/18, section 10 and paragraph 15.4.3

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- Notes:**
- 1 "H" means a high priority item and "L" means a low priority item. However, within the high and low priority groups, items have not been listed in any order of priority.
 - 2 Struck-out text indicates proposed deletions and shaded text shows proposed additions or changes.
 - 3 Items printed in bold letters have been selected for the provisional agenda for BLG 11.

	Target completion date/number of sessions needed for completion	Reference
H.3	Development of provisions for gas-fuelled ships (co-ordinated by DE)	2007 MSC 78/26, paragraph 24.11; BLG 10/19, section 6
H.4	Development of guidelines for uniform implementation of the 2004 BWM Convention	2007 MEPC 52/24, paragraph 2.21.6; BLG 10/19, section 4
H.5	Guidelines on other technological methods verifiable or enforceable to limit SOx emissions	2007 MEPC 53/24, paragraph 4.40
H.6	Amendments to MARPOL Annex I for the prevention of marine pollution during oil transfer operations between ships at sea	2007 MEPC 53/24, paragraph 20.6; BLG 10/19, section 15
H.7	Review of MARPOL Annex VI and the NOx Technical Code	2007 MEPC 53/24, paragraph 4.50; BLG 10/19, section 14
H.8	Application of requirements for the carriage of bio-fuels and bio-fuel blends	2008 MEPC 55/23, paragraphs 19.4 and 19.5

PROPOSED PROVISIONAL AGENDA FOR BLG 11^{*}

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments
 - 4 Application of requirements for the carriage of bio-fuels and bio-fuel blends
 - 5 Development of guidelines for uniform implementation of the 2004 BWM Convention
 - 6 Review of MARPOL Annex VI and the NO_x Technical Code
 - 7 Development of provisions for gas-fuelled ships
 - 8 Amendments to MARPOL Annex I for the prevention of marine pollution during oil transfer operations between ships at sea
 - 9 Oil tagging systems
 - 10 Guidelines on other technological methods verifiable or enforceable to limit SO_x emissions
 - 11 Casualty analysis
 - 12 Consideration of IACS unified interpretations
 - 13 Work programme and agenda for BLG 12
 - 14 Election of Chairman and Vice-Chairman for 2008
 - 15 Any other business
 - 16 Report to the Committees

* Agenda item numbers do not necessarily indicate priority.

ANNEX 31

**REVISED WORK PROGRAMME OF THE FSI SUB-COMMITTEE AND
PROVISIONAL AGENDA FOR FSI 15**

		Target completion date/number of sessions needed for completion	Reference
1	Mandatory reports under MARPOL 73/78	Continuous	MSC 70/23, paragraph 20.12.1; FSI 14/19, section 4
2	Casualty statistics and investigations	Continuous	MSC 68/23, paragraphs 7.16 to 7.24; FSI 14/19, section 5
3	Harmonization of port State control activities	Continuous	MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.6; FSI 14/19, section 7;
4	Responsibilities of Governments and measures to encourage flag State compliance	Continuous	MSC 68/23, paragraphs 7.2 to 7.8; FSI 14/19, section 3
5	Comprehensive analysis of difficulties encountered in the implementation of IMO instruments	Continuous	MSC 69/22, paragraph 20.28; FSI 8/19, paragraph 4.3; FSI 14/19, section 10
6	Review of the Survey Guidelines under the HSSC (resolution A.948(23))	Continuous	MSC 72/23, paragraph 21.27; FSI 14/19, section 11
7	Consideration of IACS unified interpretations	Continuous	MSC 78/26, paragraph 22.12; FSI 14/19, section 14

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- Notes:**
- 1 "H" means a high priority item and "L" means a low priority item. However, within the high and low priority groups, items have not been listed in any order of priority.
 - 2 Strike-out text indicates proposed deletions and shaded text shows proposed additions and changes.
 - 3 Items printed in bold letters have been selected for the provisional agenda for FSI 15.

		Target completion date/number of sessions needed for completion	Reference
H.1	PSC on seafarers' working hours	2006 2007	MSC 70/23, paragraph 20.12.3; FSI 7/14, paragraphs 7.11 to 7.13; MSC 71/23, paragraph 3.13; FSI 13/23, section 14 FSI 14/19, section 8
H.2	Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)	2007 2008	MSC 72/23, paragraph 21.28; FSI 10/17, section 11; MSC 75/24, paragraphs 3.11 and 22.25.3; FSI 14/19, section 15
H.3	Development of survey guidelines required by regulation E-1 of the 2004 BWM Convention	2006	MEPC 51/22, paragraph 2.11.6; FSI 13/23, section 13
H.4 3	Development of guidelines on port State control under the 2004 BWM Convention	2006 2008	MEPC 52/24, paragraph 2.21.2; FSI 14/19, section 9
H.5 4	Review of the Code for the investigation of marine casualties and incidents	2007	MSC 79/23, paragraphs 20.15 to 20.18; FSI 14/19, section 6
H.6 5	Port reception facilities-related issues	2007	MEPC 53/24, paragraph 9.7 FSI 14/19, section 13

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- Notes:**
- 1 "H" means a high priority item and "L" means a low priority item. However, within the high and low priority groups, items have not been listed in any order of priority.
 - 2 Strike-out text indicates proposed deletions and shaded text shows proposed additions and changes.
 - 3 Items printed in bold letters have been selected for the provisional agenda for FSI 15.

PROPOSED PROVISIONAL AGENDA FOR FSI 15

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Responsibilities of Governments and measures to encourage flag State compliance
 - 4 Mandatory reports under MARPOL 73/78
 - 5 Port reception facilities-related issues
 - 6 Casualty statistics and investigations
 - 7 Review of the Code for the investigation of marine casualties and incidents
 - 8 Harmonization of port State control activities
 - 9 Development of guidelines on port State control under the 2004 BWM Convention
 - 10 PSC guidelines on seafarer's working hours
 - 11 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
 - 12 Review of the Survey Guidelines under the HSSC (resolution A.948(23))
 - 13 Consideration of IACS unified Interpretations
 - 14 Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)
 - 15 Work programme and agenda for FSI 15
 - 16 Election of Chairman and Vice-Chairman for 2008
 - 17 Any other business
 - 18 Report to the Committees

ANNEX 32

**WORK PROGRAMME ITEMS OF THE DSC, NAV, DE AND STW
SUB-COMMITTEES WHICH RELATE TO ENVIRONMENTAL ISSUES**

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)

		Target completion date/number of sessions needed for completion	Reference
2	Reports on incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Continuous	CDG 45/22, section 11 and paragraph 20.2; DSC 9/15, section 6
H.1	Amendment (34-08) to the IMDG Code and supplements	2007	DSC 3/15, paragraph 12.6; DSC 10/17, section 14

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)

		Target completion date/number of sessions needed for completion	Reference
1	Routeing of ships, ship reporting and related matters	Continuous	MSC 72/23, paragraphs 10.69 to 10.71, 20.41 and 20.42; NAV 51/19, section 3

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)

		Target completion date/number of sessions needed for completion	Reference
H.1	Amendments to resolution A.744(18)	2007	DE 45/27, paragraphs 7.18 and 7.19; DE 49/20, paragraphs 3.4 to 3.8
H.14	Review of MEPC/Circ.511 and relevant MARPOL Annex I and Annex VI requirements	2008	MEPC 55/23, paragraph 6.16

H.3	Performance standards for protective coatings	2007	MSC 76/23, paragraphs 20.41.2 and 20.48; DE 49/20, section 6
L	Guidelines on equivalent methods to reduce on-board NO _x emission	2007	MEPC 55/23, paragraph 19.9
H.15	Guidelines for maintenance and repair of protective coatings	2008	MSC 81/25, paragraph 23.48.1

SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING (STW)

		Target completion date/number of sessions needed for completion	Reference
H.5	Development of training requirements for the control and management of ship's ballast water and sediments	2007	MSC 71/23, paragraph 20.55.3; STW 37/18, section 9

ANNEX 33

**ITEMS TO BE INCLUDED IN THE AGENDAS
FOR MEPC 56, MEPC 57 AND MEPC 58**

No.	Item	MEPC 56 July 2007	MEPC 57 March 2008	MEPC 58 October 2008
1	Harmful aquatic organisms in ballast water	RG X	[RG] X	X
2	Recycling of ships	WG X	WG X	[WG] X
3	Prevention of air pollution from ships	WG X	WG X	[WG] X
4	Consideration and adoption of amendments to mandatory instruments	DG X	[X]	[X]
5	Interpretations and amendments to MARPOL 73/78 and related instruments	X	X	X
6	Implementation of the OPRC Convention and the OPRC-HNS Protocol and relevant Conference resolutions	X	X	X
7	Identification and protection of Special Areas and PSSAs	X	X	X
8	Inadequacy of reception facilities	X	X	X
9	Reports of sub-committees	X	X	X
10	Work of other bodies	X	X	X
11	Status of Conventions	X	X	X
12	Harmful anti-fouling systems for ships	X	X	[X]

No.	Item	MEPC 56 July 2007	MEPC 57 March 2008	MEPC 58 October 2008
13	Promotion of implementation and enforcement of MARPOL 73/78 and related instruments	X	X	X
14	Follow-up to UNCED and WSSD	X	[X]	[X]
15	Technical co-operation programme	X	X	X
16	Role of the human element	WG X	[X]	[X]
17	Formal safety assessment	X	[X]	[X]
18	Work programme of the Committee and subsidiary bodies	X	X	X
19	Application of the Committees' Guidelines	X	[X]	[X]
20	Election of the Chairman and Vice-Chairman	X		X
21	Any other business	X	X	X