



MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
60th session  
Agenda item 22

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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS SIXTIETH SESSION**

<b>Section</b>	<b>Paragraph Nos.</b>	<b>Page No.</b>
1 INTRODUCTION	1.1 – 1.9	4
2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER	2.1 – 2.34	7
3 RECYCLING OF SHIPS	3.1 – 3.17	13
4 PREVENTION OF AIR POLLUTION FROM SHIPS	4.1 – 4.95	17
5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	5.1 – 5.14	43
6 INTERPRETATIONS OF, AND AMENDMENTS TO, MARPOL AND RELATED INSTRUMENTS	6.1 – 6.51	46
7 IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC-HNS PROTOCOL AND RELEVANT CONFERENCE RESOLUTIONS	7.1 – 7.16	54
8 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS	8.1 – 8.15	57
9 INADEQUACY OF RECEPTION FACILITIES	9.1 – 9.4	59
10 REPORTS OF SUB-COMMITTEES	10.1 – 10.4	60
11 WORK OF OTHER BODIES	11.1 – 11.18	60
12 STATUS OF CONVENTIONS	12.1 – 12.2	64
13 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS	13.1 – 13.2	65
14 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS	14.1 – 14.5	65

<b>Section</b>	<b>Paragraph Nos.</b>	<b>Page No.</b>
15 TECHNICAL CO-OPERATION SUB-PROGRAMME FOR THE PROTECTION OF THE MARINE ENVIRONMENT	15.1 – 15.16	66
16 ROLE OF THE HUMAN ELEMENT	16.1 – 16.6	70
17 FORMAL SAFETY ASSESSMENT	17.1 – 17.14	70
18 NOISE FROM COMMERCIAL SHIPPING AND ITS ADVERSE IMPACTS ON MARINE LIFE	18.1 – 18.12	74
19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES	19.1 – 19.13	76
20 APPLICATION OF THE COMMITTEES' GUIDELINES	20.1 – 20.3	78
21 ANY OTHER BUSINESS	21.1 – 21.16	78

#### **LIST OF ANNEXES**

ANNEX 1	RESOLUTION MEPC.188(60) – INSTALLATION OF BALLAST WATER MANAGEMENT SYSTEMS ON NEW SHIPS IN ACCORDANCE WITH THE APPLICATION DATES CONTAINED IN THE BALLAST WATER MANAGEMENT CONVENTION (BWM CONVENTION)
ANNEX 2	STATEMENT BY ROPME ON BALLAST WATER MANAGEMENT MEASURES IN THE ROPME SEA AREA
ANNEX 3	WORK PLAN AND PROPOSED SCHEDULE FOR THE DEVELOPMENT OF THE GUIDELINES ASSOCIATED WITH THE HONG KONG CONVENTION
ANNEX 4	STATEMENTS BY DELEGATIONS ON MATTERS OF PRINCIPLE OR POLICY CONCERNING THE GHG ISSUE
ANNEX 5	DRAFT AMENDMENTS TO APPENDIX I OF THE REVISED MARPOL ANNEX VI (REVISED FORM OF SUPPLEMENT TO INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE)
ANNEX 6	TERMS OF REFERENCE FOR THE FIRST INTERSESSIONAL MEETING OF THE WORKING GROUP ON ENERGY EFFICIENCY FOR SHIPS
ANNEX 7	STATEMENTS BY DELEGATIONS ON MANDATORY TECHNICAL AND OPERATIONAL ENERGY EFFICIENCY MEASURES FOR SHIPS FOLLOWING CONSIDERATION OF THE WORKING GROUP'S REPORT (MEPC 60/WP.9)

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- ANNEX 8 TERMS OF REFERENCE FOR THE EXPERT GROUP ON FEASIBILITY STUDY AND IMPACT ASSESSMENT OF POSSIBLE MARKET-BASED MEASURES (MBM-EG)
- ANNEX 9 STATEMENTS BY DELEGATIONS ON THE ESTABLISHMENT OF THE EXPERT GROUP ON MARKET-BASED MEASURES AND OTHER RELATED ISSUES
- ANNEX 10 RESOLUTION MEPC.189(60) – AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 (ADDITION OF A NEW CHAPTER 9 TO MARPOL ANNEX I)
- ANNEX 11 RESOLUTION MEPC.190(60) – AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1997 TO AMEND THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO (NORTH AMERICAN EMISSION CONTROL AREA)
- ANNEX 12 REVISED WORK PROGRAMME OF THE OPRC-HNS TECHNICAL GROUP
- ANNEX 13 PROVISIONAL AGENDA FOR THE ELEVENTH MEETING OF THE OPRC-HNS TECHNICAL GROUP (TG 11)
- ANNEX 14 RESOLUTION MEPC.191(60) – ESTABLISHMENT OF THE DATE ON WHICH REGULATION 5(1)(h) OF MARPOL ANNEX V IN RESPECT OF THE WIDER CARIBBEAN REGION SPECIAL AREA SHALL TAKE EFFECT
- ANNEX 15 DRAFT AMENDMENTS TO MARPOL ANNEX III
- ANNEX 16 REPORT ON THE STATUS OF PLANNED OUTPUTS FOR THE MEPC
- ANNEX 17 ITEMS TO BE INCLUDED IN THE AGENDAS FOR MEPC 61, MEPC 62 AND MEPC 63
- ANNEX 18 STATEMENT BY THE DELEGATION OF THE ISLAMIC REPUBLIC OF IRAN ON VISAS TO ATTEND MEPC 60

## 1 INTRODUCTION

1.1 The sixtieth session of the Marine Environment Protection Committee was held at IMO Headquarters from 22 to 26 March 2010 under the chairmanship of Mr. A. Chrysostomou (Cyprus). The Vice-Chairman of the Committee, Mr. Manuel Nogueira (Spain), was also present.

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

ALGERIA	KENYA
ANGOLA	LATVIA
ANTIGUA AND BARBUDA	LIBERIA
ARGENTINA	LIBYAN ARAB JAMAHIRIYA
AUSTRALIA	LITHUANIA
BAHAMAS	LUXEMBOURG
BAHRAIN	MADAGASCAR
BANGLADESH	MALAYSIA
BARBADOS	MALTA
BELGIUM	MARSHALL ISLANDS
BELIZE	MEXICO
BOLIVIA (PLURINATIONAL STATE OF)	MONACO
BRAZIL	MOROCCO
BULGARIA	NETHERLANDS
CANADA	NEW ZEALAND
CHILE	NIGERIA
CHINA	NORWAY
COLOMBIA	OMAN
COOK ISLANDS	PANAMA
COSTA RICA	PAPUA NEW GUINEA
CÔTE D'IVOIRE	PERU
CROATIA	PHILIPPINES
CUBA	POLAND
CYPRUS	PORTUGAL
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	QATAR
DENMARK	REPUBLIC OF KOREA
ECUADOR	ROMANIA
EGYPT	RUSSIAN FEDERATION
ESTONIA	SAINT KITTS AND NEVIS
FINLAND	SAN MARINO
FRANCE	SAUDI ARABIA
GERMANY	SENEGAL
GHANA	SINGAPORE
GREECE	SLOVENIA
INDIA	SOUTH AFRICA
INDONESIA	SPAIN
IRAN (ISLAMIC REPUBLIC OF)	SRI LANKA
IRELAND	SWEDEN
ISRAEL	SYRIAN ARAB REPUBLIC
ITALY	THAILAND
JAMAICA	TONGA
JAPAN	TRINIDAD AND TOBAGO
	TUNISIA
	TURKEY

TUVALU  
UKRAINE  
UNITED KINGDOM  
UNITED STATES

URUGUAY  
VANUATU  
VENEZUELA (BOLIVARIAN  
REPUBLIC OF)

the following Associate Member of IMO:

HONG KONG, CHINA

by representatives from the following UN Programmes, UN Specialized Agencies and other UN Entities:

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)  
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)  
INTERNATIONAL LABOUR ORGANIZATION (ILO)  
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)  
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE  
(UNFCCC)  
THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR  
THE MEDITERRANEAN SEA (REMPEC)  
THE REGIONAL MARINE POLLUTION EMERGENCY INFORMATION AND  
TRAINING CENTER (RAC-REMPEITC)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)  
INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUND)  
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)  
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT (ROPME)  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)  
COMMISSION ON THE PROTECTION OF THE BLACK SEA AGAINST  
POLLUTION (BSC)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
INTERNATIONAL SHIPPING FEDERATION (ISF)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
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 COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
INTERNATIONAL GROUP OF P & I ASSOCIATIONS (P & I CLUBS)

THE INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED (ITOPF)  
THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN)  
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)  
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS LIMITED (SIGTTO)  
GREENPEACE INTERNATIONAL  
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)  
WORLD WIDE FUND FOR NATURE (WWF)  
ASSOCIATION OF EUROPEAN MANUFACTURERS OF INTERNAL COMBUSTION ENGINES (EUROMOT)  
INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENTAL CONSERVATION ASSOCIATION (IPIECA)  
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY (IMarEST)  
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (INTERMANAGER)  
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)  
INTERNATIONAL SAILING FEDERATION (ISAF)  
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)  
INTERNATIONAL OCEAN INSTITUTE (IOI)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)  
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)  
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)  
INTERFERRY  
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)  
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)  
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)  
INTERNATIONAL PAINT AND PRINTING INK COUNCIL (IPPIC)  
INTERNATIONAL FUND FOR ANIMAL WELFARE (IFAW)  
NACE INTERNATIONAL  
THE NAUTICAL INSTITUTE (NI)  
WORLD SHIPPING COUNCIL (WSC)

1.3 The Chairman of the Council, Mr. Jeffrey G. Lantz (United States); the Chairman of the Technical Co-operation Committee (TCC), R. Adm. Giancarlo Olimbo (Italy); the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Sveinung Oftedal (Norway) and the Chairman of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), Mme Olga Pestel Lefèvre (France) were also present.

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

1.4 The Secretary-General welcomed participants and delivered his opening address, which is reproduced, in full, in document MEPC 60/INF.24.

#### **Chairman's remarks**

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

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## **Recent earthquakes and expression of compassion and condolences**

1.6 The Committee expressed its compassion and condolences to the Governments, families and friends of the victims in the recent earthquakes which had caused loss of life in Chile, Haiti and Turkey.

## **Trans-border pollution damage caused by offshore oil exploration**

1.7 The delegation of Indonesia informed the Committee of the progress made regarding the Marine Electronic Highway in the Straits of Malacca and Singapore with the assistance of IMO. The delegation further informed the Committee of the trans-border pollution damage to Indonesia caused by a well blow-out of the Montara offshore oil platform located in the waters of Australia, the action taken by both Australia and Indonesia to combat the pollution, and the consideration to establish a trust fund to compensate for damages caused by similar incidents in the future. As no international legal instrument addresses trans-border oil pollution damage caused by offshore oil exploration, the delegation of Indonesia urged the Committee to keep this matter in mind for future consideration.

## **Adoption of the agenda**

1.8 The Committee adopted the agenda (MEPC 60/1) and agreed to be guided during the session by the provisional timetable (MEPC 60/1/1, annex 2) on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 60/INF.26.

## **Credentials**

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

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

2.1 The Committee recalled that the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" (BWM Convention) had been open for accession by any State since 31 May 2005 and noted that four more States (Cook Islands, Marshall Islands, Republic of Korea and Sweden) had acceded to the Convention since the last MEPC session, which brought the number of contracting Governments to 22, representing 22.65% of the world's merchant fleet tonnage. The Committee urged the other Member States to ratify the Convention at their earliest possible opportunity.

## **REPORTS OF THE TENTH, ELEVENTH AND TWELFTH MEETINGS OF THE GESAMP-BWWG**

2.2 The Committee noted that, since the last MEPC session, the GESAMP-BWWG had held three meetings, i.e. the tenth meeting (from 14 to 18 September 2009), the eleventh meeting (from 19 to 24 October 2009) and the twelfth meeting (from 7 to 11 December 2009), at IMO Headquarters, under the chairmanship of Mr. Jan Linders. During the three meetings, the GESAMP-BWWG had reviewed a total of 13 proposals for approval of ballast water management systems that make use of Active Substances submitted by China, Denmark (two proposals), Germany (three proposals), Japan, Norway, the Republic of Korea (four proposals) and South Africa.

2.3 The Committee expressed its appreciation for the efforts made by the members of the GESAMP-BWWG to accomplish this task and to facilitate a timely development of new ballast water technologies.

### **Basic Approval**

2.4 The Committee, having considered the recommendations contained in annex 6 of the "Report of the tenth meeting of the GESAMP-BWWG" (MEPC 60/2/11), annexes 6, 7 and 8 of the "Report of the eleventh meeting of the GESAMP-BWWG" (MEPC 60/2/12), as well as recommendations contained in annexes 4, 5, 6 and 7 of the "Report of the twelfth meeting of the GESAMP-BWWG" (MEPC 60/2/16), agreed to grant **Basic Approval** to:

- .1 SiCURE™ Ballast Water Management System, proposed by Germany in document MEPC 59/2/11;
- .2 Sunrui Ballast Water Management System, proposed by China in document MEPC 60/2/3;
- .3 DESMI Ocean Guard Ballast Water Management System, proposed by Denmark in document MEPC 60/2/4;
- .4 Blue Ocean Guardian (BOG) Ballast Water Management System, proposed by the Republic of Korea in document MEPC 60/2/5;
- .5 Hyundai Heavy Industries Co., Ltd. (HHI) Ballast Water Management System (HiBallast), proposed by the Republic of Korea in document MEPC 60/2/6;
- .6 Kwang San Co., Ltd. (KS) Ballast Water Management System "En-Ballast", proposed by the Republic of Korea in document MEPC 60/2/7;
- .7 OceanGuard™ Ballast Water Management System, proposed by Norway in document MEPC 60/2/8; and
- .8 Severn Trent DeNora BalPure® Ballast Water Management System, proposed by Germany in document MEPC 60/2/9.

2.5 The Committee then invited the Administrations of China, Denmark, Germany, Norway and the Republic of Korea to take into account all the recommendations made in the aforementioned reports (annex 6 of the tenth report; annexes 6, 7, and 8 of the eleventh report; and annexes 4, 5, 6 and 7 of the twelfth report, respectively) during the further development of the systems.

2.6 Having examined the recommendations contained in annex 4 of the "Report of the eleventh meeting of the GESAMP-BWWG" (MEPC 60/2/12), the Committee did not agree to grant Basic Approval to ATLAS-DANMARK Ballast Water Treatment System, proposed by Denmark in document MEPC 60/2, for the reasons given in annex 4 of the above report.

### **Final Approval**

2.7 The Committee, having considered the recommendations contained in annexes 4 and 7 of the Report of the tenth meeting of the GESAMP-BWWG (MEPC 60/2/11) as well as the recommendations contained in annex 5 of the Report of the eleventh meeting of the GESAMP-BWWG (MEPC 60/2/12), agreed to grant **Final Approval** to:



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- .1 GloEn-Patrol™ Ballast Water Management System, proposed by the Republic of Korea in document MEPC 59/2/7;
  - .2 Resource Ballast Technologies System, proposed by South Africa in document MEPC 59/2/10; and
  - .3 JFE Ballast Water Management System (JFE-BWMS), proposed by Japan in document MEPC 60/2/2.

2.8 The Committee then invited the Administrations of Japan, the Republic of Korea and South Africa to verify that all the recommendations made in the aforementioned reports (annexes 4 and 7 of the tenth report and annex 5 of the eleventh report, respectively) are fully addressed prior to the issuance of a Type Approval Certificate.

2.9 The delegation of South Africa thanked the Committee, as well as the GESAMP-Ballast Water Working Group, for their diligent and comprehensive work in evaluating the South African application for Final Approval of its Resource Treatment Technology. South Africa was proud to contribute to the international efforts providing appropriate and effective technologies to support the goals of the Ballast Water Management Convention and informed the Committee that the South African technology was operational on two vessels, one as installed for type approval testing and a second as a commercial installation. A further four commercial installations were intended to be completed in 2010, with market interest demonstrating a high demand for solutions. Due to a licence agreement with a major Norwegian supplier, the technology was immediately available to help support the massive global need.

2.10 As a country with an extensive, valuable and vulnerable coastline, South Africa was concerned with protecting international waters from the threat of invasive alien species. Several of the country's seven major ports were located within complex and pristine ecosystems, with biodiversity and associated resources that underpinned the national economy. South Africa had taken significant steps, including ratifying the Ballast Water Management Convention, to keep its natural resources safe, and believed that the treatment technologies available today justified the efforts made to implement the Convention. South Africa encouraged Members to consider the expeditious ratification of the Ballast Water Management Convention, so that the Convention may come into force and these technologies can serve their purpose on the world fleet, and help protect all the waters.

2.11 Having examined the recommendations contained in annex 5 of the Report of the tenth meeting of the GESAMP-BWWG (MEPC 60/2/11), the Committee did not agree to grant Final Approval to Ecochlor® Ballast Water Management System, proposed by Germany in document MEPC 59/2/9, for the reasons given in annex 5 of the above report.

2.12 In this connection, the delegation of Germany expressed its appreciation for the hard work carried out by the GESAMP-BWWG and recognized the significant effort made by the Group members to cope with the substantial workload between MEPC 59 and this session. Nevertheless, the delegation stated that the proposal for approval of the Ecochlor system was thoroughly reviewed by the German competent authorities and it could not agree with the conclusion of the GESAMP as, in their view, the total residual oxidant (TRO) was not a suitable parameter in this particular situation. Notwithstanding the above, Germany indicated its intention to resubmit the proposal for Final Approval of the Ecochlor Ballast Water Management System.

2.13 In considering document MEPC 60/2/1 containing a proposal by the Republic of Korea for Final Approval of the HHI Ballast Water Management System (EcoBallast), the Committee recalled that, when reviewing the proposal for Basic Approval of the above-mentioned system (MEPC 59/2/4), the GESAMP-BWWG was of the view that the application also fulfilled the requirements of Procedure (G9) for Final Approval and that there was no further need for the Group to review the application for Final Approval. Based on the previous recommendation of the GESAMP-BWWG, the Committee agreed to grant Final Approval to HHI Ballast Water Management System (EcoBallast).

#### **Length of non-confidential information for Basic or Final Approvals**

2.14 The Committee, having noted that some of the non-confidential information for Basic and Final Approval submitted to it were in excess of 110 pages, which added significantly to its workload, invited Members to limit the length of such information, if possible, to a maximum of 30 pages.

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

2.15 The Committee noted that the next regular meeting of the GESAMP-BWWG, i.e. the thirteenth meeting, had been tentatively scheduled from 24 to 28 May 2010 and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems to MEPC 61, as soon as possible but not later than Thursday, 1 April 2010.

2.16 The Committee further noted that, recognizing the possibility that more than four proposals may be submitted for its review and approval by MEPC 61, the GESAMP-BWWG had expressed its availability to have an additional meeting, to accommodate as many proposals as possible, provided that all the necessary conditions for organizing such a meeting are met.

2.17 In that respect, the Committee reiterated its request to the Administrations to thoroughly evaluate the application dossiers and confirm that they are satisfactory and complete, before submitting their proposals to the Organization in accordance with Procedure (G9).

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

2.18 The Committee concurred with the GESAMP-BWWG's proposal that information on Total Residual Oxidants (TRO) or Total Residual Chlorine (TRC) should be provided in the form of mg/L TRO or TRC as Cl<sub>2</sub>, for those systems using or producing oxidants to treat ballast water.

2.19 Having examined the GESAMP-BWWG's recommendations on shifting from paper dossiers to electronic dossiers, the Committee invited Member States to submit, as far as practicable, their application dossiers in electronic form, with a view to facilitating the Group's review process.

2.20 In introducing document MEPC 60/2/15 commenting on the Terms of Reference of the GESAMP-BWWG, the delegation of Germany proposed that, during the review of the applications, the Group should set up meetings (either in person or by teleconference) with the manufacturers/Administrations to clarify any outstanding issue. Otherwise, misunderstandings might occur, which could significantly delay the application process. Also, the lack of direct contact between the applicant and the GESAMP-BWWG and of an

established clarification process could severely impede the applicant's rights in the approval process.

2.21 The Chairman of the GESAMP-BWWG stated that any alteration or amendment to the Terms of Reference given to the GESAMP in 2005 should be carefully considered and the implications of such changes should be thoroughly assessed. He informed the Committee that, under the current Methodology, the Group does communicate with the applicants/Administrations to clarify various aspects related to the proposals, this communication being mainly in the form of e-mails due to the time difference between London and the countries of the applicants and due to the need to keep written records of the information provided. He further indicated that formalizing these communications by allocating two hours, as requested in the proposal, for each application would take away one working day and, consequently, limit the output of the Group to no more than three applications per meeting. The Chairman of the GESAMP-BWWG explained that the Group remains prepared to communicate with applicants to seek clarification on technical aspects, but is reluctant to enter into debates with regard to the recommendations made to the Committee, which could be counterproductive and lead to lengthy arguments. The Chairman of the GESAMP-BWWG concluded that the Group is willing to thoroughly consider the proposals by Germany and all the possible consequences and report back to MEPC 61.

2.22 The Committee, having noted that the majority of the delegations that spoke supported, in principle, the proposal of Germany to allocate limited time for discussions between the GESAMP-BWWG and the applicants/Administrations on a trial basis, whilst other delegations were of the view that the current process is sufficiently clear and communication between the two parties is already taking place, requested the GESAMP-BWWG to conduct such discussions – on a trial basis – at its next meeting(s) according to the proposed Terms of Reference with the amendment that such meetings should be conducted at the request of the Administrations and solely during the Final Approval evaluation. The GESAMP-BWWG was invited to report to MEPC 61 on their findings and the lessons learned. The matter would then be referred to the Ballast Water Review Group at MEPC 61 taking into consideration the report of the GESAMP-BWWG.

2.23 The delegation of Japan drew the attention of the Committee to the considerable workload of the GESAMP-BWWG and requested that any additional burden that could hamper the work of the Group be kept to the minimum.

#### **SECOND STOCKTAKING WORKSHOP ON THE ACTIVITY OF THE GESAMP-BALLAST WATER WORKING GROUP**

2.24 Having recalled that MEPC 59 had agreed with the recommendation to hold a second workshop to continue the development of adequate "tools" to increase the effectiveness and efficiency of the GESAMP-BWWG in order to accommodate the significant increase in the workload, the Committee noted that the Second Stocktaking Workshop on the Activity of the GESAMP-Ballast Water Working Group was held at IMO Headquarters, in London, from 26 to 28 October 2009, under the chairmanship of Mr. Jan Linders.

2.25 In considering the report of the Workshop (MEPC 60/2/13), the Committee noted that the Workshop had made further progress with regard to human exposure scenarios, environmental risk assessment models for ballast water discharge and the database for chemical by-products formed during the ballast water treatment. The Committee also noted that an additional workshop will be needed, possibly in the second half of 2010, to complete the work and agreed to consider the updated version of Methodology for information gathering and the conduct of work of the GESAMP-BWWG, including the above-mentioned

new "tools" at MEPC 62 with a view to its approval and dissemination as a new BWM technical circular.

**MEPC RESOLUTION REGARDING THE INSTALLATION OF BALLAST WATER MANAGEMENT SYSTEMS ON NEW SHIPS TO MEET WITH THE APPLICATION DATES CONTAINED IN THE BWM CONVENTION**

2.26 The Committee recalled that MEPC 59 had concluded that there were sufficient type-approved ballast water treatment technologies available for ships, subject to regulation B-3.3, constructed in 2010 and had instructed the Secretariat to prepare a draft MEPC resolution for consideration and adoption at this session, requesting Administrations to encourage the installation of ballast water management systems on new ships in accordance with the application dates contained in the BWM Convention.

2.27 The delegations of Spain, South Africa and IUCN expressed their support for the resolution and suggested further increasing the important role played by GloBallast in the dissemination of information on ballast water management. IUCN referred, in particular, to the successful series of events organized by GloBallast in cooperation with the World Maritime University and the North Sea Ballast Water Project and recommended following up this initiative, which proved to be beneficial for all parties involved.

2.28 Having indicated their interest in the timely ratification of the Ballast Water Management Convention, the delegations of the Bahamas and Singapore reiterated their concern regarding the lack of certainty with respect to the sampling procedures, which was perceived as the main reason for postponing the ratification of the instrument.

2.29 The Committee noted the information provided by the observer of the European Commission with regard to the current initiative of the European Maritime Safety Agency (EMSA) to develop a draft for the much needed guidance document on sampling and analysis protocols, as well as the urgent request by BLG 14 for technical contribution on this matter from Member States, which could be considered by the Ballast Water Review Group at MEPC 61 to facilitate the completion of such a document at BLG 15.

2.30 The Committee also noted the information provided by the delegation of Brazil on the recent approval of the BWM Convention by the Brazilian Parliament and that the instruments of ratification would be deposited with the Secretary-General of the Organization in the near future.

2.31 Following the consideration of the draft text of the MEPC resolution on installation of the ballast water management systems on new ships (MEPC 60/2/10) and, having noted the concerns expressed, the Committee agreed to amend operative paragraph 1 of the resolution to read:

**"CALLS ON STATES** which have not yet ratified, accepted, approved or acceded to the BWM Convention to do so at their earliest convenience;"

and adopted resolution MEPC.188(60), as set out in annex 1.

**OTHER INFORMATION RELATED TO BALLAST WATER MANAGEMENT AND CONTROL**

2.32 The Committee noted with appreciation the information contained in the following documents:

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- .1 MEPC 60/2/14 (India) on the update of the Self-validating e-Ballast Water Reporting Form;
  - .2 MEPC 60/INF.2 (ROPME/MEMAC) on implementation of ballast water exchange area outside the ROPME Special Area;
  - .3 MEPC 60/INF.11 (India) on the implementation of the Ballast Water Management Programme in India (BAMPI);
  - .4 MEPC 60/INF.14 (Republic of Korea) on the type approval of the NK-O3 BlueBallast System (Ozone) (a Type Approval Certificate was issued on 24 November 2009);
  - .5 MEPC 60/INF.15 (Norway) on the outbreak of *Salmonella* in cattle possibly due to infection through ballast water;
  - .6 MEPC 60/INF.16 (Turkey) on ballast water management implementation in Turkey, including ballast water exchange requirements for ships entering ports in the eastern Mediterranean Sea; and
  - .7 MEPC 60/INF.17 (United Kingdom) on the second update of the Lloyd's Register Industry Guide on ballast water management systems.

2.33 At the request of the observer from ROPME, a statement regarding the ballast water management measures implemented in the ROPME Sea Area is set out in annex 2.

2.34 In response to a request for clarification regarding document MEPC 60/INF.2, the observer from ROPME stated that paragraph 2 on the first page of the annex to document MEPC 60/INF.2 should be interpreted in accordance with the provision contained in regulation B-4, paragraph 1, of the Ballast Water Management Convention. Furthermore, the observer from ROPME clarified that all ships are expected to exchange ballast water outside the ROPME Sea Area and indicated that a description of the ROPME Sea Area, including the map, has been provided in document MEPC 59/INF.3 (ROPME-MEMAC).

### **3 RECYCLING OF SHIPS**

3.1 The Committee noted that the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention) was open for signature from 1 September 2009 until 31 August 2010. So far, only France had signed the Convention subject to ratification. The Committee encouraged more countries to sign the Convention in the remaining time.

3.2 The Committee recalled that, since the adoption of the Hong Kong Convention, MEPC 59 had adopted the "Guidelines for the development of the Inventory of Hazardous Materials" and had also established a correspondence group to continue its work on the development of "guidelines for safe and environmentally sound ship recycling".

#### **GENERAL STATEMENTS**

3.3 The delegation of Bangladesh informed the Committee of a technical co-operation programme on sustainable ship recycling in accordance with the Hong Kong Convention that

had been established between Norway and Bangladesh, in cooperation with the IMO Secretariat. The objective of the programme was to provide assistance and capacity-building to fulfil requirements for safe and environmentally sound ship recycling in accordance with the Convention and with a view to its ratification. The establishment of the programme was a result of a successful workshop held in February 2010 at Chittagong in Bangladesh. One of the elements in the proposal was training for employers and employees. Other Member States or Organizations wishing to contribute to the planned activity were invited to contact Bangladesh or Norway.

3.4 The delegation of Thailand informed the Committee that it had offered to host a regional workshop on the early implementation of the standards of the Hong Kong Convention, from 25 to 27 May 2010 in Pattaya, in line with resolution 5 as adopted by the Diplomatic Conference held in May 2009. The purpose of the workshop was to sensitize the ship recycling industry, the shipowning industry and IMO Member States, to consider applying the technical standards of the Convention on a voluntary basis to ships and to ship recycling facilities under their jurisdiction, prior to the Convention's entry into force and as soon as operationally feasible.

3.5 The delegation of Turkey stated that, having accepted a proposal by the Secretariat, it had hosted a successful national workshop on ship recycling in Aliaga, Izmir, from 23 to 24 October 2009, with the support of the central Government and the participation of Government officials, for local, regional and central authorities, international experts and also the Turkish ship recycling industry which assisted in the organization and hosting of the workshop. On the first day of the workshop the participants visited the ship recycling facilities at Aliaga and were introduced to the practices of ship recycling in Turkey, to market information, to the historical evolution of the industry, to the system adopted for the environmentally sound management of hazardous materials, to the documentation requirements and to the system for Government overview. On the second day, a number of experts discussed a range of topics relating to the Hong Kong Convention and its guidelines, and also covering issues specific to the recycling practices and to the ratification process in Turkey.

#### **PLANNING OF THE WORK**

3.6 The Committee noted that ten documents had been submitted under the item and agreed to plan its work as follows:

- .1 under the heading "Development of the guidelines", to consider eight documents addressing the development of the guidelines for safe and environmentally sound ship recycling; and
- .2 under the heading "Other matters", to consider two documents concerning guidance for the recycling of flagless and non-Party ships, and threshold levels for radioactive substances in relation to the Guidelines for the development of the Inventory of Hazardous Materials.

#### **DEVELOPMENT OF THE GUIDELINES**

3.7 The Committee thanked Japan for its continuing contribution as coordinator of the correspondence group and for its excellent work. The Committee agreed that, in their further development, the facility guidelines needed to be more user-friendly, brief and clear. The Committee also confirmed that the guidelines should not go beyond the requirements of the Hong Kong Convention and, in this respect, agreed to the usefulness of cross-referencing the text of the guidelines to the relevant regulations of the Convention.

Finally, the Committee agreed to a proposal by Norway (MEPC 60/3/8) for the parallel development of the three guidelines (on facilities, on the Ship Recycling Plan and on the authorization of Ship Recycling Facilities) in order to provide for a better understanding of the interrelationships between them.

3.8 The Committee agreed to instruct the working group on guidelines for ship recycling to consider the report of the intersessional correspondence group (document MEPC 60/3 by Japan) as the basis for the further development of the "guidelines for safe and environmentally sound ship recycling", taking into account the discussion at the plenary.

3.9 The Committee also instructed the working group to commence work on the "Guidelines for the development of the Ship Recycling Plan", and to develop a work plan with an appropriate timetable for the development of the guidelines associated with the Hong Kong Convention, taking into account the relevant comments made by Norway in document MEPC 60/3/8.

3.10 The delegation of Turkey informed the Committee that Turkey, together with France and Germany, had started working on a draft text for the guidelines for the authorization of Ship Recycling Facilities, utilizing an earlier draft by Norway. This collaborative effort was intended to assist the work of the Committee by providing MEPC 61 with a basic text for the development of the authorization guidelines.

## **OTHER MATTERS**

### **Guidance for the recycling of flagless and non-Party ships**

3.11 Regarding document MEPC 60/3/3 (Marshall Islands), referring to the need to develop guidance concerning the recycling of flagless and non-Party ships, the Committee agreed to request the working group to consider this document and propose an appropriate course of action. In this respect the delegation of India urged the Committee to take into account a serious incident that took place at the beginning of 2010, when a passenger ship, subsequently found to contain large quantities of hazardous wastes, arrived for recycling at Alang in the Gujarat State of India, with all its statutory certificates fraudulent. Furthermore, the authorities of the alleged State of registration confirmed that the ship was not registered by them.

### **Threshold levels for radioactive substances in relation to the guidelines for the development of the Inventory of Hazardous Materials**

3.12 In document MEPC 60/3/2, the International Atomic Energy Agency noted that the guidelines for the development of the Inventory of Hazardous Materials, which were adopted by resolution MEPC.179(59), specify "no threshold level" for radioactive substances. However, small amounts of radioactive substances could be exempt from the need for regulatory control, on the basis of criteria and exemption procedures developed and published by IAEA. The Committee noted that the proposal was to add the following footnote to Appendix 1 of the Guidelines when these are published together with the Convention as an IMO publication:

"However, note that, in order to identify amounts of radioactive substances which could be exempted from the need for regulatory control, "exemption criteria" were established in the IAEA Safety Standards (Safety Series No.115, International Basic Safety Standards for the Protection against Ionizing Radiation and for the Safety of Radiation Sources, Schedule I, p. 81-89; Vienna, 1996. IAEA is currently in the process of updating IAEA Safety Series No.115). For practical purposes, the IAEA

defined values (e.g., "exemption levels") that could be considered as "thresholds" below which the substances could be automatically exempted from any control without further consideration. National Regulatory Authorities normally establish exemption levels for radioactive sources and other radioactive materials."

3.13 The Committee agreed to request the working group to consider this proposal and to suggest an appropriate course of action.

#### **ESTABLISHMENT OF THE WORKING GROUP ON GUIDELINES FOR SHIP RECYCLING**

3.14 The Committee agreed to establish the working group on guidelines for ship recycling under the chairmanship of Mrs. Kristin Elise Frogg (Norway) with the following Terms of Reference:

"Using the report of the correspondence group on ship recycling guidelines (document MEPC 60/3 by Japan) as a basis, as well as comments, proposals and decisions made in plenary, the working group on guidelines for ship recycling was instructed to:

- .1 further develop the "guidelines for safe and environmentally sound ship recycling", taking into account the comments and proposals in documents MEPC 60/3/4 (Japan), MEPC 60/3/5 (Japan), MEPC 60/3/6 (Denmark), MEPC 60/3/8 (Norway), MEPC 60/3/1 (IAEA) and MEPC 60/3/7 (IACS);
- .2 commence the development of the "guidelines for the development of the Ship Recycling Plan", taking into account document MEPC 60/3/4 (Japan);
- .3 develop a work plan with an appropriate timetable for the future development of the guidelines associated with the Hong Kong Convention, in line with resolutions 4 and 5 of the 2009 International Conference on the Safe and Environmentally Sound Recycling of Ships, for the approval of the Committee (taking into account the relevant comments made by Norway in document MEPC 60/3/8);
- .4 consider the proposals in documents MEPC 60/3/3 (Marshall Islands) and MEPC 60/3/2 (IAEA) and propose appropriate courses of action;
- .5 develop draft Terms of Reference for an intersessional correspondence group on ship recycling guidelines; and
- .6 submit a written report to plenary on Thursday, 25 March 2010."

#### **REPORT OF THE WORKING GROUP ON GUIDELINES FOR SHIP RECYCLING**

3.15 The Committee considered and approved the report of the working group MEPC 60/WP.8 in general and, in particular (paragraph numbers are those of document MEPC 60/WP.8):

- .1 noted the progress made by the group on the development of the draft guidelines for safe and environmentally sound ship recycling (paragraphs 4 to 12);
- .2 noted that the group had commenced work on the guidelines for the development of the Ship Recycling Plan (paragraphs 13 to 15);



- .3 endorsed the work plan and proposed schedule for the further development of the guidelines associated with the Hong Kong Convention (paragraph 16), which is set out in annex 3;
- .4 noted the outcome of the consideration of the group regarding the development of guidance for the recycling of flagless and non-Party ships by Parties to the Convention (paragraph 17);
- .5 endorsed the addition of a footnote to Appendix 1 of the Guidelines for the Development of the Inventory of Hazardous Materials, as adopted by resolution MEPC.179(59), addressing threshold levels for radiation substances, when these guidelines are published together with the Convention as an IMO publication (paragraphs 18 and 19); and
- .6 agreed to the re-establishment of the intersessional correspondence group on ship recycling guidelines, under the coordination of Japan\* with the specified draft Terms of Reference (paragraph 20).

3.16 The International Chamber of Shipping stated that there was a need for defining in the guidelines consistent methods for sampling Hazardous Materials. The lack of explicit threshold values and exemptions in the guidelines was also a cause for concern, which required more work to be done. Several delegations supported the statement by ICS.

3.17 The Committee thanked the Chairman and the members of the Working Group for their hard work. The Committee also thanked Japan for the considerable effort made in the preparation of the basis document for the facilities guidelines.

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

4.1 The Committee noted that this agenda item concerned two major issues: prevention of air pollution from ships in general and in particular MARPOL Annex VI-related issues; and control of greenhouse gas emissions from ships engaged in international transport. The Committee agreed to first consider MARPOL Annex VI-related issues, and then greenhouse gas emissions from ships.

#### **AIR POLLUTION ISSUES AND MATTERS RELATED TO MARPOL ANNEX VI**

4.2 The Committee recalled that MEPC 58 had unanimously adopted the revised MARPOL Annex VI by resolution MEPC.176(58), and the NO<sub>x</sub> Technical Code 2008, by resolution MEPC.177(58) and, following the termination of the acceptance period on 1 January 2010, they will enter into force as expected on 1 July 2010.

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***Equivalents***

4.3 The Committee agreed that documents MEPC 60/4/19 by IMarEST, proposing amendments to the 2009 Guidelines for exhaust gas cleaning systems, and MEPC 60/4/25 by Norway, providing proposals to ensure robust and uniform application of regulation 4 of the revised MARPOL Annex VI, be deferred to MEPC 61 for debate. Interested delegations were invited to make further submissions to the next session.

***Specification of marine fuels***

4.4 The Committee noted the submission by ISO (MEPC 60/4/42), providing the status for the revision of ISO: 8217 "Specification of Marine Fuels", indicating that the FDIS (Final Draft International Standard) version was confidently expected to be published prior to 1 July 2010. As indicated in paragraph 8 of the document, at the time of submission it was not possible for ISO to advise the Committee on the content and details of the FDIS version of ISO 8217.

4.5 The Committee welcomed the information that the Secretariat had received the newly released FDIS version, and that it would be issued as an MEPC 61 document enabling interested delegations to provide comments in writing. The Committee also welcomed the information provided orally by the ISO observer delegation that, by MEPC 61, the standard would have been published in its final form. The Committee agreed to consider the matter in detail at the next session and invited interested Members to submit further input.

***Ozone-depleting substances and coordination with UNEP***

4.6 The Committee considered document MEPC 60/4/27 (Secretariat) providing information about a possible uncertainty in the shipping industry related to correct procedures when purchasing certain refrigerant gases for shipboard use. This uncertainty could possibly result in problems for ships in need of purchasing such gases in foreign ports, and a potential gap in data collection and reporting of import/export of ozone-depleting substances. The note also stated that UNEP's Ozone Secretariat intended to bring the matter to the attention of its Parties at a meeting in June 2010.

4.7 The Committee agreed that further information on procedures for purchasing of HCFCs in foreign (European) ports could be useful for maritime Administrations and the shipping industry, and that such information may be conveyed in the form of an MEPC circular. Moreover, the Committee requested the Secretariat to continue liaising with the Ozone Secretariat and to prepare a draft MEPC circular for consideration at its next session.

***IAPP Certificate – revised MARPOL Annex VI***

4.8 In relation to the entry into force of the revised MARPOL Annex VI on 1 July 2010, the Committee considered document MEPC 60/4/32 by IACS claiming a need for greater clarity in instances when it was necessary to re-issue the IAPP Certificates and its Supplements, after the entry into force of the amendments. The Committee agreed that the matter should be further considered by the working group and agreed to instruct it accordingly.

***Technical information to facilitate the development of VOC Management Plans***

4.9 The Committee recalled that MEPC 59 agreed that additional technical information on vapour pressure control systems and their operation would assist the shipping industry in

development of Volatile Organic Compounds (VOC) management plans as requested for all tankers carrying crude oil in the revised MARPOL Annex VI. On this basis, MEPC 59 had agreed to the technical information on systems and operation to assist development of VOC management plans for tankers carrying crude oil, as set out in the annex to MEPC.1/Circ.680.

4.10 The Committee considered the technical information to facilitate the development of VOC management plans, contained in document MEPC 60/4/38 by Norway, and agreed that the working group should consider it further, in particular, whether or not the information was relevant and of the same nature as the technical information in MEPC.1/Circ.680, and if so the group should develop a draft separate circular with the necessary references to MEPC.1/Circ.680 for the Committee's consideration.

## **CONTROL OF GREENHOUSE GAS EMISSIONS FROM INTERNATIONAL SHIPPING**

### ***Outcome of COP 15***

4.11 The Committee recalled that it had made significant progress at its last session on all three building blocks in the Organization's GHG work; on technical and operational reduction measures, and on possible market-based instruments. Following thorough considerations and meticulous work, in particular by the working group, the Committee had produced a set of robust and efficient measures to improve fuel efficiency in ships and four MEPC circulars on technical and operational measures were agreed for circulation. Having held an in-depth debate where all aspects were carefully deliberated, a work plan for further consideration of the market-based measures, culminating in 2011, had also been agreed.

4.12 The Committee recalled also that MEPC 59 had noted that 2009 was a crucial year in the international climate change negotiations, culminating in the Climate Change Conference (COP 15/CMP 5) in Copenhagen, Denmark, in December. COP 15 had been expected to adopt a new post-2012 treaty to combat climate change, to be agreed upon by the 192 Parties to the UNFCCC. Taking into account the views of the UNFCCC Parties, and partly based on information submitted by ICAO and IMO, COP 15 had also been expected to consider how GHG emissions from international civil aviation and maritime transport should be regulated in the post-2012 regime to combat climate change.

4.13 The Committee further recalled that it had requested the Secretariat to continue its cooperation with the UNFCCC Secretariat, by attending relevant UNFCCC meetings and reporting the outcome of IMO's work to relevant UNFCCC meetings and in particular to COP 15/CMP 5. It had also requested the Secretariat to continue reporting on progress and developments within UNFCCC related to emissions from international maritime transport and the work of the Committee.

### ***Information on the UNFCCC process***

4.14 The Committee welcomed and noted the information provided in the submissions containing the Secretariat's report on the activities leading up to and at the Copenhagen Conference and the outcome thereof (documents MEPC 60/4/9, MEPC 60/4/9/Add.1 and MEPC 60/INF.9). The Committee noted in particular that:

The IMO Secretariat had participated in relevant preparatory meetings and had submitted three documents to the Copenhagen Conference, which may be found annexed to document MEPC 60/INF.9:

- .1 a position note – outlining IMO's objectives for the Conference;

- .2 an information note – providing a more in-depth description of IMO's GHG work, including descriptions of the technical and operational measures; summaries of the market-based measures under consideration; and information on IMO's role in the regulation of international shipping in general; and
- .3 the Executive Summary of the Second IMO GHG Study 2009.

The Secretary-General had headed IMO's delegation attending the Conference. In addition to taking part in plenary sessions and delivering the Organization's statements, the Secretary-General had held meetings with Ministers, Ambassadors and other Government officials, as well as representatives of other United Nations Agencies and Programmes, and with delegates representing civil society. He also took part in the UN High-level Event hosted by the UN Secretary-General.

Extensive distribution of a wide variety of outreach and information material on relevant IMO matters took place throughout 2009 and, in particular, in Copenhagen where IMO had an Exhibition stand, and also at side-events, where the IMO representatives participated and presented IMO's work on control of GHG emissions from international shipping.

The outcome of the Conference, directly relevant to the Committee's work, was that the mandate of the *Ad Hoc* Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) had been extended and that the group would continue its work drawing on its initial report to COP 15 and also from the progress made during the Conference.

At the opening of the Conference, AWG-LCA had before it seven options to control emissions from international shipping, which were considered through informal consultations by two appointed co-facilitators from Canada and Venezuela. Later, the Presidency also tasked the Environmental Ministers of Norway and Singapore to undertake consultations at political level. Both consultation tracks were fruitful but did not lead to a single agreed text without square brackets, and the LCA report, therefore, only contains a placeholder for policy approaches and measures to limit and reduce greenhouse gas emissions from international civil aviation and international maritime transport.

The text prepared by the co-facilitators, presented in paragraph 10 of MEPC 60/4/9/Add.1, was not an agreed text but was reproduced to be available to Parties in the continued efforts of the AWG-LCA. The text indicated that there was no disagreement among the world community that IMO was the appropriate international body to develop and enact regulations for international shipping.

The ongoing UNFCCC negotiations were a Party driven process, where the Secretariat, as a United Nations observer organization, had limited access to the negotiations and could only provide information if requested to do so.

4.15 In connection with production of outreach material and IMO's attendance in Copenhagen, the Committee thanked the following for their generosity and valuable assistance:

the Government of Denmark for being a generous host and the Danish Maritime Administration for assisting the Secretary-General and the Secretariat in all possible ways, including logistics and printing of documents;

the Government of Norway for their generous donations covering the production of a wide range of outreach material and activities, and also covering a substantial part of the expenses of the Secretariat's attendance;

the Government of the Netherlands for a donation towards the production of the World Maritime Day 2009 DVD; CLIMATE CHANGE; A challenge for IMO too!;

the Danish Shipowners' Association for hosting an IMO reception where the Danish Minister Ms. Lykke Friis and the Secretary-General gave the key note speeches, and for a donation towards the IMO's office space at the Conference Center, to which the International Chamber of Shipping also contributed;

the Governments of the Marshall Islands and Cyprus, the Secretariat of ICAO, and ICS, BIMCO and INTERTANKO for co-hosting side events with IMO;

the World Maritime University for their assistance;

the UNFCCC Secretariat, in particular, Mr. Florin Vladu, for their tireless work and outstanding cooperation under the very difficult circumstances that prevailed; and all the IMO Members' representatives who kept the Secretariat informed of decisions made behind closed doors.

4.16 The Committee requested the Secretariat to continue its cooperation with the UNFCCC Secretariat, by attending relevant UNFCCC meetings and bringing the outcome of IMO's work to their attention. It also requested the Secretariat to continue reporting on the progress and developments within UNFCCC related to emissions from international maritime transport relevant to the work of the Committee, as appropriate.

4.17 The Committee noted with interest an intervention by the representative of the UNFCCC Secretariat where it was emphasized that in his addresses to the media since the Conference, Mr. Yvo de Boer, the Executive Secretary of UNFCCC, had underlined three key points that the United Nations Climate Change Conference in Copenhagen had produced:

First, the Copenhagen Accord had raised climate change to the highest level of government;

Second, the Accord reflected a political consensus on the long-term, global response to climate change; and

Third, the negotiations brought an almost full set of decisions to implement rapid climate action near completion.

Exchange of views among Government officials since the Conference had shown that most countries see the Copenhagen Accord as a tool that can be used to advance the negotiations. The preparation of a draft decision on emissions from international bunkers was, unfortunately, not possible as the views of Parties continued to be divergent. A draft text was, however, proposed by the facilitators of the informal consultation group on bunkers established by the Chair of the AWG-LCA and had been made available in a document capturing the status of the negotiations in the second week of the Conference (also reproduced in paragraph 10 of document MEPC 60/4/9/Add.1).

Emissions from bunker fuels were not explicitly mentioned in the Copenhagen Accord. The issue was, however, addressed in ministerial consultations during the High Level Segment of the Conference. In general, raising the issue to the highest level of government could improve the involvement of environment and transport ministers and thus enhance the chances for an agreement.

The Accord spoke about reducing global emissions so as to hold the increase in global temperature below [2] two degrees Celsius. It could therefore be important for IMO and the MEPC to explore what this goal meant for international shipping. What would be a fair contribution for the international shipping sector to achieving this long term goal?

He further stated that the issue of bunker fuels was also on the agenda of the next session of the Subsidiary Body for Scientific and Technological Advice (SBSTA). The UNFCCC representative closed by stating that the fact that the Copenhagen Conference did not deliver the full agreement the world needs to address climate change "just makes the task more urgent. And 2010 provides an opportunity for IMO and UNFCCC to further advance their work on **a robust and efficient GHG regime for international shipping** which will benefit the global environment and future generations. To this end, the work of IMO in this respect was essential".

### ***General statements***

4.18 The delegations of: Spain (as the EU Presidency); China; Brazil; Saudi Arabia; South Africa; Turkey; Norway; Argentina; India; France; the Philippines; Malaysia; Portugal; the United States; Germany; Sweden; Cuba; the Cook Islands; Italy and Peru (listed in the order of interventions) made statements on matters of principle or policy concerning the GHG issue, which are set out in annex 4.

### **Chairman's proposal for further progress**

4.19 The Committee considered the note by the Chairman in document MEPC 60/4/57 on work arrangements at the session, and noted that almost 100 documents on GHG matters – including information documents and the documents kept in abeyance from MEPC 59 and MEPC 58, were before the Committee and that, in order to fulfil its task despite the heavy workload, it was necessary to structure the discussion in a meaningful way without hindering debate and to secure enough time for a working group to do its part of the work.

4.20 Having examined all relevant submissions, document MEPC 60/4/57 was prepared to facilitate progress on GHG issues at this session and throughout 2010 and contained the Chairman's proposals for work arrangements and for possible intersessional work on GHG matters prior to the sixty-first session. The Committee recalled Rule 35 of its Rules of Procedures on the functions of its Chairman, whereby he shall direct the discussion and ensure observance of the Rules of Procedure, accord the right to speak, put questions to vote and announce decisions resulting from voting.

### ***Order of discussions***

4.21 The Committee agreed to use document MEPC 60/4/57 as its voyage plan at this session, without prejudging the outcome of each discussion, and to debate the matters in the following order:

- .1 technical and operational measures, including instructions to the GHG Working Group;

- .2 market-based instruments, in line with the work plan agreed by MEPC 59 including methodology and criteria for feasibility study and impact assessment;
- .3 reduction targets for international maritime shipping; and
- .4 other GHG matters (including black carbon and the Arctic).

### Technical and operational measures

4.22 As agreed in principle at MEPC 59, the Committee decided to re-establish the Working Group on GHG Issues under the Chairmanship of Mr. Koichi Yoshida (Japan). The Committee also agreed that the working group would consider the following submissions related to technical and operational measures, and should take into account the documents deferred from the last session as listed in paragraphs 6 to 11 of document MEPC 60/4, as appropriate:

MEPC 60/4/1	Finland and Sweden	Clarifications for definitions of ship types and for the use of ice class correction factors $f_j$ and $f_i$ in the calculation of EEDI
MEPC 60/4/2	IACS, CLIA, ICS and INTERFERRY	Draft interim Guidelines for the validation of Electric Power Tables for EEDI
MEPC 60/4/3	INTERTANKO	Energy Efficiency Design Index for Tankers
MEPC 60/4/4	INTERTANKO	Energy Efficiency Design Index for Propulsion Redundancy
MEPC 60/4/5	Japan	Report on the trials on the verification of the Energy Efficiency Design Index (EEDI)
MEPC 60/4/6	Denmark	Consideration of ro-ro cargo ship subgroups in the EEDI for new ships
MEPC 60/4/7	Denmark and Japan	Guidelines for calculation of baselines for use with the Energy Efficiency Design Index
MEPC 60/4/11	EUROMOT	Information on the prospect of energy efficiency improvement for new ships
MEPC 60/4/14	Denmark, the Marshall Islands and WSC	Consideration of the Energy Efficiency Design Index for New Ships  Recalculated baseline for container vessels

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MEPC 60/4/15	Greece	Comments on the EEDI Baseline Formula
MEPC 60/4/16	Greece	The Energy Efficiency Design Index (EEDI) and Life Cycle Considerations
MEPC 60/4/17	Greece	The Energy Efficiency Design Index (EEDI) and Underpowered Ships
MEPC 60/4/18	Republic of Korea	EEDI calculation method for LNG carriers with diesel-electric propulsion systems
MEPC 60/4/20	INTERFERRY	Application of Power Correction Factor $f_i$ for Enhanced Safety
MEPC 60/4/21	IPPIC	The importance of using effective anti-fouling coatings in relation to greenhouse gas emissions from shipping
MEPC 60/4/29	China	Comments on the coefficient " $f_w$ " in the EEDI formula
MEPC 60/4/30	China	Considerations of the establishment of EEDI baselines
MEPC 60/4/31	China	Comments on the interim Guidelines on the method of calculation of EEDI and the interim Guidelines for voluntary verification of EEDI
MEPC 60/4/33	IMarEST	Energy Efficiency Design Index Baseline Evaluation for Tankers, Containerships, and LNG Carriers
MEPC 60/4/34	IMarEST	Influence of Design Parameters on the Energy Efficiency Design Index for Tankers, Containerships and LNG Carriers
MEPC 60/4/35	Japan, Norway and the United States	Mandatory EEDI requirements – Draft text for adding a new part to MARPOL Annex VI for regulation of the energy efficiency for ships
MEPC 60/4/36	Japan	Analysis on the appropriate values of the reduction rates of the required EEDI
MEPC 60/4/44	SIGTTO	Results of data gathering exercise for the assessment of the Energy Efficiency Design Index (EEDI) for ships carrying liquefied gases in bulk



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MEPC 60/4/45	ITTC	Proposal for an Energy Efficiency Design Index Verification Process
MEPC 60/4/46	OCIMF and INTERTANKO	Comments on the outcome of the United Nations Climate Change Conference held in Copenhagen, Denmark
MEPC 60/4/47	Austria, Bulgaria, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom and the European Commission	Comments on the interim guidelines on the method of calculation of the Energy Efficiency Design Index for new ships based on a study on tests and trials of the EEDI formula
MEPC 60/4/48	INTERFERRY and CESA	Comments related to trial calculations of the EEDI for subgroups of ro-ro cargo ships
MEPC 60/4/52	INTERTANKO	Tanker Energy Efficiency Management Plan (TEEMP)
MEPC 60/4/56	CLIA	Consideration of the Energy Efficiency Design Index (EEDI) for cruise ships
MEPC 60/INF.6	Finland and Sweden	Impact of the ice-class correction factors $f_i$ and $f_j$ on calculation of EEDI
MEPC 60/INF.18	Secretariat	Assessment of IMO energy efficiency measures for the control of GHG emissions from ships
MEPC 60/WP.6	Secretariat	Communication with IPCC on CO <sub>2</sub> Conversion Factors

4.23 Following a proposal by its Chairman, the Committee agreed by majority that the proposal to add a new part on energy efficiency to MARPOL Annex VI, which was submitted as document MEPC 60/4/35 by Japan, Norway and the United States, should be introduced and thoroughly considered in plenary while all other documents on technical and operational measures should be considered first by the working group.

4.24 The Committee recalled that the Second IMO GHG Study 2009 had concluded that a mandatory limit on the Energy Efficiency Design Index for new ships was a cost-effective solution that could provide an incentive to improve the energy efficiency of new ships. The Committee had also considered at earlier sessions what instrument would be the most suitable to enact the different measures in the comprehensive framework that would be needed to improve energy efficiency and reduce emissions in the global maritime sector to meet the expectations of science (IPCC Fourth Assessment Report – 2007) and the two degrees target endorsed by the Copenhagen Accord.

4.25 The Committee recalled also that it had considered the mandatory application of the EEDI as part of the debate on technical and operational measures for more than a decade and more recently, since Denmark submitted the proposal leading to the current EEDI framework and formula to MEPC 57 in document MEPC 57/4/3. Denmark had followed this up by suggesting MARPOL Annex VI to be the suitable instrument for such regulations in document GHG-WG 1/2/1. A large number of submissions to the last three sessions of the Committee, as well as to the intersessional meetings, had advocated or implied that the technical and operational measures needed to be mandatory to have any real effect and, of those, eight had specifically pointed to MARPOL Annex VI as the proper IMO instrument.

4.26 The Committee considered document MEPC 60/4/35 by Japan, Norway and the United States, containing a framework for mandatory application of the EEDI for new ships and the SEEMP for all ships in operation, as well as draft text in its annex, with a proposal to add a new part to MARPOL Annex VI for the regulation of energy efficiency for ships. The delegation of Japan, when introducing document MEPC 60/4/35, explained that the proposal followed the concept that had been discussed over the past two years, which was to calculate the Attained EEDI for each new ship, and to require the Attained EEDI to be equal to, or lower than, the Required EEDI to be determined by the baseline and the EEDI reduction rates.

The delegation of Japan elaborated on the reasons for using MARPOL Annex VI as the legal instrument: the MARPOL Convention had well-established and workable survey and certification provisions, and it could provide a similar legal basis for the mandatory EEDI and SEEMP requirements, and the amendments to MARPOL Annex VI would be the fastest path to implementing such requirements as mandatory measures.

Moreover, the delegation of Japan explained that the three-phase approach was used in the proposed text, where the EEDI reduction rates were set for each of the three periods of five [5] year intervals, so the Required EEDI would become more stringent step-by-step. It further emphasized that the draft text was developed in such a way that it could cater for the concerns of particular ship types, so that a different application was possible for those ship types. Japan elaborated on the methodology of setting the reduction rates (x), which should be based on analysis of the EEDI improvement rates by applying certain combinations of technologies that could improve the energy efficiency of a ship.

In conclusion, Japan pointed out that IMO had gone through the stage of developing the recommendations regarding the EEDI and that testing of the suitability and robustness of the EEDI had been ongoing for a considerable time; it was the right time to continue work on the draft regulatory text while the remaining technical work, such as consideration of reduction rates should be done concurrently.

4.27 A majority of the delegations taking the floor supported the introduction of mandatory technical and operational energy efficiency measures, and that MARPOL Annex VI was the most appropriate instrument for enacting such measures. It was argued

that the establishment of mandatory technical and operational measures was of utmost importance for IMO to contribute to the concerted efforts by the world community to stem climate change. A number of delegations reasoned that MARPOL Annex VI was suitable based on its definitions, in particular, its definition of emissions, and that expanding the scope would be in line with the adoption of Annex VI itself and the mandate of the Committee. The introduction of energy efficiency measures leading to reduced emissions from ships fell within the scope of the MARPOL Convention itself and, in particular, within the scope of Annex VI. Also delegations that, at earlier sessions, had expressed concerns over utilizing MARPOL Annex VI for such regulations, fully supported the proposal due to the shorter period of time needed as compared to other ways, such as developing a new freestanding instrument. Many delegations stated that using Annex VI was the only realistic route.

4.28 Some delegations expressed the view that the EEDI formula still needed extensive work and some expressed concerns related to specific ship types. Further concerns were put across that the EEDI could lead to underpowered ships, resulting in unsafe ships in harsh weather conditions, and that an engine power to DW ratio should be included in the regulations. The Committee was reminded by a number of delegations that Annex VI already regulates ozone-depleting substances and that such substances are closely related to GHGs. The Committee was also reminded that CO<sub>2</sub> is one of the primary contributors to ocean acidification.

4.29 A number of delegations expressed the view that MARPOL Annex VI was not the proper legal instrument to include energy efficiency measures for ships, that such measures were not within its scope, and that the structure of Annex VI prevented such measures from being effective. In their view, CO<sub>2</sub> was not technically a pollutant and therefore had no place in the MARPOL Convention. Concern was also expressed over the maturity of the measures and a number of delegations advocated that further development was needed, followed by a suitable period for trials and testing, before consideration of mandatory measures would commence. A number of delegations supported the further development of the energy efficiency measures but objected to considering such measures as mandatory.

4.30 A number of delegations recalled the provisions of Assembly resolution A.998(25) on the need for capacity-building for the development and implementation of new and amendments to existing instruments and the need to assess the possible impact on developing countries (see also paragraphs 4.45 to 4.47).

4.31 The delegation of Vanuatu suggested an alternative approach for IMO to provide a short-term contribution to reducing GHG emissions from vessels. It stated that the possibility exists to reduce vessel emissions of Methane from marine sanitary devices. Since Methane has a warming potential approximately 20 times as effective as CO<sub>2</sub> in the atmosphere, even just flaring these gases would provide a beneficial result. It had been shown that Methane in the atmosphere eventually decays to CO<sub>2</sub> anyway, so doing this would not result in *additional* CO<sub>2</sub> in the atmosphere. As a longer term policy, IMO could consider what some cruise ships are already currently trialling; that is, using Methane to power auxiliary machinery. IMO could possibly follow this trend in requiring the used Methane-supplemental power generation concepts as a vehicle for pursuing GHG "indulgences" if emissions trading or other market-based schemes come to fruition. Currently the technology does exist that could make use of even smaller vessels to install Methane power-cell generators. Cruise ships and livestock carriers could probably, even now, generate enough power to significantly supplement hotel load power generation.

***Intervention by the Secretary-General***

4.32 The Committee welcomed an intervention by the Secretary-General, as reproduced below:

"The Committee will recall that, in suggesting, in my opening speech yesterday, the objectives we should aim at achieving, I proposed that we should finalize the technical and operational measures we have been working on for some considerable time – by approving them, as amendments to MARPOL Annex VI, at this session of the Committee and adopting them at the September/October session.

I did so within my assessment of the overall situation, in which I had taken into account, with due care and concern, not only the technical but also the political aspects of the matter, especially, the need to ensure that IMO's response to present and real issues of global nature, such as climate change, should be timely and appropriate.

I have no doubt that the Committee Members know and understand fully the repercussions, time-wise, of a decision not to seek cover under MARPOL Annex VI but, instead, to opt for a stand-alone instrument.

I do understand the argumentation behind this Organization's decision to go for a new instrument in the case of the BWM and Ship Recycling Conventions, as articulated by the delegation of India.

And I do understand and respect the legal concerns at national level invoked by the delegation of China.

At the same time, I hope that the Committee would duly appreciate that, in suggesting the Annex VI avenue I did yesterday, I would not risk advising the Committee to do something, which would eventually jeopardize the Organization's credibility in case it had, for well-meant reasons, opted for a solution the legal grounds of which would be questionable.

It is for this reason that I asked the Legal Office to consider the issue and advise the Committee whether there was any legal barrier to the Annex VI Parties agreeing to expand the scope of Annex VI to accommodate the proposed technical measures.

Mr. Young, Deputy Director of the Legal Office, has, together with Dr. Balkin, examined the issue and is here to advise the Committee."

4.33 With regard to the issue of whether amendment of MARPOL Annex VI to add provisions on energy efficiency/reduction of GHG emissions (as proposed in document MEPC 60/4/35), would be legally consistent, Mr. Young provided the following opinion:

"The basic amendment procedures are set out in article 16 of MARPOL 1973 (extended by article VI of the 1978 Protocol). Article 16(2)(iii) allows for tacit acceptance of amendments to an Annex adopted after consideration by the Organization.

The 1997 Protocol added Annex VI to the MARPOL Convention and provided, in article 4, that "In applying article 16 of the Convention to an amendment to Annex VI

and its appendices, the reference to 'a Party to the Convention' shall be deemed to mean the reference to a Party bound by that Annex".

The Convention (in paragraph 7 of article 16) provides its own two-part test for assessing a proposed amendment: any amendment to a Protocol or to an Annex shall (a) relate to the substance of that Protocol or Annex and (b) shall be consistent with the articles of the present Convention.

Taking into account the fact that Assembly resolution A.963(23) noted that resolution 8 of the 1997 Air Pollution Conference "invited the MEPC to consider what CO<sub>2</sub> reduction strategies may be feasible given the relationship between CO<sub>2</sub> and atmospheric pollutants, especially NO<sub>x</sub>, since NO<sub>x</sub> emissions may exhibit an inverse relationship to CO<sub>2</sub> reductions", a sound substantial relationship would appear to be established between the proposal and the current Annex VI. This can be said to meet part (a) of the test under paragraph (7) of article 16.

Part (b) of the two-part test under article 16(7) concerns consistency in terms of the objects and purposes of the MARPOL Convention as measured by such elements as the definitions. For example, article 2 of the Convention defines "Discharge" as meaning "any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying". Emissions from inefficient ships' engines burning low grade fuel would appear to fall squarely within this definition.

As a further example, the term "Harmful substance" is defined in the Convention as meaning "any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life", etc. It may be recalled that resolution 8 of the 1997 Air Pollution Conference recognized that "CO<sub>2</sub> emissions, being greenhouse gases, have an adverse effect on the environment". Therefore, the harmful impact, as required under MARPOL, would appear to be an accepted fact for purposes of the present discussion. Furthermore, the fact that the MARPOL definition refers to substances "introduced into the sea" could have been used to prevent Annex VI itself from being adopted in 1997; the fact that the definition was not used in this way means that the Annex is its own precedent for using MARPOL to develop the current proposals.

The Legal Office also examined the 1969 Vienna Convention on the Law of Treaties for provisions that might be helpful in determining the issue. That Convention does not have any provision which prevents Parties from amending a treaty to expand its scope in a way that is acceptable to the Parties concerned. Such questions are therefore left for the Parties themselves to determine.

Accordingly, in the view of the Legal Office, there is no legal barrier to the Parties to Annex VI agreeing to expand the scope of the Annex as proposed."

4.34 The Committee agreed by majority that MARPOL Annex VI was the appropriate vehicle for enacting energy efficiency requirements for ships and that the proposed measures were commensurate, timely and would assist the Organization in maintaining its leading position as the relevant body to regulate all aspects of international shipping, including emission control, and that the working group should be instructed accordingly.

4.35 The Committee agreed to revisit the time line for introduction of mandatory technical and operational measures when considering the outcome of the working group, but the aim should be, as outlined by the Secretary-General in his opening speech and supported by a

majority of delegations, to finalize within this year the initial technical and operational measures – by approving them, as amendments to MARPOL Annex VI, at this session and adopting them at the September/October session.

4.36 The delegations of Brazil, China, India, Peru and Saudi Arabia reserved their position on the proposed inclusion of mandatory technical and operational energy efficiency regulations in MARPOL Annex VI.

### **Establishment of the Working Group on Energy Efficiency Measures for Ships**

4.37 The Committee, having considered the tasks it intended to assign to the working group, agreed to rename it as the Working Group on Energy Efficiency Measures for Ships.

4.38 The Committee established the Working Group on Energy Efficiency Measures for Ships with the following Terms of Reference:

"The Working Group on Energy Efficiency Measures for Ships is instructed, taking into account all relevant documents as well as comments and decisions made in plenary, to:

- .1 consider document MEPC 60/4/32 (IACS) and provide advice on the way ahead and, if that advice includes action such as the issuing of a circular, then develop the necessary draft for the Committee's consideration with a view to its adoption at this session;
- .2 consider document MEPC 60/4/38 (Norway) and provide advice on whether or not the information is relevant and of the same nature as the technical information in MEPC.1/Circ.680 and, if so, develop a draft separate circular with the necessary references to MEPC.1/Circ.680 for the Committee's consideration with a view to its approval at this session;
- .3 review and develop the text for mandatory requirement of the EEDI, including further improvements of the calculation method; and the SEEMP by adding a new part to MARPOL Annex VI, with a view to finalization at this session, using the annex to document MEPC 60/4/35 as base document, including:
  - .1 coverage of ship types and ship sizes for the EEDI;
  - .2 target year for phases 1, 2 and 3 for the EEDI;
  - .3 establishment of EEDI baseline(s);
  - .4 reduction rate X from the baseline for phase 1 for the EEDI; and
  - .5 coverage of ship sizes and implementation time for the SEEMP;
- .4 consider the formula for establishing the EEDI baseline, and framework and supporting guidelines for calculation of baselines for use with the EEDI, taking into account documents MEPC 60/4/7 and MEPC 60/4/15;
- .5 consider the need for guidelines to support the regulatory framework for verification of the EEDI taking into account MEPC.1/Circ.682;

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- .6 in relation to making the SEEMP mandatory, consider the need for supporting guidelines, e.g., based on MEPC.1/Circ.683;
  - .7 review the method of calculation of the EEDI for other ship types and sizes than those referred to in paragraph 3.1 above; and
  - .8 submit a written report to plenary on Thursday, 25 March 2010."

4.39 The delegations of China, India and Saudi Arabia could not agree to some of the Terms of Reference for the working group and reserved their positions.

### **Outcome of the Working Group on Energy Efficiency Measures for ships**

4.40 In his introduction of the report of the Working Group on Energy Efficiency Measures for Ships (MEPC 60/WP.9), the Chairman of the working group, Mr. Koichi Yoshida (Japan) highlighted the significant progress made at this session on the technical and operational measures to increase energy efficiency. In particular, the working group had:

- .1 prepared a draft MEPC resolution to revise the form of Supplement to the International Air Pollution Prevention Certificate to clearly document which sulphur limit (1.00% or 0.10%) or which alternative means of compliance would be used when a ship was operating within an emission control area. To cover the interim period, between the entering into force of the revised MARPOL Annex VI (1 July 2010) and the effect of the proposed amendment, the group developed a draft MEPC circular for the Committee's consideration;
- .2 also prepared a draft MEPC circular to provide information on CVOC systems to assist development of VOC management plans;
- .3 reached agreement on the need for guidelines for calculating the EEDI baselines using data of existing ships in the Lloyd's Register Fairplay database;
- .4 held extensive discussions in relation to making the EEDI and the SEEMP mandatory. The group had agreed on the basic concept of the requirements, that the attained EEDI shall be equal to or less than the required EEDI, and that the required EEDI shall be drawn up based on the EEDI baselines and the reduction rates (to be agreed). A draft text for mandatory requirements of the EEDI and the SEEMP was prepared, however, due to time constraints, the group could not completely finalize the draft text and it had still to determine the ship size, application dates and reduction rates for the requirement of the "attained EEDI  $\leq$  required EEDI"; and
- .5 taking into account the need for further improvement of the draft text for mandatory requirements of the EEDI and the SEEMP, and for development of relevant associated documents (e.g., guidelines for verification of the EEDI and development of the SEEMP), agreed to suggest to the Committee that it would be necessary to hold an intersessional working group meeting for energy efficiency measures for ships and that it had developed draft term of references for such a meeting.

The working group Chairman thanked the members of the group for their hard work, their flexibility and willingness to negotiate and to reach compromises, thereby securing a successful outcome. In his view, the package of mandatory technical and operational reduction measures would, when finalized and adopted, contribute notably to increasing energy efficiency in shipping and to maintain the Organization's leading position on control of greenhouse gas emissions from international maritime transport.

4.41 The Committee noted that the delegations of Brazil, China, India, Saudi Arabia and Venezuela had reserved their positions in the working group on the further development of mandatory technical and operational energy efficiency measures and, in particular, on paragraph 13.1.8 of its report.

4.42 A number of delegations expressed concerns that many of the conclusions reached by the working group were made by majority and not by consensus, in particular on mandatory energy efficiency measures and their possible inclusion in MARPOL Annex VI. Other delegations observed that the Committee should continue, as it always had, to make every effort to reach consensus whenever possible, but when this was not possible or when the matter was of utmost urgency, as in the world community's concerted effort to stem climate change, the Rules of Procedure of the Committee should be respected not to restrict progress. A number of delegations reiterated their earlier recommendation that IMO should, in its GHG work, "accelerate with caution".

4.43 The Committee noted with interest an intervention by the Secretary-General, where he stated:

"Thank you Mr. Chairman,

I wanted to address the issue of the basis on which decisions are made in this Organization and I consider this a very, very important matter. Those who have been associated with this Organization for a long time will be fully familiar with the efforts we always have made to strive to achieve consensus.

Decisions made by consensus in this Organization stand good chances to be widely and effectively implemented. For the need and for the sake of succeeding in making decisions by consensus, sometimes it takes considerable time in making decisions, and this has, from time to time, given rise to people criticizing this Organization for being slow and, by implication, inefficient.

In this Organization, we dislike taking a vote. Voting is divisive and one would ask what chances of implementation have the technical standards adopted in this Organization if the decision to introduce that standard has been made on a 51 to 49% basis. Sometimes, the decision, if consensus cannot be achieved, will have to be made in accordance with the Organization's well established and well functioning Rules of Procedure, meaning that decisions are made on a majority basis, which leads to the conclusion that whatever people may think, this is a democratically based Organization.

Thank you Mr. Chairman."

4.44 The delegations of Brazil, China, Cuba, India, Peru, Saudi Arabia and the Bolivarian Republic of Venezuela reserved their position on the further development by IMO of mandatory technical and operational energy efficiency measures for ships.



4.45 A number of delegations expressed the view that, before the energy efficiency measures could be considered as mandatory requirements for all ships (irrespective of flag), the impact for developing countries should be assessed in line with the requirements of resolution A.998(25) on the need for capacity-building for the development and implementation of new, and amendments to existing, instruments.

4.46 The delegation of South Africa, supported by a number of delegations, advocated that the Committee, at its next session, should implement the procedure considered at MEPC 59 on amendments to its guidelines on organization and method of work. The Committee noted that the procedure stipulated that assessment of capacity-building implications should be initiated at acceptance of proposals for new work programme items. In order to facilitate the assessment of capacity-building implications by the Committee, its Vice-Chairman should, in consultation with the Chairman and assisted by the Secretariat, undertake a preliminary assessment of capacity-building implications, and report to the Committee on the possible need for further action. Although the energy efficiency measures for ships was not a new work programme item as it had been on the Committee's agenda since the 1997 MARPOL Conference, the Committee agreed to implement the procedure as described in the report from the last session (MEPC 59/24, paragraph 21.8 and annex 29) on assessment of the need for capacity-building. The Committee further agreed that such assessment should happen in parallel with the continued development of the technical and operational measures, as indicated in the procedure, not to restrict adequate and much needed progress.

4.47 The delegation of Spain, supported by a number of delegations, expressed the view that, as noted by the working group in paragraph 6.9 of its report, a number of challenges were still outstanding for a robust EEDI formula for ro-ro carriers, and that a timeline of no more than two years should be agreed to finalize a suitable formula(s) for this ship category. Other delegations, while supporting the need for further work on EEDI formula(s) for such ships, could not agree to the suggested timeline as it would depend on submissions and work undertaken by individual Members.

4.48 Having noted that a number of central elements in the regulatory text were in need of further work, in particular the target dates and reduction rates, a number of delegations advocated that substantive work was still needed and the majority supported the holding of an intersessional meeting of the working group. It was noted that the working group, due to time constraints, could not consider a large number of documents as listed in paragraph 10.1 of its report, and that further meeting time was necessary. A number of delegations expressed concerns over the added workload and additional financial burden an intersessional meeting would involve, particularly for Administrations from developing countries.

4.49 The delegations of Brazil, China, Cuba, India, Indonesia, Saudi Arabia and the Bolivarian Republic of Venezuela reserved their positions on the holding of an intersessional working group meeting and its Terms of Reference.

#### ***Actions taken on the report of the working group***

4.50 Having considered the report of the working group, the Committee approved it in general and, in particular (paragraph numbers are those of MEPC 60/WP.9, unless stated otherwise):

- .1 approved, with a view to circulation for subsequent adoption at its next session, the draft amendments to the revised MARPOL Annex VI (revised

- form of Supplement to the IAPP Certificate) (paragraph 4.3), as set out in annex 5;
- .2 endorsed the group's recommendation that Member Governments be urged to use the revised form of the Supplement to the IAPP Certificate at the earliest available opportunity when issuing the Supplement in accordance with the revised MARPOL Annex VI and approved the MEPC circular for this purpose, as set out in annex 2 to MEPC 60/WP.9 (paragraph 4.4), and requested the Secretariat to disseminate it as MEPC.1/Circ 718;
  - .3 approved the MEPC.1/Circular on Technical information on the CVOC system, to assist development of the VOC management plan, as set out in annex 3 to MEPC 60/WP.9 (paragraph 5.3), and requested the Secretariat to disseminate it as MEPC.1/Circ.719;
  - .4 noted the guidelines for calculating the EEDI baselines using the data of existing ships in the LRFP database, as set out in annex 4 to MEPC 60/WP.9 (paragraph 6.19);
  - .5 endorsed the agreement of the group on the development of guidelines to support the regulatory framework for verification of the EEDI taking into account MEPC.1/Circ.682 (paragraph 7.7);
  - .6 endorsed the view of the group on the need for supporting guidelines, e.g., based on MEPC.1/Circ.683 (paragraph 8.2);
  - .7 noted that there are still unresolved issues on ship size, target dates and reduction rates in relation to the EEDI requirements (paragraphs 9.9, 9.11, 9.12 and 9.16);
  - .8 considered the draft text for mandatory requirements of the EEDI and the SEEMP, as set out in annex 5 to MEPC 60/WP.9, and agreed by majority that further work was needed and should expeditiously continue (paragraph 9.16); and
  - .9 agreed by majority to hold an intersessional working group meeting on further development of the energy efficiency measures for ships and also agreed by majority to the Terms of Reference for the meeting as set out in annex 6, and requested the Secretariat to make the necessary preparations and to issue the invitation circular as soon as possible.

4.51 The Committee expressed appreciation to the Chairman and the members of the working group for the considerable amount of work undertaken.

#### **Statements by the delegations of South Africa and India**

4.52 The delegations of South Africa and India made statements on mandatory technical and operational energy efficiency measures for ships, following consideration of the working group's report (MEPC 60/WP.9). As requested, the statements are set out in annex 7.

#### **Statement by the delegation of Canada on acceding to MARPOL Annexes IV, V and VI**

4.53 During the Committee's review of its report on Friday, 26 March 2010 the delegation of Canada made the following statement:

"On behalf of Government of Canada, it is my pleasure to inform the Committee that, this morning, Canada deposited with the Organization its instruments of accession for Annexes IV, V, and VI to the MARPOL Convention.

This marks our first steps on a package of nine maritime conventions. We are now working to bring these instruments into force in Canada.

Canada recognizes that ratifying these conventions enables Canada to fully enforce international environmental and safety standards, and complements several government environmental priorities."

### **Market-based instruments**

4.54 The Committee recalled that resolution A.963(23) on IMO policies and practices related to the reduction of greenhouse gas emissions from ships urged the Committee to identify and develop the mechanisms needed to achieve limitation or reduction of GHG emissions from international shipping and, in so doing, to give priority, *inter alia*, to the evaluation of technical, operational and market-based solutions. Recognizing that technical and operational measures alone would not be sufficient to satisfactorily reduce the amount of GHG emissions from international shipping and, in view of projections that world trade would continue growing, market-based mechanisms had been considered by the Committee in line with the work plan agreed at MEPC 55.

4.55 It was also recalled that the Committee, at its last session, held an in-depth debate on market-based mechanisms and noted that such a mechanism could serve two main purposes: the offsetting of growing ship emissions and the provision of incentives for the maritime industry to invest in more fuel efficient ships and to operate ships in a more energy efficient way. In addition, some of the proposed market-based mechanisms could generate funds, which could be used for different climate-related purposes, such as mitigation and adaptation activities in developing countries.

4.56 Moreover, the Committee recalled that, in addition to identifying a considerable reduction potential, the Second IMO GHG Study 2009 had concluded that market-based mechanisms were cost-effective policy instruments with a high environmental effectiveness. The Committee, at its last session, having considered a large number of views and contributions on the subject; agreed by majority that a market-based mechanism was needed as part of a comprehensive package of measures for the regulation of GHG emissions from international shipping.

4.57 Finally, the Committee recalled that, at its last session, having made significant progress on the development of technical and operational measures, it had conducted an in-depth discussion on market-based mechanisms. In its willingness to further consider this complex issue and fulfil the requests of the Assembly in resolution A.963(23), the Committee agreed on a work plan for further consideration of market-based measures, building on discussions and submissions from its last, and earlier sessions. The work plan for further consideration of market-based measures stated that: "In order to carry out the work plan efficiently and effectively, the Committee agreed further that future sessions of the Committee may need to develop appropriate inclusive working arrangements".

### **Chairman's proposal for further progress**

4.58 The Committee considered paragraphs 5 to 11 of document MEPC 60/4/57, submitted by the Chairman, and recalled that Members at the last session were encouraged

to submit further detailed outlines of possible market-based measures (MBM) to this session. The Committee noted that it had received 20 session documents and four information documents from which nine distinguishable MBM proposals, or variants of some of the proposals, had been identified as listed in paragraph 6 of the mentioned document.

4.59 Although the proposals had different levels of maturity and detail, and some appeared before the Committee for the first time, from conceptual outlines to fully matured proposals with most details developed, the Committee agreed to treat all proposals equally.

#### ***Methodology for feasibility studies and impact assessments***

4.60 In accordance with paragraph 2 of the work plan for further consideration of market-based measures, the Committee agreed that, at this session, it should focus on developing the methodology and criteria for feasibility studies and impact assessments of the proposed mechanisms, giving priority to the overall impact on the maritime sectors of developing countries, while avoiding a debate on the different proposals individually in any detail – a task that should be earmarked for the next session – MEPC 61.

4.61 The Committee noted that the work plan for further consideration of market-based measures assumed, in paragraph 3, that the outcomes of feasibility studies and impact assessments would be available, preferably, to MEPC 61, thus enabling the Committee to make further progress.

4.62 The Chairman, in introducing his proposal (document MEPC 60/4/57, paragraphs 5 to 10), stated that feasibility studies and impact assessments could, in other circumstances, have been undertaken through correspondence, or specific tasks could have been covered by different Member States, or a study could have been commissioned. However, conscious of the political sensitivity attached to the issue and the limited time available prior to MEPC 61, as well as drawing on comments made when the issue was addressed at earlier sessions, he had concluded that an expert group with representative composition and clear Terms of Reference was the most workable option to undertake the feasibility studies and impact assessments.

4.63 A majority of those delegations that spoke supported the proposal of the Chairman, that the feasibility studies and impact assessments called for by paragraph 2 of the work plan for further consideration of market-based measures should be undertaken by an expert group. A number of delegations highlighted the need for balanced and representative composition of the group, representing all geographic regions, as well as all relevant stakeholders and interests.

4.64 The Secretary-General stated that the Committee's decision to undertake a feasibility study and impact assessment of the proposed MBMs as outlined in document MEPC 60/4/57, was a positive step in the right direction and that the task should be entrusted to an expert group to be composed of experts made available by Member Governments and observer organizations representing, to the extent possible, the entire geographical spread and specific interests of the Organization. As he had mentioned in his opening speech, the envisaged Group should be able to advise the Committee to make the right choice among the various MBMs proposed, and thus bring to a successful conclusion an issue of undeniable complexity and sensitivity that had attracted considerable interest in many capitals and decision-making centres all over the world.

4.65 The Secretary-General added that prompt action would be taken, in consultation with the Chairman, to ensure that all the formalities required for the composition of the expert group and all the preparatory work leading to the Group's first meeting would be carried out in a thorough and timely manner.

4.66 The delegation of Brazil, supported by the delegations of China, Cuba, India and Saudi Arabia, asserted that, in the absence of a clear outcome of the Copenhagen Conference, further work on market-based mechanisms under IMO should be postponed until after COP 16/CMP 6 that would be held in Mexico at the end of the year. Other delegations, while supporting the establishment of the group, advocated that the principle under the UNFCCC of common but differentiated responsibilities and respective capabilities should be at the forefront of the exercise.

4.67 The delegations supporting the setting up of an expert group to undertake the feasibility study and impact assessment argued that the Committee, when agreeing on the work plan at the last session, had taken into account the possibility that the Copenhagen Conference might not produce a firm outcome on GHG emissions from international maritime transport, and that this should not prevent IMO from discharging its responsibilities in contributing to the wider efforts to stem climate change. Other delegations reminded the Committee that the main goal in this regard should be the reduction of GHG emissions and not the generation of funds. Some delegations stated that developing countries might have problems in sending experts to the group due to the long distances involved and the associated costs.

4.68 The Committee agreed that it was imperative to adhere to the work plan for further consideration of market-based measures and that, in complying with paragraph 3 thereof, the Committee, at its next session, would be in a position to clearly indicate which market-based instrument it should evaluate further. It then agreed to take all the necessary steps to comply with that requirement. This included that any new or updated proposals, that might be submitted to future sessions, would not be subject to the same type of feasibility study and impact assessment by an expert group.

4.69 The Committee finally agreed that an expert group was the best available solution to undertake the feasibility study and impact assessment of market-based mechanisms called for by the work plan and the Secretary-General was requested to establish the group in close consultation with the Chairman.

#### **Selection of MBM proposals for review**

4.70 The Committee considered the proposals listed in paragraph 6 of document MEPC 60/4/57 and agreed that document MEPC 60/4/10 by the Bahamas should also be included. The Committee also agreed to make the outcome of the impact study undertaken by Germany (MEPC 60/4/54) available to the Expert Group and included it in the list of proposals. Consequently, the MBM proposals that would undergo the feasibility study and impact assessment to be undertaken by the MBM expert group were the following:

MEPC 60/4/8	Cyprus, Denmark, the Marshall Islands, Nigeria and IPTA	An International Fund for Greenhouse Gas emissions from ships
MEPC 60/4/10	Bahamas	Market-based Instruments: a penalty on trade and development

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MEPC 60/4/12	United States	Further details on the United States proposal to reduce greenhouse gas emissions from international shipping
MEPC 60/4/22	Norway	A further outline of a Global Emission Trading System (ETS) for International Shipping
MEPC 60/4/26	United Kingdom	A global emissions trading system for greenhouse gas emissions from international shipping
MEPC 60/4/37	Japan	Consideration of a market-based mechanism: Leveraged Incentive Scheme to improve the energy efficiency for ships based on the International GHG Fund
MEPC 60/4/39	WSC	Proposal to Establish a Vessel Efficiency System (VES)
MEPC 60/4/40	Jamaica	Achieving reduction in greenhouse gas emissions from ships through Port State arrangements utilizing the ship traffic, energy and environment model, STEEM
MEPC 60/4/41	France	Further elements for the development of an Emissions Trading System for International Shipping
MEPC 60/4/54	Germany	Impact Assessment of an Emissions Trading Scheme with a particular view on developing countries
MEPC 60/4/55	IUCN	A rebate mechanism for a market-based instrument for international shipping

4.71 The Committee also agreed that the documents providing comments or support on the above-listed proposals should not be introduced or considered at this session but be included in the list of documents for the MBM expert group. These documents were the following:

MEPC 60/4/43	France, Germany, Norway and the United Kingdom;
MEPC 60/4/49	Greece;
MEPC 60/4/51	Japan; and
MEPC 60/4/53	Greenpeace International and WWF.

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***Terms of Reference for the feasibility study and impact assessment***

4.72 The Committee considered paragraph 11 of document MEPC 60/4/57 and document MEPC 60/WP.7, both submitted by the Chairman, on the criteria to be applied in the feasibility study and impact assessment. The Committee noted that a number of submissions both to this and earlier sessions provided input to this debate and that the Secretariat had been requested to summarize relevant submissions and to present possible options on how such criteria may be organized and articulated to facilitate the Committee's debate on this vital subject.

4.73 The Chairman, in his introduction, noted that the Secretariat had identified two possible approaches based on a range of submissions and found that the criteria might either be in the form of a high level approach – called "Bird's view approach" in annex 1 of document MEPC 60/WP.7, whereby the Expert Group would agree on the detailed criteria, or a more detailed approach – called "Bottom-up approach" in the note, whereby the Committee would agree on detailed criteria during the session. The two approaches could also be combined by using the first one as the scope of the exercise and the second one giving the detailed criteria to be applied in the in-depth assessment or evaluation of the proposals.

4.74 The Committee noted that the Secretariat had taken into account the following submissions in preparing annex 1 to document MEPC 60/WP.7: MEPC 60/4/54 by Germany; MEPC 60/4/13 by ICS; and MEPC 60/4/50 by OCIMF. The Committee developed the criteria further, based on comments and input provided by Member States and observer organizations.

4.75 The Committee considered the work arrangements and the draft Terms of Reference (ToR) for the Expert Group as set out in the annex to document MEPC 60/4/57, and developed the ToR further based on comments and input provided by Member States and observer organizations.

4.76 A number of delegations expressed the view that a reference to the fundamental principle under the UNFCCC and its Kyoto Protocol of common but differentiated responsibilities (CBDR) and respective capabilities for developing and developed countries should be included in the Terms of Reference for the Expert Group. Some delegations advocated that IMO should not develop a market-based mechanism for international shipping until the matter of emissions from international maritime transport was resolved under the UNFCCC negotiations. Other delegations argued that the development of an MBM for international shipping was outside the mandate of IMO and should be left to the UNFCCC.

4.77 Other delegations reasoned that the principle of CBDR was well covered in the wording of the draft ToR, although not spelt out. The study/assessment would give priority to assessing possible impacts on the maritime sectors of developing countries and the difference in socio-economic capabilities between developing and developed countries, the need for capacity-building and transfer of technology, as well as assessing the relation with the UNFCCC and its Kyoto Protocol, which would cater for the concerns expressed. It was noted that the principle of CBDR could be used as a yardstick by Member States to evaluate the conclusions of the Expert Group, when considering the outcome and deciding which MBM proposal should be developed further, in line with the work plan agreed by MEPC 59.

4.78 It was also noted in the debate that the Expert Group should present facts and data, and not consider policy aspects, leaving such considerations to the Committee when weighing up the outcome of the study/assessment.

4.79 The Committee agreed, pending any relevant submissions, that policy issues, including the issue of how IMO could accommodate the principle of CBDR in an effective future GHG control regime for international shipping, should be debated at the next session.

4.80 A large number of delegations expressed the view that the ToR were well balanced and, in welcoming the meticulous efforts made by the Chairman and the Secretary-General to bring together all the views and concerns, expressed that they were ready to contribute to the work of the Expert Group should they be called upon to do so.

4.81 The delegations of Brazil, China, India, Saudi Arabia and the Bolivarian Republic of Venezuela could not agree to the ToR for the Expert Group and reserved their positions.

4.82 After a lengthy exchange of views, the Committee agreed, by majority, to the Terms of Reference for the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures (MBM-EG), as set out in annex 8.

### **Statements by a number of delegations**

4.83 The delegations of China, Saudi Arabia, Brazil, South Africa, India and Venezuela made statements on the establishment of the Expert Group on market-based measures and other related issues. As requested, the statements (listed in the order of interventions) are set out in annex 9.

### **Remarks by the Secretary-General**

4.84 Referring to this matter in his closing remarks, which are reproduced in their entirety in document MEPC 60/INF.25, the Secretary-General reiterated, among other things, the suggestion he made in his opening speech that the Group of Experts should be small in size to enhance its effectiveness and that it should comprise the right persons who, acting in their personal capacity, should rise above partisan interests and, by putting those of the globe above national and other interests they might otherwise be associated with, act in the best interests the Committee aims to serve.

In that respect, he appreciated the Committee's trust in him to proceed with the composition of the Expert Group – a matter he would pursue expeditiously in consultation with the Chairman and delegates representing the full spectrum of views expressed.

He shared with the Committee that, in the composition of the Group, he intended to include experts on the basis of criteria that would ensure participation of representatives of:

- Members that had proposed MBMs;
- an equitable geographical spread, to the extent possible;
- an equitable representation of developed and developing countries; and
- a reasonable spread of industry and environmental groups.

As to the Chairman of the Group, having consulted several members, he proposed the Chairman of the Committee to take over as a way of ensuring continuity in the handling of a matter of undeniable complexity and sensitivity, while recognizing that the Committee would also be investing in a man whose credentials of objectivity, impartiality and neutrality were beyond doubt.

4.85 The Committee agreed by an overwhelming majority to the Secretary-General's proposal that its Chairman should also chair the Expert Group, a decision that the Chairman accepted graciously.



### ***Legal aspects and application principles***

4.86 The Committee noted that the legal aspects and application principles would be considered in detail by the Expert Group for each proposal under review and should, therefore, not be debated as separate issues. The documents deferred from MEPC 58 and MEPC 59, as listed in paragraph 2 of document MEPC 60/4, were, in accordance with paragraph 4.3 of the Committee's Guidelines, not introduced in plenary. Members were invited to submit updated documents to future sessions on any outstanding matters, with the possibility of making reference to former submissions to avoid reprinting of text that was still relevant.

### **Information documents on GHG issues**

4.87 The Committee noted the following information documents and working papers:

MEPC 60/INF.6 by Finland and Sweden, on Impact of the ice-class correction factors  $f_i$  and  $f_j$  on calculation of EEDI (that would be taken into account by the working group);

MEPC 60/INF.7 by Denmark on the effects on sea transport cost due to an International Fund for GHG emission for ships (that would be taken into account by the MBM expert group in connection with review of document MEPC 60/4/8);

MEPC 60/INF.8 by France, providing practical aspects of a global emissions trading scheme for international shipping (that would be taken into account by the MBM expert group in connection with review of document MEPC 60/4/41);

MEPC 60/INF.12 by the World Bank on climate change mitigation finance in the maritime sector;

MEPC 60/INF.18 by the Secretariat, providing an assessment of the energy efficiency measures for the control of GHG emissions from ships agreed by MEPC 59 (that would be taken into account by the working group);

MEPC 60/INF.19 by Norway, providing updated Marginal Abatement Cost Curves for shipping (that would be taken into account by the working group);

MEPC 60/INF.20 by FOEI, on new inventories on short-lived climate forcing aerosols from international shipping in the Arctic;

MEPC 60/INF.21 by the Secretariat providing the outcome of a scientific study on international shipping and market-based instruments;

MEPC 60/INF.23 by the Secretariat, on the development of a draft model course for energy efficient ship operations by the World Maritime University;

MEPC 60/WP.5 by the Secretariat, providing Information to facilitate discussion on GHG emissions from ships; and

MEPC 60/WP.6 by the Secretariat, containing communication with the IPCC on CO<sub>2</sub> Conversion Factors (that would be taken into account by the working group).

### **Reduction targets for international shipping**

4.88 The Committee recalled that, at the last session, there was a general agreement that the topic of reduction levels should be revisited at this session and invited additional contributions to ensure an informed debate in order to advance on the issue satisfactorily. The Committee noted that reduction potential would be considered for each of the proposed market-based measures as part of the impact assessment.

4.89 The Committee would need to consider whether the international maritime sector should be subject to an explicit emission ceiling (cap) or a reduction target comprising the entire world fleet of merchant vessels. The paramount questions would be how and by which international organization such a cap or reduction target should be established. Other questions related to a cap or a target line would include the methodology by which the cap/target is set and maintained as well as the possible connection with other transport modes and how they are regulated internationally.

4.90 The Committee considered document MEPC 60/4/23 by Norway on alternative emissions caps for shipping in 2020 and 2030. In introducing the document, the delegation of Norway, underlined that the issue of setting a cap would be important in the further deliberations of the Committee. Using examples for various national emission commitments and policies on reduction commitments in future agreements under the UNFCCC as a basis, corresponding global emission caps for shipping were calculated using a methodology based on marginal costs of measures. A cap could be used in an emission reduction mechanism for shipping.

4.91 The Committee also considered document MEPC 60/4/28 by the World Shipping Council (WSC) on emission caps and reduction targets for the shipping sector. The observer delegation of WSC, in its introduction, argued that the policy approach and targets for the maritime sector should be consistent with the approach taken for the entire transportation sector across the world. The targets should be substantive and applicable to improving the relative efficiency of the world's fleet and not caps. WSC and its member companies believed that IMO should articulate targets for further improving the efficiency of the world's fleet – applicable to both new and existing ships – that would deliver real energy efficiency improvements in the maritime transportation sector itself.

4.92 The delegation of IUCN made reference to relevant parts of its submission (MEPC 60/4/55) that described how to eliminate the need for a global cap on international shipping's GHG emissions. The emission price for shipping would be linked to the carbon price established by other sectors. A share of a country's imports was proposed as a key to calculate a country's usage of international shipping. The key could be used for accounting purposes and was readily available.

4.93 The Committee agreed that the debate on the reduction targets was a vital part of the Organization's GHG work, which would need further progress at the next session, so that the Committee may be closer to a conclusion at MEPC 61 with the aim of finalizing the matter simultaneously with the culmination of the work plan for further consideration of market-based measures at MEPC 62 in July 2011. Interested delegations were invited to submit further input to the next session to assist the Committee in its work on this issue.

### **Other GHG issues – Black carbon and the Arctic**

4.94 The Committee considered document MEPC 60/4/24 by Norway, Sweden and the United States, on reduction of black carbon from shipping in the Arctic. On behalf of the

co-sponsors, the delegation of Norway underlined the severe effects that emissions of black carbon have on climate change and pollution in the Arctic. Black carbon could accelerate global warming and ice melting and needed the focus of IMO. Because of the incomplete combustion of marine fuel oil, shipping was a significant source of such emissions and due to the expected increase in shipping activity in the Arctic region, the problems with emissions of black carbon from shipping would increase. The document contained proposed response actions to be established by IMO and the co-sponsors invited the Committee to take action on these proposals.

4.95 The Committee had a brief exchange of views on whether separate action was needed to reduce shipping impacts in the Arctic region and how this should relate to the general work on prevention of air pollution from ships under MARPOL Annex VI and the Organization's work on control of ships' GHG emissions. The Committee agreed that ship's emissions of black carbon and other particulate matter affecting the Arctic region needed to be addressed specifically as an integral part of the Organization's work on prevention of air pollution from ships and its contribution to combat climate change and global warming. It agreed also that the matter should be revisited at the next session and invited interested delegations to submit proposals for specific pollution control measures to facilitate progress.

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

5.1 The Committee recalled that MEPC 59 had approved, with a view to adoption at this session, draft amendments to:

- .1 MARPOL Annex I on the use or carriage of oils in the Antarctic area (MEPC 59/24, paragraph 10.20 and annex 28); and
- .2 MARPOL Annex VI on the North American Emission Control Area (MEPC 59/24, paragraph 4.32.13 and annex 11).

5.2 The Committee noted that the texts of both approved amendments were circulated on 31 July 2009 by the Secretary-General under cover of Circular letter No.2986, in accordance with the provisions of article 16(2)(a) of the 1973 MARPOL Convention.

5.3 The Committee also recalled that MEPC 59 had agreed, in principle, that a drafting group would be established at MEPC 60 to make any editorial changes to the draft amendments, as necessary, before adoption by the Committee.

### **Amendments to MARPOL Annex I (use or carriage of oils in the Antarctic area)**

5.4 The Committee noted that the proposed amendments to MARPOL Annex I, as shown in the annex to document MEPC 60/5, concerned the inclusion of a new chapter 9, entitled "Special requirements for the use or carriage of oils in the Antarctic area" incorporating a new regulation 43. The main characteristics of the proposed new regulation are to:

- .1 establish a ban on the use or carriage as cargo of heavy grade oils;
- .2 make an exception for SAR and salvage vessels; and
- .3 determine that cleaning of tanks/piping if heavy grade oil was carried previously is not required.

5.5 The Committee agreed to refer the draft amendments to the Drafting Group for editorial review.

#### **Amendments to MARPOL Annex VI (North American Emission Control Area)**

5.6 The Committee noted that the draft amendments to MARPOL Annex VI relate to regulations 13.6 and 14.3 of this Annex for the establishment of the North American Emission Control Area. Document MEPC 60/5/1 provided the basic text of the draft amendments as approved by MEPC 59 with the text of regulation 13.6 contained in square brackets, stipulating that the boundaries of the proposed ECA "will be replaced by full coordinates".

5.7 The Committee noted further that document MEPC 60/5/2 set out the full coordinates of the proposed ECA, as provided by the United States, comprising the sea areas off the Pacific coasts of the United States and Canada; off the Atlantic coasts of the United States (including the US part of the Gulf of Mexico), Canada and France; and off the coasts of the Hawaiian Islands. The proposal to add a new Appendix VII to MARPOL Annex VI to set out the full coordinates for this ECA was made in recognition of the fact that these coordinates are rather extensive and, if included in the short text of the amendments, they would make regulation 14.3 of Annex VI look cluttered.

5.8 The Committee noted that the Canadian Minister of Transport, in his letter of 17 March 2010 to the Secretary-General of IMO, had given his "highest assurances that Canada's ratification of MARPOL Annex VI was imminent", following the adoption by the Canadian Parliament of a package of nine maritime conventions, including MARPOL Annex VI, on 23 November 2009, and stated that Canada placed a particular priority on the adoption of the North American Emission Control Area, an initiative with which they were partners with the United States and France.

5.9 The delegation of Canada anticipated that the required instrument of accession would be deposited with the Secretary-General during this session of the Committee<sup>1</sup>.

5.10 The Committee agreed to refer the draft amendments to the Drafting Group for editorial review.

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

5.11 The Committee established the Drafting Group under the chairmanship of Mr. Zafrul Alam (Singapore) and instructed it to:

"Using documents MEPC 60/5, MEPC 60/5/1 and MEPC 60/5/2 as a basis:

- .1 review and finalize the texts of the draft amendments to MARPOL Annex I (Use or carriage of oils in the Antarctic area) and MARPOL Annex VI (North American Emission Control Area);
- .2 prepare two draft MEPC resolutions for adoption of the two sets of amendments to MARPOL Annex I and Annex VI, respectively; and
- .3 submit a written report to the plenary on Thursday, 25 March 2010."

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<sup>1</sup> See paragraph 4.53 of this report.

### Report of the Drafting Group and action taken by the Committee

5.12 In introducing the report of the Drafting Group on Amendments to Mandatory Instruments (MEPC 60/WP.10), the Chairman, Mr. Zafrul Alam (Singapore), highlighted the following:

- .1 with regard to the draft amendments to MARPOL Annex I, the Drafting Group had included, in the final sentence of draft regulation 43.1, a reference to the definition of the "Antarctic area" contained in MARPOL Annex I, regulation 1.11.7;
- .2 in respect of the draft amendments to MARPOL Annex VI, the Drafting Group had used document MEPC 60/5/2 as the base text, and had noted the confirmation by the delegations of Canada and the United States that their Administrations had carefully checked the coordinates of the North American Emission Control Area, as shown in the draft amendments;
- .3 noting that these coordinates were based on the "North American Datum of 1983/World Geodetic System 1984 (NAD83/WGS84)", the Drafting Group had deleted this reference from the text of the draft amendments, as no source references for coordinates are recorded in the MARPOL Convention describing sea areas (e.g., "Special Areas" under Annex I). The Drafting Group agreed to recommend that, after adoption of the amendments by the Committee, this reference should be included in an MEPC circular with information on the North American Emission Control Area, together with a map; and
- .4 the Drafting Group also agreed to recommend that the draft Appendix VII should be used solely to describe the coordinates of the North American Emission Control Area. In this way, the Committee would have the freedom, if a new ECA is proposed in the future, to consider only an amendment to the relevant regulations, or to add another appendix to the revised MARPOL Annex VI, depending on the length of the coordinates of such an ECA.

5.13 The Committee approved the report of the Drafting Group in general and, in particular:

- .1 endorsed the recommendation to use the draft Appendix VII to MARPOL Annex VI solely for describing the coordinates of the North American Emission Control Area;
- .2 confirmed the dates in both draft MEPC resolutions concerning the "deemed acceptance" (1 February 2011) and "entry into force" (1 August 2011) of the new amendments, in accordance with articles 16(2)(f)(iii) and 16(2)(g)(ii), respectively, of the 1973 MARPOL Convention;
- .3 adopted, by resolution MEPC.189(60), amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Addition of a new chapter 9 to MARPOL Annex I), as set out in annex 10;

- .4 adopted, by resolution MEPC.190(60), amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (North American Emission Control Area), as set out in annex 11;
- .5 instructed the Secretariat to check the amendments carefully for any editorial omissions and, if necessary, insert these in the final text of the amendments; and
- .6 instructed the Secretariat also to prepare and disseminate an MEPC circular in relation to paragraph 5.12.3, as shown above.

5.14 The Committee expressed appreciation to Mr. Zafrul Alam (Singapore) and the members of the Drafting Group for the work done.

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

6.1 The Committee noted that, at the current session, 15 substantive and two information documents had been submitted under this agenda item.

6.2 The Committee agreed to consider the documents in the following order: (1) those proposing amendments to MARPOL Annex IV and comments thereto; (2) those proposing amendments to MARPOL Annexes I and II and comments thereto; (3) one document proposing amendments to MARPOL Annexes I, II, IV, V and VI (waste reception facilities in ship recycling sites); (4) one document proposing amendments to MARPOL Annex III; (5) progress report of the correspondence group for the review of MARPOL Annex V and comments thereto; and (6) a proposal for Interim guidelines for the Oil Record Book and comments thereto.

### **Proposed amendments to MARPOL Annex IV**

6.3 The Committee recalled that, at MEPC 59, it had considered a proposal by WWF (MEPC 59/14) to encourage voluntary restraint by passenger ships to discharge sewage into the Baltic Sea and other closed or semi-closed seas to address the problem of eutrophication due to the presence of nutrients in the discharged sewage. The proposal had been supported by the delegation of Finland who announced that the Baltic States, working through the Helsinki Commission, would submit a proposal to amend MARPOL Annex IV to a future session of the Committee. As a result of the debate, the Committee had agreed to issue MEPC.1/Circ.685 encouraging all passenger ships trafficking in closed or semi-closed seas to refrain from discharging their waste water into the sea.

6.4 The delegation of Finland introduced documents MEPC 60/6/2 and MEPC 60/6/3 (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russian Federation and Sweden) proposing to amend regulations 1, 9 and 11 of MARPOL Annex IV as well as the Form of International Sewage Pollution Certificate, with the aim of incorporating the concept of Special Area, now absent in the Annex, and establishing a ban for the discharge of sewage from passenger ships within those areas except when complying with new strict standards for nutrient concentration in the effluent. The Baltic Sea was proposed for designation as a Special Area under MARPOL Annex IV. An amendment to the Revised guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.159(55)) setting up a new nutrient removal standard was also proposed.

6.5 The Committee noted that the rationale for the proposal contained the following elements, *inter alia*:

- .1 eutrophication, caused by high inputs of nutrients (nitrogen and phosphorus), is the major threat to the Baltic Sea;
- .2 although nutrient discharges into the sea come mainly from land-based sources, shipping, especially passenger ships, are a cause for concern since they use basically the same routes and the burden of sewage discharges is concentrated in restricted areas;
- .3 the Baltic Sea is quite shallow and, due to the very slow water exchange rate (3% per year), nutrient inputs have a long-lasting effect on the entire sea. Ice conditions over winter also add up to this burden;
- .4 an Action Plan for the restoration of the Baltic Sea, approved by the Baltic Sea States in 2007, provides a holistic approach to address eutrophication from both land-based and shipping sources;
- .5 the proposal to include the concept of Special Areas in the text of MARPOL Annex IV and designate the Baltic Sea as such an Area did not entail a ban on the operation of passenger ships in the Baltic Sea, but rather was aimed at setting up strict standards for the discharge of sewage from those ships, which would otherwise have the option to deliver their sewage to port reception facilities; and
- .6 regarding the availability of adequate port reception facilities in the area, the Baltic Sea States were working at present to improve the situation, by targeting the top five passenger ports where 80% of ship-source sewage is discharged.

6.6 The Committee noted that Denmark and co-sponsors, in document MEPC 60/6/3, also proposed amendments to the Guidelines for the Designation of Special Areas (resolution A.927(22)) in order to include "sewage" in the list of substances (oil, etc.) and citing MARPOL Annex IV in line with other MARPOL Annexes in the text of the resolution.

6.7 The Committee noted information document MEPC 60/INF.4 (Denmark *et al.*) with information and statistical data in support of the proposal.

6.8 The Committee noted further the support by WWF, in document MEPC 60/6/13, for the proposal by Denmark and co-sponsors. In the document, WWF provided data on voluntary compliance with the Guidelines (MEPC.1/Circ.685) circulated after MEPC 59, by three cruise and ferry shipping companies.

6.9 CLIA, in document MEPC 60/6/14, reiterated its opposition to the proposed amendments and measures, previously expressed at MEPC 59. In the view of CLIA, the proposal would entail, *inter alia*, unfair demands from shipping which would be more stringent than those applied to discharges from land-based sources. At present, inadequacy of port reception facilities for passenger ship-source sewage in the Baltic Sea was a serious obstacle to implementation of any discharge ban in the area.

6.10 The Committee noted information document MEPC 60/INF.22 (CLIA), providing information in support of its position against the establishment of a MARPOL Annex IV Special Area in the Baltic Sea.

6.11 The Committee considered document MEPC 60/6/15 (ICS, CLIA and INTERFERRY), expressing opposition to the proposed amendments on account of the small contribution of shipping to the total nutrients' discharge into the Baltic Sea; that existing technology was unable to comply with the proposed standards for sewage treatment plants on board passenger ships; that no provision was made for Special Area status to take effect only when adequate reception facilities were in place (contrary to current provisions in MARPOL Annexes I and V); and that existing port reception facilities in the area were totally inadequate for passenger ships carrying thousands of people on board.

6.12 The Committee held a debate on the proposal by Denmark and co-sponsors and comments by CLIA, ICS and INTERFERRY.

6.13 In the ensuing discussion, many delegations expressed their support for the proposals.

6.14 A number of delegations, while supporting the proposals in principle, expressed concerns on the following grounds:

- .1 the restrictions on the discharge of sewage would apply to passenger ships only, which appeared to be inconsistent with MARPOL regulations that, generally, apply to all ships, or to oil tankers, depending on the scope of specific regulations;
- .2 the more stringent standards concerning nutrient concentration in the effluent, proposed for sewage treatment plants on board passenger ships, posed doubts as to the existence of such equipment for installation on board ships; and
- .3 the proposal lacked the provision (present in other MARPOL Annexes) that the amendments would not enter into force until the concerned Parties had notified the Organization of the existence of adequate port reception facilities with sufficient capacity for accepting large quantities of sewage from passenger ships. Regulation 5(4)(b) of MARPOL Annex V was cited as appropriate text with necessary changes for inclusion in the proposed amendments in that respect.

### **Procedural concerns**

6.15 A number of delegations raised the issue of whether the appropriate procedure had been followed in the submission of the proposal. In their view, the submission should have followed the strict provisions of the Committee's Guidelines (MSC-MEPC.1/Circ.2) concerning proposals for new work programme items, which would be the appropriate way to deal with this matter entailing important and far-reaching amendments to an Annex of MARPOL, since the scope of agenda item 6 would rather be limited to considering those amendments which are necessary to ensure that MARPOL remains with a sure reflection of best practice and the use of appropriate equipment and methodology to ensure its continuing currency.

6.16 Other delegations were of the view that item 6 had been a standing item in the Committee's agenda for a long time, under which many important amendments to MARPOL had been considered and approved in the past and there was no compelling reason for deviating from previous practice in this case.



6.17 Several delegations, in supporting the views of CLIA, ICS and INTERFERRY, expressed disagreement with the proposed amendments. In their opinion, the standards proposed for sewage discharges from passenger ships were not right as they penalized shipping more than land-based industries; the Guidelines for the designation of Special Areas under MARPOL (resolution A.927(22)) should be amended first in order to include MARPOL Annex IV within its scope; and utmost care should be taken not to develop new provisions whose implementation was dependent on technologies (upgraded sewage treatment plants) which currently are not available for marine applications.

### **Chairman's summing-up**

6.18 In concluding the debate, the Chairman stated that the majority of the Committee had agreed to the proposal to amend MARPOL Annex IV to include the concept of Special Areas; to designate the Baltic Sea as a Special Area; and to impose a strict standard for the discharge of nutrients in the sewage from passenger ships within the proposed Baltic Sea Special Area. However, the following concerns should be addressed:

- .1 adequacy of port reception facilities for large quantities of sewage from passenger ships in all relevant ports in the area;
- .2 availability of sewage treatment plants capable of dealing with the strict standards proposed for nutrient content in the effluent;
- .3 proposed application to passenger ships only; and
- .4 inclusion of appropriate provisions in the proposed amendments that the taking effect of the discharge requirements within the new Special Area would not occur until the Baltic States had communicated to the Organization the existence of adequate reception facilities.

6.19 The Chairman concluded by indicating that the best way forward at this stage was for the submitters to take into account the above concerns and refine their proposal by submitting a supplementary document which should set out all proposed amendments to MARPOL Annex IV, including text by using regulation 5(4)(b) of MARPOL Annex V as a basis on the provision of port reception facilities, to MEPC 61 for approval and subsequent circulation with a view to adoption at MEPC 62.

6.20 The Committee agreed to the summing up by the Chairman.

6.21 On the procedural issue raised by some delegations, the Committee recognized that the inclusion of an open-ended, permanent item in the Committee's agenda dealing with any proposed amendments to MARPOL was a matter that would need further thought, and encouraged delegations to submit their views on this issue to a future session of the Committee.

### **Proposed amendments to MARPOL Annexes I and II**

6.22 The Committee considered document MEPC 60/6/4 (Australia and SPREP) proposing amendments to MARPOL Annexes I and II, intended to incorporate in MARPOL the understanding, first reached at MEPC 49, that regional arrangements are an acceptable way to satisfy MARPOL obligations to provide reception facilities. In this context, the Committee recalled that, at MEPC 55, it had recognized the benefits of having regional agreements, and it had also invited Members to submit proposals to future sessions of the Committee. MEPC 58 had considered a document by Australia and others (MEPC 58/9) and

had agreed that appropriate amendments to relevant MARPOL Annexes should be submitted in order to deal with the issue in an appropriate manner.

6.23 The Committee noted that the United States, in document MEPC 60/6/12, expressed its support, in principle, for the proposed amendments with the proviso that the Organization should not undertake to approve or disapprove regional arrangements as it does not approve reception facilities under any other circumstances and that MARPOL Annexes IV, V and VI should also be amended.

6.24 In the debate that followed, the following points were made:

- .1 the issue of MARPOL Annex II pre-wash requirements at the port of unloading was not adequately addressed in the proposed amendments. In particular, no allowances should be made in respect of one of the strongest requirements in Annex II concerning the obligation to perform pre-wash operations for certain cargoes in the unloading port;
- .2 consideration should be given to the possible need to amend Article 11(d) of the 1973 MARPOL Convention in order to authorize Regional arrangements for port reception facilities;
- .3 regional arrangements should be established only in small island developing States for which these arrangements had been first considered with a view, *inter alia*, to encourage accession to MARPOL to those States that might have difficulties in providing reception facilities as a fundamental obligation for MARPOL Parties; and
- .4 concerns were expressed on the possible need to deviate from their commercial route for ships to be able to deliver their wastes to port reception facilities forming part of a regional scheme.

6.25 In finalizing the discussion, the Committee, recognizing that there were concerns that should be addressed before the proposed amendments could be approved, endorsed the proposal by the Chairman to encourage interested delegations and observers to resolve the outstanding issues and submit a joint document to MEPC 61 with draft amendments to MARPOL Annexes I, II, IV, V and VI, institutionalizing regional arrangements and draft guidelines for establishing those arrangements.

6.26 In addition, the Committee acknowledged that any regional arrangements were intended only for specific regions of the world, especially small island developing States, and that this understanding should be clearly stated in the draft amendments or guidelines.

#### **Proposed amendments to MARPOL Annexes I, II, IV, V and VI**

6.27 The Committee considered document MEPC 60/6/6 (Islamic Republic of Iran), proposing amendments to all regulations concerning port reception facilities in MARPOL Annexes I, II, IV, V and VI in order to impose the obligation to have adequate reception facilities at ship recycling yards.

6.28 In the ensuing debate, many delegations supported the proposal by the Islamic Republic of Iran although it was recognized that it might benefit from its consideration by a specialized body, such as the FSI Sub-Committee or the Committee's own Ship Recycling Working Group.

6.29 Several delegations stated that the issue was within the scope of the Hong Kong Convention and that amendments to MARPOL did not appear to be necessary in this case.

6.30 In concluding, the Committee agreed to instruct the FSI Sub-Committee to consider the issue under its agenda item on Port reception facilities-related issues, in its forthcoming meeting in July this year, and report to MEPC 61 in September-October when the outcome of FSI 18 would be given further consideration.

### **Proposed amendments to MARPOL Annex III**

6.31 The Committee considered document MEPC 60/6/5 (Islamic Republic of Iran), making a case for the need to provide waste reception facilities for goods subject to MARPOL Annex III (Harmful substances in packaged form) which may have been damaged and cannot be returned to the shipper due to safety and environmental considerations. In the view of the submitter, this issue should be addressed properly by inserting an adequate provision in MARPOL Annex III.

6.32 In the debate that followed, several delegations supported the proposal by the Islamic Republic of Iran. It was recognized, however, that the issue might need further consideration since damaged cargoes do not constitute ship's operational wastes *per se*; and relevant provisions in the IMDG Code, international legislation for the transport of dangerous goods, or local port regulations, already had provisions covering re-packaging or disposal of damaged harmful substances in packaged form.

6.33 Following an intervention by the Chairman of the DSC Sub-Committee, the Committee concluded that further consideration should be given to the proposal in a specialized subsidiary body and agreed to instruct the DSC Sub-Committee to further consider it under the item on Any other business in its agenda and report to MEPC 62. The Committee also invited the Islamic Republic of Iran to provide further information to the Sub-Committee, including concrete wording concerning the proposed amendment to MARPOL Annex III.

### **Progress report of the Correspondence Group for the review of MARPOL Annex V**

6.34 The Committee considered document MEPC 60/6/1 (New Zealand, as coordinator of the correspondence group\*) containing a progress report on the review of MARPOL Annex V. The Committee noted that the final report, with proposed amendments to the existing Annex V, would be submitted to MEPC 61 in accordance with the Terms of Reference agreed at MEPC 59 (see MEPC 59/24, paragraph 6.43) and that the group had made noticeable progress in identifying existing regulations that do not need amendment; definition of garbage types permitted for discharge; addressing the complex issue of cargo residues including hold wash water; garbage management plans and placards; and waste minimization.

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- 6.35 In the course of the debate, the following views were expressed, *inter alia*:
- .1 on the issue of a possible ban on discharge of hold wash water within Special Areas, it was suggested that the best approach would be to specify those cargoes whose discharge was not allowed. In any case, the criteria set up in document MEPC 55/6/3 (Norway) could be used as guidance;
  - .2 regarding the question of vessel length requiring placards (either 10 or 12 metres), there was no conclusive view of the Committee;
  - .3 the possible categorization of animal carcasses as garbage, or spoiled cargo, as well as its possible incineration on board for health and safety reasons, spurred a lively debate, again without a conclusive view;
  - .4 some delegations supported a total ban on the discharge of incinerator ashes while others could not agree to an outright prohibition;
  - .5 the term "small amounts" should be understood as those remnants of cargo left on deck and inside the hold after sweeping; and
  - .6 the discharges of food waste in the Antarctic area should be prohibited.

6.36 The delegation of Japan stressed the need to seek pragmatic and feasible solutions for the discharge of garbage from ships. In that respect, the goal of zero discharges was not considered an option however inviting that possibility would appear to be. In order to prohibit all discharges, a thorough research should be conducted to ensure that all ports, terminals and sea buoys accepted all kinds of garbage. Consideration should be given to the fact that some types of garbage might be quite difficult to keep on board, especially during long voyages due to lack of space or health concerns. Finally, on the issue of lost fishing gear, the delegation highlighted the importance of collaborating with regional fisheries management organizations, or other international bodies, such as FAO.

6.37 Following the debate, the Committee instructed the correspondence group to take into account the comments made at the current session with a view to its final report to MEPC 61 incorporating a draft revised MARPOL Annex V and, in case no agreement could be reached within the group on any contentious issues, to leave those between square brackets for the Committee to decide upon.

6.38 The Committee, noting that document MEPC 60/6/11 (Islamic Republic of Iran) addressed matters currently under discussion within the correspondence group, thanked the delegation for its comments and agreed to request the correspondence group to take them into account in the course of its deliberations.

6.39 FOEI, in document MEPC 60/6/8, reported on the problem of increasing presence of litter in the oceans and, in the context of the review of MARPOL Annex V, requested the Committee to improve Annex V by addressing several issues, *inter alia*: clear rules with robust compliance requirements; clear communication to onboard personnel and passengers; making a closed measurable system; total ban on discharge of incinerator ashes; phasing out of onboard incineration of waste; obligation to deliver waste to port reception facilities which should be harmonized worldwide; and improved waste management as a business practice.

6.40 The Committee thanked FOEI for its comments and requested the correspondence group to take them into account in the course of its deliberations.

6.41 Greece, in document MEPC 60/6/9, invited the Committee to note the findings of a survey conducted by HELMEPA on behalf of UNEP/MAP which reported on the worrying state of the Mediterranean Sea as regards marine litter, including plastics and cigarette filters, the latter, together with other smoking-related rubbish, accounting for 40% of total marine litter. Although it would appear that 80% of that litter is from land-based sources, a considerable part of it can be traced to ocean-based activities.

6.42 The Committee thanked Greece for its submission and requested the correspondence group to take it into account in its deliberations.

### **Proposed Interim guidelines for recording operations in the Oil Record Book, parts I and II**

6.43 The Committee recalled that at, MEPC 59, the delegation of Denmark had announced its intention to submit draft interim guidelines to be applied in conjunction with the amendments to MARPOL Annex I adopted at that session of the Committee (resolution MEPC.187(59)) and which are expected to come into force on 1 January 2011.

6.44 The Committee recalled also that the amendments to MARPOL Annex I relate to improved, or new, definitions for oil residue (sludge), oil residue (sludge) tank, oily bilge water and oily bilge water holding tank. In addition, regulation 12 on Tanks for oil residue (sludge) was also amended and consequential amendments to the IOPP Certificate Supplement and Oil Record Book were also adopted. The draft interim guidelines are meant to facilitate compliance with the new requirements.

6.45 Denmark, in introducing document MEPC 60/6, stressed that the proposed Interim guidelines are intended to give instructions to ship crews on how to record the various operations in the Oil Record Book by using the correct codes and item numbers in order to ensure a more uniform port State control procedure. The interim guidelines had been developed on the basis of work carried out by the DE Sub-Committee when developing the amendments to MARPOL Annex I that were mainly intended to facilitate compliance with its requirements.

6.46 INTERTANKO, in document MEPC 60/6/7, brought the attention of the Committee to its own Guidelines for Correct Entries in the Oil Record Book, Part I, which is widely used by industry and has been constantly updated and improved over the years, taking into account developments at the MEPC. INTERTANKO suggested a series of technical adjustments to the text proposed by Denmark to make it compatible with its own publication.

6.47 The Islamic Republic of Iran, in document MEPC 60/6/10, proposed to add some new language in the General Section of the draft interim guidelines proposed by Denmark to the effect that, in case the Oily Water Separator is not functional, a vessel may still be allowed to depart from a port under the discretion of the port authorities, provided that an exemption is issued by the Administration and next port of call is informed. The Committee, however, did not agree to this proposal.

6.48 The delegation of the Marshall Islands was of the opinion that there were a number of inconsistencies between the wording used in the proposed guidelines and the language in MARPOL which could prove confusing, especially to port State control officers; and suggested that approving the guidelines at the current session would be premature.

6.49 In concurring with this view, the Committee agreed to invite the concerned delegations (especially Denmark and INTERTANKO) to work together in the intersessional period addressing the concerns expressed above and submit a joint document to MEPC 61.

### **IMO Manual on Oil Pollution, Section I**

6.50 On a different issue, the observer delegation of IACS informed the Committee that the amendments to MARPOL Annex I on Prevention of pollution during transfer of oil between oil tankers at sea adopted at MEPC 59 (resolution MEPC.186(59)), were expected to come into force on 1 January 2011 and that, in accordance with new regulation 41.2, oil tankers would have to be provided with an STS Operations Plan taking into account the information contained in the best practice guidelines for STS operations identified by the Organization, such as the "Manual on Oil Pollution, Section I". Following demand by the industry, classification societies were in the course of drafting such manuals, however the current IMO Manual on Oil Pollution was outdated and the revised Manual was still under discussion in the OPRC-HNS Technical Group which caused uncertainty as to how to comply with the requirement.

6.51 The Committee, having considered the matter, agreed that until the final draft of the Manual was considered, with a view to approval by the Committee at MEPC 61, STS Operations Plans could, in the interim, be approved using the latest draft of the Manual as set out at annex to MEPC/OPRC-HNS/TG 10/3/1.

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

7.1 The Committee considered five documents under this agenda item as follows: MEPC 60/WP.1, Report of the tenth meeting of the OPRC-HNS Technical Group; MEPC 60/7 (Secretariat), Aerial observation of oil pollution at sea – operational guide; MEPC 60/7/1 (ROPME), Report on implementation of the OPRC Convention in ROPME Member States; MEPC 60/INF.10 (Islamic Republic of Iran), Regional Joint OSR-SAR Exercise in the Caspian Sea; and MEPC 60/INF.13 (Republic of Korea), Construction of an Oil Spill Training Facility by the Korean Government for the implementation of the OPRC Convention.

### **Report of the tenth meeting of the OPRC-HNS Technical Group**

7.2 The Committee noted that the tenth session of the OPRC-HNS Technical Group was held from 15 to 19 March 2010, under the chairmanship of Mr. Nick Quinn (New Zealand), and that the report of the Group was issued under symbol MEPC 60/WP.1.

7.3 The Committee, in considering the report, noted the ongoing concerns expressed by one delegation with regard to the modality of work of the Technical Group and, having noted that this same issue had been raised over the past several sessions, agreed to set aside time at MEPC 61 to discuss the matter.

7.4 In this connection, the Committee requested the Secretariat to prepare a document for MEPC 61, providing the background related to the establishment of the Technical Group, its Terms of Reference and its modality of operation that would provide a basis for the discussion.

7.5 Having agreed on the way forward, the Committee approved the report in general, and, in particular:

- .1 endorsed the work carried out by the Group in finalizing the draft oil spill waste management decision support tool as international guidance;
- .2 noted that the finalized draft of the revised Manual on oil pollution, Section I – Prevention would be submitted to MEPC 61 (see paragraph 6.51);
- .3 approved the checklist for new manuals, guidance documents and training materials, set out in annex 1 to MEPC 60/WP.1;
- .4 noted the progress made in the revision of the joint IMO/IPIECA guidance on sensitivity mapping for oil spill response;
- .5 noted that the Manual on Incident Management Systems would be submitted to MEPC 61 for approval;
- .6 noted the progress made on the Manual on chemical pollution to address legal and administrative aspects of HNS and the operational guide on the use of sorbents;
- .7 noted the Group's consideration of ISCO's progress in developing an accreditation scheme for the independent training and accreditation of inland spill response contractors while, at the same time, being aware that ISCO was not seeking the endorsement of the Committee nor the Technical Group for this work;
- .8 noted the format and structure of the web pages, included on the REMPEC website, for hosting the inventory of information resources on OPRC/HNS-related information being developed by the Group;
- .9 concurred with the Group's proposal to include a review of proposed new web page content, as a regular item on the agenda of the Technical Group;
- .10 urged delegations to submit information to further expand the inventory of information resources on OPRC/HNS-related matters;
- .11 concurred with the proposed follow-up actions and outcomes of the Fourth R&D Forum;
- .12 noted the Group's progress in developing Technical guidelines on sunken oil assessment and removal techniques;
- .13 approved the revised work programme of the OPRC-HNS Technical Group and provisional agenda for the eleventh meeting of the Group (TG 11), set out at annexes 12 and 13, respectively; and
- .14 approved the scheduling of the eleventh session of the OPRC-HNS Technical Group in the week prior to MEPC 61.

### **Aerial observation of oil pollution at sea – operational guide**

7.6 The Committee recalled that, having considered information on the Bonn Agreement Oil Appearance Code (BAOAC) at MEPC 51, it had instructed the OPRC-HNS Technical Group to review the Code, with a view to its possible adoption as an IMO guideline.

7.7 The Committee recalled also that, having noted the decision of the Bonn Agreement Contracting Parties to collect data on the application of the Code for a period of two years, as reported by the Technical Group to MEPC 52, agreed to place the matter in abeyance, pending the results of the two-year trial.

7.8 The Committee further recalled that, following the outcome of the validation testing, the OPRC-HNS Technical Group, at TG 6, revisited the possibility of adopting the Code as an IMO guideline or code of practice and concluded that there were a number of oil identification manuals and guidance documents available that should also be considered. Having reviewed these, the Technical Group agreed that the Centre of Documentation, Research and Experimentation on Accidental Water Pollution's (CEDRE) Aerial observation of oil pollution at sea – operational guide, provided a good basis for the development of international guidance and, further to the approval received by the Committee at MEPC 57, developed the Guide over several sessions, with the final text agreed by the Technical Group at TG 9.

7.9 The Committee, in considering the finalized draft of the Aerial observation of oil pollution at sea – operational guide (MEPC 60/7), approved the text and instructed the Secretariat to work with the International Petroleum Industry Environmental Conservation Association (IPIECA) to prepare the document as a joint publication to be included as a new volume in the IMO/IPIECA report series.

### **Report on implementation of the OPRC Convention in ROPME Member States**

7.10 The Committee, in considering document MEPC 59/7/1 (ROPME), noted the activities carried out by MEMAC in ROPME Member States towards the implementation of the OPRC Convention and the strengthening of regional cooperation and encouraged the Secretariat to support the work of the ROPME Member States in identifying and addressing the requirements for the implementation of the OPRC-HNS Protocol.

### **Regional Joint OSR-SAR Exercise in the Caspian Sea**

7.11 The Committee, in considering document MEPC 60/INF.10 (Islamic Republic of Iran), noted the information submitted on a Regional Joint Oil Spill Response – Search and Rescue (OSR-SAR) Exercise in the Caspian Sea, organized by the Islamic Republic of Iran and the Russian Federation, near the Port of Bandar Azali in July 2009.

### **Construction of an Oil Spill Training Facility by the Korean Government for the implementation of the OPRC Convention**

7.12 The Committee, in considering the information contained in MEPC 60/INF.13 (Republic of Korea), noted that a new oil spill training facility was being constructed by the Korean Government in Pusan, Republic of Korea, for the effective implementation of the OPRC Convention and to expand the level of oil spill response expertise, with a target completion date of October 2010.



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## **Development of guidance for coastal States on how to respond to a maritime emergency involving radioactive materials**

7.13 The Committee noted the preliminary information provided by the Secretariat related to a request by the IAEA Secretariat, inviting the IMO Secretariat to collaborate in the preparation of guidance for coastal States on how to respond to a maritime emergency involving radioactive materials.

7.14 The Committee further noted that a meeting to initiate this work had been organized by IAEA in Vienna in early March and that the development of such guidance incorporated both environmental and safety considerations. As such, the Secretariat recognized the need to bring the matter forward to both the MEPC and MSC for further consideration and agreement.

7.15 Given the timing of the request, the Committee noted that a proposal for a new work programme item had been submitted to MSC 87 (MSC 87/24/12) and that, subsequent to this, it was anticipated that the matter would be referred to MEPC 61 for further consideration.

7.16 The observer from ROPME, supported by the delegation of Bahrain, noted the importance of this work and urged the Organization to cooperate with IAEA and other regional systems on the development of this guidance.

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

8.1 The Committee noted that document MEPC 60/8/1 (Bulgaria, Georgia, Romania, the Russian Federation, Turkey and Ukraine), concerning the "Black Sea area" as a Special Area under MARPOL Annex V, had been withdrawn.

### **"Wider Caribbean Region" as a Special Area under MARPOL Annex V**

8.2 The Committee recalled that the "Wider Caribbean Region" was designated as a Special Area under MARPOL Annex V on 4 July 1991 by amendments to the Annex, and entered into force on 4 April 1993. However, the stringent discharge requirements for garbage from ships for the Special Area had not yet taken effect, because adequate port reception facilities had not been provided in all ports within the Special Area.

8.3 The delegation of Panama, on behalf of the States co-sponsoring document MEPC 60/8/2 (Antigua and Barbuda, the Bahamas, Barbados, Belize, Colombia, Cuba, Dominica, France, Guyana, Honduras, Jamaica, Mexico, the Netherlands, Nicaragua, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, the United States and the Bolivarian Republic of Venezuela), stated that the Special Area status for the "Wider Caribbean Region" (WCR) had not yet come into effect because the WCR Parties to MARPOL Annex V had not notified the Organization that adequate reception facilities were in place in all ports within the Special Area.

8.4 The Panamanian delegation stated also that document MEPC 60/8/2 provided such notification and, consequently, requested the Committee to set the date on which regulation 5(1)(h) of MARPOL Annex V in respect of the "Wider Caribbean Region" as a Special Area shall take effect. To facilitate the work of the Committee on this issue, a draft MEPC resolution was provided in the annex to the above document.

8.5 The observer of INTERCARGO, on behalf of its co-sponsor BIMCO, in introducing document MEPC 60/8/3 on "Comments on MEPC 60/8/2 – The "Wider Caribbean Region" Special Areas under MARPOL Annex V", highlighted that consideration should also be given to revising circular MEPC.1/Circ.675 (concerning cargo hold wash water) to include the "Wider Caribbean Region", in conjunction with any notification of the bringing into effect of the Special Area.

8.6 The delegation of the United Kingdom confirmed its full support, on behalf of its territories in the Wider Caribbean Region, for the submission and considered itself a co-sponsor of document MEPC 60/8/2.

8.7 In the ensuing discussion, the Committee noted that, while three co-sponsoring States (Belize, Jamaica and Nicaragua) did not, at this point in time, have adequate reception facilities in their ports, agreements were in place with neighbouring States such that alternative solutions were available for this waste. In particular, the delegation of Jamaica, as a co-sponsor of document MEPC 60/8/2, gave its assurances that it was working with States within the Wider Caribbean Region to place reception facilities in its ports at the earliest opportunity.

8.8 The Committee, in recognizing that there was general support for the proposal to establish the date on which the discharge requirements for the Wider Caribbean Region Special Area would take effect, agreed that the lack of certain port reception facilities in some States in a Special Area should not form a precedent in future notifications of this kind to the Organization.

8.9 With regard to concerns expressed relating to gaps in information in the GISIS module on reception facilities for garbage in the Region, the Committee decided that this data was neither a legal requirement nor an impediment for the Wider Caribbean Region Special Area to take effect. The Committee noted that this module would be populated at a planned Workshop on MARPOL Annex V in the Wider Caribbean Region, to be held in Panama in May 2010.

8.10 The Committee, having noted that the criteria regarding the provision of adequate reception facilities by States bordering the Wider Caribbean Region Special Area, in accordance with regulation 5(4)(b) of MARPOL Annex V, had been met:

- .1 adopted resolution MEPC.191(60), on the establishment of the date on which regulation 5(1)(h) of MARPOL Annex V in respect of the Wider Caribbean Region as a Special Area shall take effect, as set out in annex 14 to this report;
- .2 agreed that the date on which the discharge requirements for the Wider Caribbean Region Special Area should take effect is 1 May 2011; and
- .3 requested the Secretary-General to notify, in conformity with regulation 5(4)(b) of MARPOL Annex V, all Parties to the Annex, of the aforementioned decision by 30 April 2010.

8.11 The Committee, having considered a proposal by INTERTANKO and BIMCO (MEPC 60/8/3), instructed the Secretariat to prepare and distribute MEPC.1/Circ.675/Rev.1 on Discharge of cargoes hold washing water in the Gulfs Area, Mediterranean Sea Area and the Wider Caribbean Region under MARPOL Annex V, which would serve as an interim solution until the revision of MARPOL Annex V was finalized.

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## **Amendments to the existing mandatory ship reporting system (WETREP) in the Western European Waters PSSA**

8.12 The Committee recalled that MEPC 59, having noted the information provided by the delegation of Portugal in respect of changes to new Vessel Traffic Services established along the Portuguese Iberian Coast and the adoption of a new Mandatory Ship Reporting System (COPREP) by resolution MSC.278(85):

- .1 approved the amendments to annex 2 of resolution MEPC.121(52) concerning the Western European Waters PSSA, as set out in annex 27 to its report (MEPC 59/24); and
- .2 noted that consequential amendments to the appendix of annex 3 of resolution MEPC.121(52) would be considered by NAV 55, the outcome of which would be reported to MEPC 60 for consideration.

8.13 The Committee noted that NAV 55 had approved a request by the Government of Portugal (NAV 55/3/9) to amend the existing mandatory ship reporting system (WETREP) in the Western European Waters PSSA, as set out in annex 4 to its report (NAV 55/21) and had invited MSC 87 to adopt them in May 2010. The Committee also noted that the amendments to the existing mandatory ship reporting system would be implemented at a date not less than six months after adoption by MSC 87.

## **Further amendments and implementation of new and amended Traffic Separation Schemes and other routing measures near or in the Baltic Sea and the Western European Waters PSSAs**

8.14 The Committee noted that NAV 55 had approved a number of amendments to Traffic Separation Schemes and other routing measures, as contained in annexes 1 and 2 to document NAV 55/21, which would be submitted to MSC 87 for adoption.

8.15 The Committee also noted the action taken by NAV 55 on reporting systems and other routing measures concerning PSSAs and agreed to defer a decision on this matter until MEPC 61 (27 September to 1 October 2010), after MSC 87's outcome is known (12 to 21 May 2010).

## **9 INADEQUACY OF RECEPTION FACILITIES**

9.1 The Committee recalled that MEPC 55 had approved the Action Plan to tackle the inadequacy of port reception facilities prepared by FSI 14, and had instructed the FSI Sub-Committee to progress the work items described in the Action Plan, with the exception of work item 5.1 "Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities", which would be dealt with by the Committee itself.

9.2 The Committee also noted that, since MEPC 59, there had been no further meeting of the FSI Sub-Committee. However, the intersessional correspondence group established by FSI 17 was expected to report the completion of all remaining items of the Action Plan to FSI 18 in July 2010, the outcome of which would be considered by MEPC 61.

9.3 Two submissions (MEPC 60/6/4 and MEPC 60/6/12) were received at this session of the Committee related to work item 5.1 of the Action Plan on regional arrangements for port reception facilities. As these two submissions proposed amendments to the relevant

MARPOL Annexes, they were dealt with under agenda item 6 (Interpretations of, and amendments to, MARPOL and related instruments).

9.4 Two further submissions (MEPC 60/6/5 and MEPC 60/6/6), which were relevant to reception facilities, had been received at this session of the Committee, the first proposing the provision of waste reception facilities or damaged cargo rectification sites under MARPOL Annex III, and the second proposing amendments to the MARPOL Annexes for waste reception at ship recycling facilities. These two submissions were also dealt with under agenda item 6.

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

### **OUTCOME OF DSC 14**

10.1 The Committee recalled that the fourteenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC 14) had been held from 21 to 25 September 2009 and that its report was issued under the symbol DSC 14/22.

10.2 The Committee further recalled that MEPC 59, in view of the decision taken for marine pollutants in tanks that the correct technical name need not be shown on the tank as a supplement to the proper shipping name specified by the IMDG Code, had agreed that amendments to MARPOL Annex III were required. MEPC 59 had, therefore, approved a new work programme item for the DSC Sub-Committee on this point and, specifically, had also instructed the DSC Sub-Committee:

- .1 to revise the criteria defining marine pollutants in MARPOL Annex III so as to bring them in line with the recently revised Globally Harmonized System (GHS) criteria; and
- .2 to revise certain documentation provisions in MARPOL Annex III in order to align them with proposed amendments to SOLAS regulation VII/4.

10.3 The Committee noted that the DSC Sub-Committee, at its fourteenth session, had duly considered these points and developed the draft amendments to MARPOL Annex III. This text, as set out in annex 15, was approved by the Committee to be circulated by the Secretary-General for subsequent adoption at MEPC 61.

10.4 In considering the draft text of amendments, the Committee endorsed an entry-into-force date of 1 January 2014 for the revised MARPOL Annex III in order to align it with the planned timing of amendments (36-12) to the IMDG Code.

### **OUTCOME OF BLG 14 AND DE 53**

10.5 The Committee noted that, in view of the proximity of BLG 14 (8-12 February 2010) and DE 53 (22-26 February 2010) to MEPC 60, and given that there were no urgent issues to address, the reports of these two meetings would be considered at MEPC 61.

## **11 WORK OF OTHER BODIES**

11.1 Under this agenda item, the Committee considered the following two documents:

- .1 MEPC 60/11 (Secretariat) – Outcome of the twenty-fifth extraordinary session of the Council (C/ES.25); and

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- .2 MEPC 60/11/1 (Secretariat) – Outcome of the twenty-sixth session of the Assembly (A 26).

### **OUTCOME OF C/ES.25**

11.2 The Committee noted that the twenty-fifth extraordinary session of the Council (C/ES.25) was held on 19 and 20 November 2009 and its summary of decisions was issued under the symbol C/ES.25/D. The matters of interest to the Committee had been summarized in document MEPC 60/11, including the Council's action on Strategy and planning; Voluntary IMO Member State Audit Scheme; consideration of the report of MEPC 59; and Protection of vital shipping lanes.

11.3 Concerning Strategy and planning, the Committee noted that C/ES.25 had approved the draft Strategic Plan for the Organization (for the six-year period 2010 to 2015); the draft High-level Action Plan of the Organization and priorities for the 2010-2011 biennium; and the draft Guidelines on the application of the Strategic Plan and High-level Action Plan, and had decided to forward them to A 26 for adoption.

11.4 The Committee noted also that, in considering the report of MEPC 59, the Council had noted:

- .1 the adoption of amendments to MARPOL Annex I on oil cargo transfer between oil tankers at sea and onboard management of oil residue (sludge);
- .2 the progress made and decisions taken concerning the control of GHG emissions from ships;
- .3 the approval of the North American Emission Control Area under MARPOL Annex VI, for adoption at MEPC 60, and approval of six guidelines to facilitate implementation of the revised MARPOL Annex VI;
- .4 various BWM Convention-related actions;
- .5 the actions pursuant to the adoption of the 2009 Hong Kong Convention; and
- .6 the action taken concerning the role of the human element.

11.5 The Committee noted further that C/ES.25 had decided to transmit the report of MEPC 59 to A 26 with its comments and recommendations, in accordance with Article 21(b) of the IMO Convention.

11.6 The Committee, having considered the action requested of it by the Council (MEPC 60/11, paragraph 14), agreed to continue contributing to worldwide efforts to address the phenomenon of climate change and global warming.

11.7 The Committee noted the approval by the Council of the intersessional meetings of the OPRC-HNS Technical Group and the ESPH Working Group in 2010.

11.8 Regarding the request of the Council to provide a definition for "harmful substances" concerning Performance Indicator 8(a) for "Tonnes of harmful substances discharged into the sea operationally or accidentally from ships subject to IMO instruments" (paragraph 14.2 of document MEPC 60/11), the Committee, having noted the information provided by the

Secretariat on the definition of "harmful substances" in the context of the MARPOL Convention, debated the issue as summarized in the ensuing paragraphs.

11.9 The Committee noted, in particular, that Article 2(2) of the 1973 MARPOL Convention defines "Harmful substance" as "*any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by the present Convention*", while, for the purposes of Assembly resolution A.851(20) on General Principles for Ship Reporting Systems and Ship Reporting Requirements, "Harmful substance" means oil or noxious liquid substances (NLS) in bulk, i.e. substances subject to the requirements of MARPOL Annex I and Annex II.

11.10 The Committee recognized that currently there are no statistical data readily available to calculate Performance Indicator 8(a) as currently defined, given that, although data on accidental oil spills have been available for years and are regularly updated, those pertaining to operational oil and NLS discharges, both accidental and operational, are not easy to find or are not sufficiently accurate to serve the purpose of the Performance Indicator.

11.11 On the issue of operational discharges, the delegation of the Netherlands, supported by Sweden and the observer delegation of CEFIC, stressed that a distinction should be made between legal and illegal operational discharges, as the former are made in compliance with the requirements of MARPOL and, as such, are deemed to pose no harm to the marine environment. Thus, when calculating Performance Indicator 8(a), only those operational discharges of an illegal nature should be taken into account. The Committee concurred with this view.

11.12 In concluding, the Committee agreed to inform the Council of the result of the discussion and to seek its guidance as to the way forward in respect of this matter.

#### **OUTCOME OF A 26**

11.13 The Committee recalled that the twenty-sixth session of the Assembly (A 26) was held from 23 November to 4 December 2009, and that its decisions had been reported in document A 26/6(b)/2. Those matters relevant to the work of the Committee had been reported in document MEPC 60/11/1 (Secretariat).

11.14 The Committee noted that the Assembly had considered the issues arising from the last three sessions of the Committee (fifty-seventh, fifty-eighth and fifty-ninth) which had been brought to its attention, and that the Assembly had noted, *inter alia*, the following main decisions and actions of the Committee during the biennium under review:

- .1 the progress made in taking follow-up actions to resolution A.963(23) on IMO policies and practices related to reduction of greenhouse gas emissions from ships; and that MEPC 59 had developed the technical and operational guidelines regarding the Energy Efficiency Design Index, Energy Efficiency Management Plan and Energy Efficiency Operational Indicator and had agreed to circulate them for trial purposes, or for voluntary implementation, by ships engaged in international trade;
- .2 that the Committee had adopted a revised MARPOL Annex VI and NO<sub>x</sub> Technical Code (both of which are expected to enter into force on 1 July 2010) and had approved or updated a number of MEPC circulars and guidelines to facilitate their implementation;

- .3 the ongoing work concerning the BWM Convention, including completion of the task to develop 14 sets of guidelines for its uniform implementation; that basic or final approval had been granted to 17 ballast water management systems as a whole; and that MEPC 59, having reviewed the issue, had concluded that there would be sufficient type-approved ballast water treatment technologies for ships constructed in 2010;
- .4 that, following the adoption of the International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (Hong Kong Convention), MEPC 59 had adopted a method for calculation of recycling capacity for meeting the entry-into-force conditions of the Convention and the Guidelines for the development of the inventory of hazardous materials; and
- .5 the designation of the Papahānaumokuākea Marine National Monument (Hawaii Islands) as a PSSA; and the establishment of the date of 1 May 2009 for the Mediterranean Sea Special Area under MARPOL Annex V to take effect.

### **Resolutions adopted by the Assembly**

11.15 The Committee noted that A 26 had adopted the following resolutions which had been prepared and approved jointly by the MSC and the MEPC:

- .1 resolution A.1019(26) – Amendments to the Code for the implementation of mandatory IMO instruments, 2007;
- .2 resolution A.1020(26) – Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2007;
- .3 resolution A.1021(26) – Code on alerts and indicators, 2009;
- .4 resolution A.1022(26) – Guidelines on the implementation of the ISM Code by Administrations; and
- .5 resolution A.1024(26) – Guidelines for ships operating in polar waters.

### **Strategy and Planning**

11.16 The Committee noted also that, in the context of Strategy and Planning, A 26 had adopted:

- .1 resolution A.1011(26) – Strategic Plan for the Organization (for the six-year period 2010-2015);
- .2 resolution A.1012(26) – High-level Action Plan of the Organization and priorities for the 2010-2011 biennium; and
- .3 resolution A.1013(26) – Guidelines on the application of the Strategic Plan and High-level Action Plan of the Organization.

**Action taken by the Committee**

11.17 The Committee, having considered the action requested of it in paragraphs 31.1 to 31.3 of document MEPC 60/11/1:

- .1 noted the approval by the Assembly of the reports of the Committee on its fifty-seventh, fifty-eighth and fifty-ninth sessions, as presented in document A 26/12;
- .2 noted the requests by the Assembly of the Committee, as contained in resolutions A.1019(26), A.1020(26), A.1021(26), A.1022(26) and A.1024(26); and
- .3 noted the requests by the Assembly of the Committee, as contained in resolutions A.1012(26) – High-level Action Plan of the Organization and priorities for the 2010-2011 biennium; and A.1013(26) – Guidelines on the application of the Strategic Plan and High-level Action Plan of the Organization.

11.18 In addition, in respect of the action requested of it by the Assembly in paragraphs 31.4 and 31.5 of document MEPC 60/11/1, the Committee agreed to instruct the FSI Sub-Committee to:

- .1 consider in detail the consolidated audit summary report contained in document A 26/9/1;
- .2 consider how to make the Code for implementation of mandatory IMO instruments mandatory, including provisions for auditing; and
- .3 report to MEPC 61 for further consideration by the Committee in connection with the "Timeframe and schedule of activities to institutionalize the IMO Member State Audit Scheme" annexed to resolution A.1018(26), so that the Committee can report to the Council and the Assembly, in due course, on the outcome of its consideration.

**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 at 15 December 2009 (MEPC 60/12) as follows:

- .1 annex 1 showing the status of the IMO conventions and other instruments relating to marine environment protection;
- .2 annex 2 showing the status of MARPOL;
- .3 annex 3 showing the status of the amendments to MARPOL;
- .4 annex 4 showing the status of the 1990 OPRC Convention;
- .5 annex 5 showing the status of the 2000 OPRC-HNS Protocol;



- .6 annex 6 showing the status of the 2001 AFS Convention; and
- .7 annex 7 showing the status of the 2004 BWM Convention.

12.2 The Committee also noted the following information provided by the Secretariat since document MEPC 60/12 was issued on 15 December 2009:

- .1 with regard to annex 2 on the status of the MARPOL Convention:
  - .1 Brazil had deposited its instrument of accession to MARPOL Annex VI on 23 February 2010.
- .2 with regard to annex 4 on the status of the 1990 OPRC Convention:
  - .1 Benin had deposited its instrument of accession on 5 February 2010;
- .3 with regard to annex 6 on the status of the 2001 AFS Convention:
  - .1 Singapore had deposited its instrument of accession on 31 December 2009; and
- .4 with regard to annex 7 on the status of the 2004 BWM Convention:
  - .1 the Cook Islands had deposited its instrument of accession on 2 February 2010.

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

13.1 Having considered document MEPC 60/13 (IPPIC) on the generation of biocide leaching rate estimates for anti-fouling coatings and their use in the development of proposals to amend Annex 1 of the AFS Convention, the Committee noted the information on methods for determination of biocide leaching rates from anti-fouling systems and, in particular, the suggested mass-balance calculation method with suitable conservative default correction factors.

13.2 In this context, the Committee also noted the information that, since the entry into force of the AFS Convention, anti-fouling systems containing organotin compounds acting as biocides had been removed from the market and replaced with effective alternative anti-fouling systems by members of IPPIC, which produce over 90% of the world's anti-fouling paints.

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

14.1 The Committee noted document MEPC 60/INF.3, submitted by ROPME/MEMAC, providing information on the activities carried out in the ROPME Sea Area (Gulfs area) by MEMAC in conjunction with ROPME Member States.

14.2 The Committee noted, in particular, that, in the context of monitoring and surveillance, the ROPME Satellite Receiving Station had intensified its monitoring and that MEMAC had installed a number of AIS stations on the Member States' coasts covering all the ROPME Sea Area in order to integrate the information with the satellite images. It had

been noted through the monitoring and surveillance systems that some ships commit violations by illegally discharging ballast water and oily waste and, as a consequence, ROPME had urged Member States to revise their legal systems concerning prosecution procedures and penalty amounts.

14.3 The Committee noted also that, due to increasing oil and gas production, building or expanding ports, and desalination plants and other activities, the Region had witnessed a rapid increase in shipping traffic. Thus, ship port calls in 2005 were 32,000 and, in 2009, the number exceeded 69,000. Accordingly, MEMAC had conducted a four-year study to identify the high-risk areas within the Region which indicated that the Region's Sea Area is a fragile marine environment and high consideration must be given to the necessary steps that need to be taken towards attaining PSSA status.

14.4 On the issue of training, the Committee noted further that several programmes and workshops were convened during the years 2008 and 2009, in cooperation with several external experts, focusing, *inter alia*, on implementation of port State control and the exchange of experiences. A training workshop on oil tanker, LPG, LNG and chemical ships safety and "MARPOL: How to do it" was also held in 2009.

14.5 The Committee congratulated the ROPME Sea Area countries for their unremitting activities concerning the protection of the marine environment in the area.

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

15.1 The Committee recalled that, given the importance of technical co-operation in the work of the Organization, updates on TC activities were prepared for the attention of the Committee at each session.

15.2 The Committee noted the status report on the activities under the 2008-2009 ITCP related to the protection of the marine environment and undertaken during the biennium, including major projects, which are under the direct supervision of the Marine Environment Division (MED) of the Organization (MEPC 60/15, annexes 1 and 2; MEPC 60/15/Add.1, annex; MEPC 60/15/1; MEPC 60/15/2; MEPC 60/15/3 and MEPC 60/15/4).

15.3 The Committee further noted the considerable work carried out and the significant results achieved under the ITCP, including the major projects funded by external sources, as follows:

- .1 the principal achievements under the ITCP pertained to the training of officials through seminar/workshops/training courses on marine environment protection, in particular, OPRC and MARPOL; promotion and enhancement of regional cooperation through the development of regional actions such as strategic action plans for the implementation of OPRC and MARPOL; regional contingency plans for combating accidental marine pollution; environmental waste management guidelines for port operation; and regional ballast water management strategies and plans, among others. The Committee noted that 93% of the activities originally planned under the ITCP for 2008-2009 were successfully implemented and, likewise, some 23 *ad hoc* activities were also implemented following specific requests from Member States;

- .2 with respect to the OPRC Convention 1990, the Organization continued its fruitful cooperation with the oil and shipping industries and, in particular, under the framework of the IMO/Oil Industry Global Initiative (GI), such as the IMO-Industry funded GI Project for the West and Central Africa; and
- .3 with regard to the ongoing work of the Organization for the development of the project concept to build capacity in developing countries to address greenhouse gas emissions (GHG) from ships, the Committee was informed that further progress was made in the form of a preliminary project concept paper developed by the Marine Environment Division and shared with the European Commission (EC). Crucial for the commitment of the EC to provide support is the expression of interest by countries which could be beneficiaries to express their support for this capacity-building initiative on GHGs. The Committee noted that, at present, five expressions of interest had been received by the Secretariat from IMO Member States who might benefit from the project.

15.4 The Director, Technical Co-operation Division of the Organization, provided additional information on the ITCP. The Committee noted the importance of effective implementation and enforcement of IMO international standards and recalled that the ITCP was established as a means to assist countries in building their human and institutional capacities and thereby contribute to the Organization's efforts for a uniform and global implementation and enforcement of such international standards. The role of the ITCP as a catalyst for sustainable maritime development, efficient and safe maritime transport services and effective marine environment protection was also stressed.

15.5 The Committee also noted the information provided on the development and delivery of the ITCP as follows:

- .1 the programme is based on identified regional needs and thematic priorities established by the relevant IMO Committees and on donor priorities;
- .2 since MEPC 57, over one hundred marine environment-related activities have been developed and implemented through the joint efforts of the Marine Environment Division (MED), TCD, the IMO regional presence offices in Africa, Asia and the Caribbean and the IMO technical co-operation partners. A delivery rate of 97% of the ITCP for 2008-2009 was achieved with a further 70 *ad hoc* activities implemented at the request of the IMO Member States;
- .3 the new ITCP for 2010-2011, comprising 14 programmes, was approved by the fifty-ninth session of the Technical Co-operation Committee (TCC), one thematic priority of which relates to capacity-building for uniform application of IMO's policy on greenhouse gas emissions. More than 50% of the allocated funding for the new ITCP is earmarked for activities related to the protection of the marine environment; and
- .4 following the adoption by the IMO Assembly at its twenty-fifth session of resolution A.1006(25) on the "linkage between the ITCP and the Millennium Development Goals (MDGs)", the new ITCP made provision for the implementation of MDG 7 – Ensure environmental sustainability.

15.6 The Committee noted the generous offer by the Norwegian Development Cooperation Agency (NORAD) of approximately US\$3 million for IMO's technical co-operation programme focusing on marine environment-related activities. The contribution by NORAD was seen as a reflection of NORAD's confidence in IMO's and, in particular, MED's ability to develop and manage large-scale projects related to the protection of the marine environment.

15.7 The Committee also noted the special measures put in place by the Secretariat aimed at expanding the pool of experts for the implementation of the ITCP through the setting-up of a roster for graduates of the World Maritime University (WMU) and of the International Maritime Law Institute (IMLI).

15.8 The Committee further noted the results of the third Impact Assessment Exercise (IAE) covering activities implemented during the period from 2004 to 2007, which corroborated the fact that the ITCP is an efficient tool for the strengthening of global maritime competencies.

15.9 The Director of the Organization's Marine Environment Division expressed his appreciation of the excellent cooperation between the two divisions, which made it possible to attain such a high delivery rate of the technical co-operation activities.

15.10 The Committee also noted the information on the considerable work carried out and the important results achieved under the three major projects being currently implemented by the Marine Environment Division, as follows:

- .1 under the Marine Electronic Highway Project, a hydrographic survey was currently being conducted at the upper part of the Traffic Separation Scheme (TSS), around One Fathom Bank in the Straits of Malacca and Singapore covering an area of 621.3 square kilometres, representing 14.38% of the total TSS area. The multibeam sonar survey had commenced on 9 February 2010 by a private contractor (GEMS Survey Limited) in close collaboration with the littoral States of Indonesia, Malaysia and Singapore. The Committee noted that the planned completion date for the field survey was now set for the end of March 2010;
- .2 with regard to the SAFEMED Project, the main objective of which was to mitigate the existing imbalance in the application of maritime legislation in the Mediterranean region between the EU and non-EU Mediterranean partners, the Committee noted that, following an extension of six months, the project was concluded on 30 June 2009 and all its tasks were successfully implemented. In view of the achievements of the SAFEMED Project, referred to as "SAFEMED I", the European Commission and the Mediterranean partners had agreed to launch a second EU-financed MEDA regional SAFEMED Project (SAFEMED II), which builds upon the work carried out through SAFEMED I, introducing new elements such as cooperation on PSC and procurement of VTMIS equipment, etc. The Committee expressed appreciation to REMPEC for their efforts in successfully implementing the two projects under the administrative oversight and technical backstopping from the Secretariat; and
- .3 under the GEF/UNDP/IMO GloBallast Partnerships, several major technical co-operation activities were undertaken during the period under review. The Project builds on the very successful GloBallast Pilot Project and aims to assist participating developing countries to enact, through effective

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partnerships, the necessary policy, legal and institutional reforms, and to build technical and institutional capacity to implement the Ballast Water Management Convention. The Project was commissioned in January 2008 and all the GloBallast Regions and several Lead Partnering Countries of the Project had achieved significant progress in implementing the project activities. A significant achievement under the Project has been the formation of the "Global Industry Alliance (GIA) for Marine Biosecurity" within the GloBallast Project framework, including the establishment of a GIA Fund. This groundbreaking public-private sector partnership, facilitated through the Project, had seen the maritime industry, including shipowners and shipbuilders, joining hands as founding partners of such an Alliance. It was expected that this pioneering global partnership would accelerate innovative solutions to help address ballast water issues. So far, five major activities had been implemented in the first year of GIA and these included a Global Research and Development Forum and workshops on Emerging Ballast Water management systems and the development of a Country-Profile database as a one-stop access for information on ballast water management requirements and arrangements in different countries.

15.11 Several delegations expressed their appreciation for the support they had received from IMO and their technical co-operation partners. In this connection, the delegation of Israel expressed its appreciation for the role and leadership of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in the implementation of the SAFEMED Project, and thanked the EC for their substantial support.

15.12 The Chairman of the Technical Co-operation Committee (TCC) expressed his appreciation for the work of the Secretariat in the execution of the TCC decisions and, in particular, for the high percentage of delivery of the ITCP. He extended his thanks to the EC for their commitment and contribution to the ITCP and appealed to other donors to come forward.

15.13 The delegation of Nigeria expressed its appreciation for the untiring efforts being made by MED and TCD for the attainment of the ITCP objectives. It further stressed the important role the graduates from WMU and IMLI could play in the delivery of the ITCP activities.

15.14 The delegation of Singapore thanked IMO for their support to the beneficiaries of the Marine Electronic Highway Project in the Straits of Malacca and Singapore, aimed at achieving progress in the implementation of the Project.

15.15 The Committee noted the work undertaken by the Secretariat for the updating of the IMO publication "MARPOL – How to do it" as a result of extensive revisions of MARPOL Annexes I and II and the entering into force of Annexes IV and VI. The Committee expressed appreciation to the Netherlands Government for financing the update and instructed the Secretariat to publish the new edition as soon as possible.

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

## 16 ROLE OF THE HUMAN ELEMENT

16.1 The Committee recalled that the Joint MSC/MEPC Working Group on Human Element met at MEPC 59 and finalized the Guidelines on the implementation of the ISM Code by Administrations, which was subsequently adopted by resolution A.1022(26).

16.2 The Committee noted that the Joint MSC/MEPC Working Group on Human Element is scheduled to be reconvened during MSC 88 in December 2010.

16.3 The Committee considered document MEPC 60/16 (BIMCO, ICS, IFSMA, P & I CLUBS, INTERCARGO, InterManager, INTERTANKO, ISF, ITF, IUMI & SIGTTO) which highlighted, from a technical perspective, the view of the co-sponsors that the officers of the **M/T Hebei Spirit** acted in accordance with the applicable guidelines and customary practice in the tanker industry. It was also the joint view of the co-sponsors that, if any doubt is allowed to continue as to the merit of these actions, then there would be considerable and serious uncertainty within the industry. In addition to these important technical concerns, the guilty verdict made by the Korean Supreme Court raised, in the opinion of the co-sponsors, broader issues relating to the international rules and regulations under UNCLOS and MARPOL which also require serious consideration. Accordingly, the co-sponsors will submit a further document to IMO's Legal Committee, commenting on these issues and the wider issue of fair treatment of seafarers when acting in accordance with standards agreed by the industry and Governments and contained in guidelines adopted under the auspices of IMO.

16.4 The delegation of the Republic of Korea expressed its appreciation for the effort that the master and chief officer of the **Hebei Spirit** made to avoid the collision and minimize the pollution from the ship after the incident, and informed the Committee that they fully understood the concerns raised by various industry organizations. The delegation further informed the Committee that the Korean Court acted in accordance with the Korean Penal Code, under which erroneous acts could be punishable and that the Korean Supreme Court has final jurisdiction on the matter. The delegation also requested Members Governments and international organizations to respect the decision of the Korean Court and to keep the discussion, within the Organization, focusing on the technical measures to prevent and combat pollution incidents, with a view to minimizing the occurrence of similar events in the future.

16.5 The observer from InterManager expressed concerns on similar cases of criminalization of seafarers which could have an adverse impact on the recruitment of young persons for a career at sea. This, in their opinion, was an important issue in the light of the forthcoming Diplomatic Conference of STCW Parties which would consider adopting a resolution relating to attracting new entrants to, and retaining seafarers in, the maritime profession.

16.6 After discussion, the Committee agreed to refer the document to the FSI Sub-Committee for further consideration under its agenda item on Casualty statistics and Investigation.

## 17 FORMAL SAFETY ASSESSMENT

17.1 The Committee recalled that MEPC 56 had noted that the one matter that needed consideration within the context of the Formal Safety Assessment Guidelines relevant to its work was the development of environmental risk evaluation criteria. In this connection, it recognized the need to carry out a more in-depth analysis of the proposed environmental risk evaluation criteria for the purpose of the Formal Safety Assessment (FSA) before

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inclusion of such criteria in the IMO FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392, as consolidated in MSC 83/INF.2).

17.2 The Committee also recalled that MEPC 56 had recognized that there was limited experience in the practical application of environmental risk evaluation criteria. Noting that more work, including more research, was needed on the subject, the Committee had agreed to establish a correspondence group, under the coordination of Greece\*, to address the issues related to the following key criteria: Severity Index (SI) in the Hazid step; the costs of averting a spill (CATS); the ALARP region; and the F-N diagram.

17.3 The Committee further recalled that the work of the Correspondence Group under the coordination of Greece had continued in the intersessional periods between successive sessions of the MEPC 56, 57, 58 and 59. MEPC 59, noting that more work was needed on the subject, agreed to retain this agenda item and to establish a Working Group on Environmental Risk Evaluation Criteria at this session and, at the same time, re-established the Correspondence Group under the coordination of Greece to further progress the work and report back to MEPC 60.

17.4 The Committee noted that, following MSC 85's decision, an FSA Experts Group (MSC FSA GoE) was established, coordinated by Japan, to examine a number of FSA studies. The MSC FSA GoE, which met intersessionally from 2 to 6 November 2009, had continued to work by correspondence and had requested MSC 87 that a meeting of the Group be held at that session in order for it to complete its work, including the review of the FSA study on dangerous goods on board open-top containerships.

17.5 The Committee noted that four documents had been submitted under this agenda item: MEPC 60/17 (Greece), which contained the report of the Correspondence Group on Environmental Risk Evaluation Criteria; MEPC 60/17/1 (Norway), which contained information on the costs of oil spills in Norwegian territorial waters; and a proposal for environmental risk criteria; MEPC 60/17/2 and MEPC 60/17/3 (both submitted by Japan), which provided comments on the report of the correspondence group concerning the assurance factor and severity index (MEPC 60/17/2) and the ALARP region and the F-T diagram (MEPC 60/17/3).

17.6 The Chairman of the Correspondence Group, when reporting on the work undertaken in the intersessional period, informed the Committee that substantial progress had been accomplished by successive correspondence groups since MEPC 56 in terms of identifying the most important issues on the topic. In summarizing the progress made, he pointed out that:

- .1 consensus had been reached that environmental risk evaluation criteria should be expressed on a cost per volume of spilled oil basis. A volume-dependent non-linear scale or function of a global CATS threshold would be preferable to a single CATS threshold, and there seemed to be further convergence on the form of the non-linear function of total spill cost versus volume. The work conducted independently by three members of the correspondence group resulted in very similar functions, which might form the basis for further discussion. However, there was some concern among two members of the correspondence group that the IOPCF data

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- used to generate the CATS value may not be appropriate, resulting in a low CATS value;
- .2 apparent agreement had also been reached on the frequency matrix in the Hazid step, which was being proposed to be the same as in the safety FSA;
  - .3 consensus had been achieved on the issues pertaining to the collection and reporting of relevant data; and
  - .4 draft TORs were developed for the working group for consideration by the Committee when establishing the Working Group.

### **Establishment of the Working Group on Environmental Risk Evaluation Criteria**

17.7 The Committee agreed to establish the Working Group on Environmental Risk Evaluation Criteria under the Chairmanship of Professor Harilaos N. Psaraftis (Greece), with the following Terms of Reference:

"Using documents MEPC 60/17, MEPC 60/17/1, MEPC 60/17/2 and MEPC 60/17/3 as the basis and any other relevant information, as well as taking into account the comments made in plenary, the Working Group was instructed to:

- .1 recommend in Step 4 of the FSA an appropriate volume-dependent CATS global threshold scale or function for ascertaining if a specific Risk Control Option (RCO) is cost-effective, including its integration within the FSA methodology;
- .2 recommend a way of combining environmental and safety criteria for those RCOs that affect both environmental and fatality risk;
- .3 conclude on an appropriate risk matrix or index for environmental criteria;
- .4 recommend an appropriate ALARP region and F-N diagram, including an appropriate value for the slope of the F-N curve;
- .5 address the issue of collection and reporting of relevant data; and
- .6 submit a written report to plenary for consideration on Thursday, 25 March 2010."

### **Report of the Working Group on Environmental Risk Evaluation Criteria**

17.8 The Committee considered and approved the report of the Working Group (MEPC 60/WP.11) in general and, in particular:

- .1 noted the progress made in determining a CATS criterion;
- .2 urged Member Governments/organizations to verify and adjust as necessary the proposed regression formula and to submit the data for each cost component and the results of the analysis for consideration by the Committee;



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- .3 invited Member Governments and interested organizations to use the non-linear cost function in FSA studies with a view to gain experience with its application and provide information to the Organization which may help to improve the proposed functions;
  - .4 noted the options proposed for environmental and safety criteria for those RCOs that affect both environmental and safety risk;
  - .5 endorsed the Group's view on using the Frequency Matrix already in use for the safety FSA methodology;
  - .6 noted the progress made in determining the appropriate severity and risk indices as well as an ALARP region and F-N diagram;
  - .7 endorsed the Group's view that the severity index needs to be consistent with the CATS function;
  - .8 endorsed the Group's views on the collection and reporting of relevant data for environmental FSAs; and
  - .9 endorsed the Group's request regarding the proposed arrangements in order to complete the methodology, including re-establishment of the correspondence group to continue working in line with its Terms of Reference (see MEPC 59/24, paragraph 17.8) and a working group at MEPC 62.

17.9 The delegation of Denmark, supported by others, expressed disappointment that the work, particularly on determining a CATS criterion, was not completed at this session even though progress had been made and drew the attention of the Committee that this implied that the deadline for completing the work on determining appropriate environmental risk evaluation criteria was extended to 2011 (see paragraph 38 of document MEPC 60/WP.11). It was pointed out that an FSA study on oil tankers, supported by the European Union project, SAFEDOR, had been submitted to MEPC 58 (MEPC 58/17/2 and MEPC 58/INF.2), and its evaluation has remained pending, awaiting the development of the CATS criterion. It further noted that, had the Group reached a conclusion at this session on the CATS, the evaluation of the study could have taken place, thus allowing the Organization to derive benefit from the results of the study and initiate further discussions on possible proactive viable risk control options. With an extension of the target completion date for determining a suitable CATS criterion, the review of the study would be postponed further. It was, therefore, proposed to refer this FSA study to the MSC FSA Experts Group, with the view that this group could review the methodology and data related to the first three steps of the FSA guidelines, but await the development of the CATS criteria before reviewing the final recommendations.

17.10 The Chairman of the MSC FSA Group of Experts informed the Committee that the nature of the work of his Group served both Committees. He informed the Committee that his Group would meet during MSC 87 to evaluate an FSA study on dangerous goods transport with open-top containers and stood ready to start work on the evaluation of the FSA study on oil tankers if the Committee so decided.

17.11 Other delegations expressed the view that since the CATS criterion had yet to be determined and consequently a number of key steps in the FSA methodology could not be finalized until such time as the discussion on the CATS criterion has been resolved, it might be premature to take forward the evaluation of the FSA on oil tankers.

17.12 The delegation of Greece noted the significance of developing a correct CATS criterion, in particular, in that it may impact on the future design of oil tankers, which explains why development of such a criterion had been slow and hence any proposed criterion needed to be well researched, tried and tested.

17.13 The delegation of Japan recalled that, at prior MEPCs, it had proposed that the CATS criterion should be based on the transparent global data available through IOPCF. Two years had passed but closure on this important matter had yet to be reached. It hoped that this would be achieved at the earliest opportunity. However, in order to do so, any proposals should be justified by transparent background and cost data.

17.14 The Committee, noting that there was no clear majority on how to proceed with the FSA study on oil tankers, agreed to adhere to its earlier decision, which was to defer consideration of the study until the environmental risk criteria are finalized.

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

18.1 The Committee recalled that MEPC 58, having approved the inclusion of a new high-priority item in its work programme on "Noise from commercial shipping and its adverse impact on marine life" with a target completion date of three or four sessions, established an intersessional Correspondence Group, coordinated by United States, and instructed it to:

"identify and address ways to minimize the introduction of incidental noise into the marine environment from commercial shipping to reduce the potential adverse impact on marine life and, in particular, develop voluntary technical guidelines for ship-quieting technologies as well as potential navigation and operational practices" (MEPC 58/23, paragraph 19.6)."

18.2 The Committee also recalled that MEPC 59, having considered the first report of the Correspondence Group and comments thereon, agreed to re-establish the Correspondence Group to continue its work along the lines of its Terms of Reference agreed at MEPC 58, taking into account the relevant work done by MSC (MSC/Circ.1014), which addresses the adverse impact of noise on the crew and passengers, and to provide a written report to MEPC 60.

18.3 The Committee had before it document MEPC 60/18 (Report of the Correspondence Group) and noted that the work conducted during the intersessional period had focused on technological issues which are set out in annex 1 (cavitation, machinery and hulls) and annex 2 (dominant frequency and IMO-related issues of the said document). Several questions and proposals had been posed in both annexes and input on these issues would be needed to progress the work.

18.4 The Committee also noted that the Correspondence Group concentrated its efforts on the major element of cavitation and that the other aspects of incidental underwater noise generated from shipping would be retained for future reference.

18.5 With regard to the issue of a regulatory framework, the Committee noted that there were other entities working on regional legislation for various types of noise. Given that the Correspondence Group's Terms of Reference were confined to the work on **non-mandatory technical guidelines** for ship-quieting technologies as well as potential navigation and operational practices, no further work had been conducted on this matter.

18.6 The Committee noted that the work on standards for underwater noise was contained in annex 3 and that research needs were contained in annex 4 to document MEPC 60/18.

18.7 The Committee also noted that, in an attempt to obtain additional input from those entities that may have useful information on the issue of noise reduction, feedback from national shipowners suggested that, while some larger shipping companies have an impact on how a ship is designed and built, most buy ships that have already been built or on which construction has already begun. Therefore, shipowners would, in many instances, not have an impact on noise-reduction measures since the vessel design stage had already been completed. It was suggested that perhaps shipyards may have more input at the ship design stage.

18.8 The Committee further noted that the Correspondence Group had approached a number of model basins. These basins generally carried out hydrodynamic tests in tanks to test ship models for the purpose of designing a new, full-sized ship or refining the design of a ship to improve the ship's performance at sea. Annex 5 to document MEPC 60/18 contained a listing of the model basins that were approached and a summary of the responses received.

18.9 In the ensuing discussion, the Committee noted that there was general support for the current direction of the work being undertaken by the Correspondence Group and, in particular, its focus on non-mandatory technical guidelines for ship-quieting technologies as well as potential navigation and operational practices.

18.10 The Committee agreed that the Correspondence Group should concentrate its efforts on the major element of cavitation as this would lead to other efficiencies, consequential fuel savings and reduction of emissions. The Committee also encouraged that research on the issue of underwater noise should be conducted simultaneously with the work of the Correspondence Group.

18.11 The Committee, with a view to progressing the matter further, agreed to re-establish the Correspondence Group, under the leadership of the United States\*, and instructed it to:

- .1 continue its work along the lines of the Terms of Reference approved by MEPC 58 (see MPEC 58/23, paragraph 19.6), taking into account comments and other input received at and after MEPC 60; and
- .2 submit a further report to MEPC 61.

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18.12 The Chairman, together with all delegations represented at MEPC 60, expressed their sincere appreciation to Ms. Lindy Johnson (United States) for her significant contributions to the work of the Committee over many years, including her role as coordinator of the Correspondence Group and lead author of the report and, noting that she was unable to attend this session due to health reasons, wished her a full recovery.

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

### **Revision of the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk in offshore support vessels**

19.1 The Committee noted a proposal by Brazil, Denmark, Norway, and IACS (MEPC 60/19) to revise the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk in offshore support vessels – resolution A.673(16), as amended, to be coordinated by the BLG Sub-Committee with a target completion date of 2012.

19.2 In accordance with paragraph 2.20 of the Committees' Guidelines (MSC-MEPC.1/Circ.2), the Chairman made a preliminary assessment (MEPC 60/WP.3, annex 1) on the proposed unplanned output by the co-sponsors. The Chairman's assessment showed that the criteria for general acceptance provided in paragraph 2.10 of the Committees' Guidelines had been met.

19.3 The Committee, having considered the proposal, approved the inclusion of an unplanned output in the biennial agenda of the BLG Sub-Committee on "Development of a Code for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk in offshore support vessels", and instructed the BLG Sub-Committee to seek technical advice from the DE Sub-Committee as necessary, with a target completion date of 2012.

### **Proposal for a new item on standardization of Oil Protection Combating Equipment**

19.4 The Committee noted a proposal by the Islamic Republic of Iran (MEPC 60/19/1) to develop guidelines addressing the safe performance of oil pollution combating equipment and their inclusion as an unplanned output in the biennial agenda of the OPRC-HNS Technical Group.

19.5 In accordance with paragraph 2.20 of the Committees' Guidelines (MSC-MEPC.1/Circ.2), the Chairman made a preliminary assessment (MEPC 60/WP.3, annex 2) on the proposed unplanned output by the Islamic Republic of Iran.

19.6 The Committee, having considered the proposal, approved the inclusion of an unplanned output in the biennial agenda of the OPRC-HNS Technical Group on "Development of guidance on the safe operation and performance standards of oil pollution combating equipment", and instructed the Technical Group to seek technical advice from the DE Sub-Committee, as appropriate, with a target completion date of 2011.

### **Status of planned outputs of the Committee for the 2010-2011 biennium**

19.7 The Committee noted that, as requested by paragraph 9.1 of the annex to resolution A.1013(26) – Guidelines on application of the Strategic Plan and the High-level Action Plan of the Organization, reports on the status of planned outputs for the 2010-2011 biennium should be annexed, in tabular format, to the report of each session of the

Committees and the sub-committees. Such reports should separately identify unplanned outputs accepted for inclusion and should consolidate all reports on the status of planned outputs received since the previous report of the respective organ.

19.8 Having considered document MEPC 60/WP.4 on the status of the planned outputs of the Committee for the 2010-2011 biennium, reproducing the items listed in resolution A.1012(26) relating to the work of the Committee and relevant sub-committees, the Committee endorsed the status of planned outputs for the current biennium, which had been updated by the Secretariat to take into account the outcome of the current session, as set out in annex 16.

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

19.9 The Committee approved the items to be included in the agendas for MEPC 61, MEPC 62 and MEPC 63 (MEPC 60/WP.2), as set out in annex 17.

#### **Dates for MEPC 61, MEPC 62 and MEPC 63**

19.10 The Committee noted that MEPC 61 would be held from 27 September to 1 October 2010 and that MEPC 62 and MEPC 63 were tentatively scheduled to be held in July 2011 and March 2012, respectively.

#### **Working/review/drafting groups at MEPC 61**

19.11 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 61:

- .1 Working Group on Energy Efficiency Measures for Ships;
- .2 Working Group on Ship Recycling;
- .3 Review Group on Ballast Water Technologies; and
- .4 Drafting Group on Amendments to Mandatory Instruments.

#### **Correspondence Groups**

19.12 The Committee agreed to establish the following intersessional correspondence groups, which would report to MEPC 61:

- .1 Correspondence Group on Review of MARPOL Annex V;
- .2 Correspondence Group on Ship Recycling Guidelines;
- .3 Correspondence Group on Environmental Risk Evaluation Criteria; and
- .4 Correspondence Group on Noise from Commercial Shipping and Adverse Impacts on Marine Life.

### **Intersessional meetings**

19.13 The Committee approved the holding of the following intersessional meetings:

- .1 OPRC/HNS Technical Group, to be held in the week before MEPC 61 in September 2010, which should report to MEPC 61;
- .2 ESPH Working Group to be held from 18 to 22 October 2010; and
- .3 Working Group on Energy Efficiency Measures for Ships.

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

20.1 The Committee recalled that MEPC 59 had considered and approved draft amendments to the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.2) concerning "Capacity-building for the implementation of new measures" (MEPC 59/24, paragraph 11.23 and annex 29). The Committee also recalled that MEPC 59 had considered the issue about new work programmes for the Committees and, in particular, for sub-committees (MEPC 59/21/1, annex 3) and had decided to consider the matter further at MEPC 61 (September 2010), taking into account the decision of MSC 87 (May 2010) as appropriate.

20.2 The Committee noted that A 26, recognizing the need for a uniform basis for the application of the Strategic Plan and the High-level Action Plan throughout the Organization, and for strengthening the existing working practices through the provision of enhanced planning and management procedures, had adopted the new Guidelines on the application of the Strategic Plan and the High-level Action Plan by resolution A.1013(26). The Committee also noted that the Assembly had requested the Committees to review and revise, during the 2010-2011 biennium, the Committees' Guidelines (MSC-MEPC.1/Circ.2) with a view to bringing them in line with the Guidelines on the application of the Strategic Plan and the High-level Action Plan.

20.3 The Committee noted further that, in pursuance of the above request, the Secretariat, in consultation with the MSC and MEPC Chairmen, had prepared the draft revised Committees' Guidelines for consideration by MSC 87 (MSC 87/23). The Committee agreed to consider the matter at MEPC 61 with a view to approving the revised Committees' Guidelines, taking into account the decision of MSC 87 and the Chairmen's Meeting, which would be held during MSC 87.

## **21 ANY OTHER BUSINESS**

### **Amendments to the Rules of Procedure of the Committee**

21.1 The Committee recalled that the Assembly, at its twenty-fifth session, recognizing that the African Union is the successor organization to the Organization of African Unity, approved a new Agreement of Co-operation between the African Union and the Organization.

21.2 Pursuant to the above decision of the Assembly, the Committee, having considered document MEPC 60/21 (Secretariat), approved the following amendments to paragraph (a) of Rule 4 of the Committee's Rules of Procedure:

"Rule 4

In paragraph (a) of the Rule, the words "Organization of African Unity" are replaced by the words "African Union".

21.3 The Committee also approved, consequent to the entry into force on 7 December 2008 of the amendments to the Convention on the International Maritime Organization regarding the institutionalization of the Facilitation Committee, the following amendment to paragraph (c)(ii) of Rule 4 of the Committee's Rules of Procedure:

"Rule 4

In paragraph (c)(ii) of the Rule, the reference to Article "62" of the Convention on the International Maritime Organization is replaced by the reference to Article "67".

21.4 In this context, the Committee recalled that, in accordance with Rule 47, the Rules of Procedure may be amended by a decision of the Committee taken by a majority of the Members present and voting.

### **Environmental aspects of polar shipping**

21.5 The Committee recalled that MEPC 59 concurred with the decision of MSC 86 to include a high-priority item on "Development of a mandatory Code for ships operating in polar waters" in the work programme of the DE Sub-Committee, with a target completion date of 2012.

21.6 The delegation of Norway, in introducing document MEPC 60/21/1 on Environmental aspects of polar shipping, highlighted several aspects of what the environmental chapter of a "Code for ships operating in polar waters" could contain in order to prepare for discussions in the DE Sub-Committee at its next session.

21.7 The Committee noted that, by systematically analysing the MARPOL, AFS and BWM Conventions and others, it could be possible to clearly identify what type of extra measures, if any, should be put in place in the polar regions as a consequence of their unique temperature-, light- and ice- conditions.

21.8 While a number of delegations supported the submission and agreed that the analysis could include issues such as grey water, black water and black carbon emissions from ships operating in the polar regions, concerns were raised regarding the premature nature of this analysis, as the DE Sub-Committee had only recently commenced its work.

21.9 In response to strong concerns expressed by the delegation of the Russian Federation, and supported by others, that some measures suggested in paragraph 4.2 of document MEPC 60/21/1 to ban the transpolar transportation of MARPOL Annex I or Annex II cargoes, the delegation of Norway stated that it was not submitting any proposals or conclusions, but was offering an overview of possible questions that could warrant further consideration.

21.10 In this regard, the Committee agreed that any policy matters that arose from the suggested analysis would be a matter for decision by the Committee.

21.11 In the ensuing discussion, the Committee agreed to refer document MEPC 60/21/1 to the DE Sub-Committee for consideration under its agenda item "Development of a mandatory code for ships operating in polar waters".

#### **Addressing Marine Pollution from Oil-based Lubricants during Normal Operations**

21.12 The Committee noted that document MEPC 60/21/2 (WWF and FOEI) raised specific concerns over the extent of oil-based lubricant pollution, as an example of the scale of operational chemical pollution and the alleged inadequacy of existing IMO regulations and industry operating practices to reduce its impact on the marine environment. The volume of chemicals used by the shipping industry also raised concerns about the environmental risks of spills in the case of accidents.

21.13 The Committee, having noted that there were a number of ways to reduce oil-based lubricant pollution, invited Member Governments to submit proposals to its next session for consideration.

#### **Statement by the delegation of the Islamic Republic of Iran on visas to attend MEPC 60**

21.14 The delegation of the Islamic Republic of Iran made a statement on visas to attend MEPC 60. As requested, the statement is set out in annex 18.

21.15 In response, the delegation of the United Kingdom stated that it was aware of the situation and had raised the issue with the Foreign and Commonwealth Office.

#### **The Secretary-General's closing remarks**

21.16 At the end of the session, the Secretary-General delivered his closing remarks, which are contained in document MEPC 60/INF.25.

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**ANNEX 1**

**RESOLUTION MEPC.188(60)**

**Adopted on 24 March 2010**

**INSTALLATION OF BALLAST WATER MANAGEMENT SYSTEMS ON NEW SHIPS IN ACCORDANCE WITH THE APPLICATION DATES CONTAINED IN THE BALLAST WATER MANAGEMENT CONVENTION (BWM CONVENTION)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO the adoption by the International Conference on Ballast Water Management for Ships, held at the Organization's Headquarters in 2004, of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (hereinafter "the BWM Convention"),

RECALLING FURTHER that, on entry into force, the BWM Convention will require ships to install ballast water management systems, which meet the D-2 standard stipulated therein,

NOTING that the Assembly, at its twenty-fifth session in November 2007, adopted resolution A.1005(25) on the "Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004", which calls on States that have not yet ratified the BWM Convention to do so as soon as possible, and recommends that ships subject to regulation B-3.3 constructed in 2009 should not be required to comply with regulation D-2 until their second annual survey, but no later than 31 December 2011, if type-approved technology is not immediately available to achieve the D-2 standard set forth in the BWM Convention,

NOTING ALSO that resolution A.1005(25) requests the Committee to keep this resolution under review and, in particular, to review the issue of a ship subject to regulation B-3.3 constructed in 2010 and the immediate availability of type-approved technology for such a ship to meet the D-2 standard,

NOTING FURTHER that at its fifty-ninth session the Committee concluded that there are sufficient type-approved ballast water treatment technologies available for ships subject to regulation B-3.3 constructed in 2010 and that no changes to Assembly resolution A.1005(25) are needed,

RECOGNIZING that while the requirements of regulation B-3.3 cannot be enforced before the entry into force of the BWM Convention, it should be clearly understood that the ballast water management systems installed on ships constructed in 2010 will have to meet these requirements once the BWM Convention enters into force,

1. CALLS ON States which have not yet ratified, accepted, approved or acceded to the BWM Convention to do so at their earliest convenience;
2. INVITES Administrations to encourage the installation of ballast water management systems on new ships in accordance with the application dates contained in the BWM Convention; and
4. INVITES Member States to bring this resolution to the attention of shipowners, shipbuilders, and manufacturers of ballast water management systems, as well as any other parties concerned.

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## **ANNEX 2**

### **STATEMENT BY ROPME**

#### **ON BALLAST WATER MANAGEMENT MEASURES IN THE ROPME SEA AREA**

The ROPME Member States have jointly requested the shipping industry to carry out ballast water exchange outside the ROPME Sea Area, which, in accordance with resolution MEPC.168(56), adopted on 13 July 2007, became a Special Area with effect from 1 August 2008.

This decision of the ROPME Member States was based on the outcome of the activities conducted under the GloBallast Programme, which included Khark Island (Islamic Republic of Iran) and the ROPME Sea Area as one of the programme's demonstration sites. The requirements for mandatory ballast water exchange outside the ROPME Sea Area are contained in document MEPC 59/INF.3, which was noted by MEPC 59 and are in accordance with UNCLOS, section 5, article 211, paragraphs 1, 3, 4, 5 and 6(a) and (b).

Recognizing that the region is the largest recipient of ballast water worldwide, the ROPME Member States are now in the process of ratifying the Ballast Water Management Convention.

The shipping industry had some concerns about our request for ballast water exchange outside the region. Please be reminded that this was in accordance with the provisions of regulation B-4 of the Ballast Water Management Convention, taking into account the circumstance and nature of the ROPME Sea Area.

Our document MEPC 60/INF.2 provides a summary of the activities carried out by MEMAC in conjunction with ROPME Member States. It also highlights the need for wider awareness and the need for guidelines or model for ballast water management plan to be part of legislation. The GloBallast is assisting in this direction and I wish to express our gratefulness and appreciation to all IMO staff, the Marine Environment Division and the GloBallast for their continuing support to our region under the leadership of IMO's Secretary-General.

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**ANNEX 3**

**WORK PLAN AND PROPOSED SCHEDULE FOR THE DEVELOPMENT OF THE GUIDELINES ASSOCIATED WITH THE HONG KONG CONVENTION**

MEPC Session :	MEPC 59	MEPC 60	MEPC 61	MEPC 62	MEPC 63	MEPC 64
Date (for 2011 and 2012 the dates are tentative) :	July 2009	March 2010	Sept-Oct 2010	July 2011	March 2012	October 2012
Guidelines for the development of the Inventory of Hazardous Materials	Adopted MEPC.179(59)					
Guidelines for safe and environmentally sound ship recycling			Finalization, and if appropriate adoption	Adoption		
Guidelines for the development of the Ship Recycling Plan				Adoption		
Guidelines for the authorization of Ship Recycling Facilities				Adoption		
Guidelines for survey and certification					Finalization, and then referring to FSI 20 (around June 2012)	Adoption
Guidelines for inspection of ships					Finalization, and then referring to FSI 20 (around June 2012)	Adoption

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## ANNEX 4

### STATEMENTS BY DELEGATIONS ON MATTERS OF PRINCIPLE OR POLICY CONCERNING THE GHG ISSUE

(Listed in the order of interventions)

#### **Statement by the delegation of Spain**

Spain, having the presidency of the Council of the EU, would like to thank the Committee for the invitation made at the last MEPC to continue at MEPC 60 the debate on the control of greenhouse gas emissions from international maritime transport. Although the Copenhagen Accord does not refer to international maritime transport, it is interesting to note that during the UNFCCC negotiations bunker fuel emissions have however received increasing attention.

The IMO has now an opportunity to demonstrate that concrete measures and ambitious levels of global reductions can be delivered to keep international shipping in line with global actions to reduce GHG emissions. We recognize and support the role of the IMO as the appropriate forum to develop global frameworks which should provide a flag-neutral and un-distortive coverage of the sector to avoid carbon-leakage.

The European Union Member States have agreed to continue the efforts by committing to collectively reducing their GHG emissions and that all sectors of the economy should contribute to these reductions. In this respect, the European Union Member States commit themselves to work through IMO, to enable an international agreement that does not lead to competitive distortions or carbon leakage, to be approved by 31 December 2011.

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

It is great to see you, Mr. Chairman, to continue to be the chair of this MEPC session. We believe in your able hands and with your wisdom, this session will achieve positive results along its pre-set tracks.

The Chinese delegation will, with a positive and constructive attitude, participate in the discussion and consideration of all agenda items. China supports the consideration of IMO/MEPC on technical issues to achieve consensus.

We thank the SG and the Secretariat for the introduction of the IMO's participation in the COP 15. I would like to make the following comments on the agenda item of GHG Emission Reduction.

The Chinese delegation notes with appreciation of the IMO's presentation to COP 15, and respect all the efforts they have made during the meeting. After COP 15, all countries and international organizations are thinking how to address climate change with a practical and feasible way so as to promote sustainable development.

As for the outcome of COP 15, like what the Secretary-General had mentioned, important common understanding and decision in finance, technology and mitigation have come into being. Copenhagen Accord embodies our international community's political will and

important common understanding in collectively addressing climate change. This Accord reiterates and stresses the principle of "common but differentiated responsibilities". This political document should be the guidance on all cooperation on climate change, including IMO.

Besides, two working groups of UNFCCC have discussed the issue of emission reduction of GHG from international shipping. Though no final agreement has been reached in the working groups' documents, UNFCCC will continue the discussion of GHG Emission from international shipping. In June this year, the 32nd SBSTA session of UNFCCC will particularly discuss this issue. We might expect some progress.

When MEPC 60 of IMO is considering this issue, adequate consideration should be given to the above-mentioned progress by COP 15, giving the focus to technical issues to achieve bigger progress.

Among the principles MEPC should adhere to, we must stress that the principle of "common but differentiated responsibilities" shall be insisted. This is the basic political and legal principle that the international community should uphold in dealing with climate change. Should IMO discuss GHG emission reduction without this principle, there would be no any outcome.

The second principle is "consensus through consultation". GHG emission reduction by shipping is closely related to shipping, ship building and the world trade and economy of all countries. The concerns of countries, particularly developing countries should be fully reflected and respected, and all decisions should make on the bases of consensus.

As for technical issues, we support the IMO to play greater role in this area which is the core issue for IMO to address climate change. We also appreciate the great progress IMO has made in the past, compared with the progress in other forums.

However, CO<sub>2</sub> is not a pollutant and cannot be treated and included in the Annex of MARPOL in which severe air pollutants are addressed. For China and many other countries, putting CO<sub>2</sub> into MARPOL will encounter tremendous domestic legal obstacles. We understand that this process should be quicken in our forum, but if we cannot dealing it properly, greater difficulty in domestic process will definitely hinder our efforts. We believe that an independent process to encompass the binding character of technical measures, such as EEDI, would be more appropriate.

As for MBI, this delegation has repeated many times that the main task of IMO is to carry out technical study on relevant proposal and methodology and that MBIs go beyond the competence of IMO. From a broader picture of climate change negotiations, all countries are considering how to promote the cooperation of next stage. The MBI issue is not involved at present. So, we strongly request IMO to be more patient and defer the discussion of this issue. Probably, COP 16 to be held in Mexico will give us some enlightenment or even a surprise.

As to the origin and authorization of this agenda item, I agree with the provisions of Article 1 and Article 64 of IMO Convention mentioned by Mr. Secretary General in his opening speech. However, we hold the view that the Kyoto Protocol is still the most direct and authoritative for such authorization. This is also the basis for about 20 meetings on this issue in IMO since 2002. This is also the basic common understanding for further discussion of this issue. It is our sincere hope that this basis is not challenged.



Lastly, I would like to stress the need to strengthen the capability of developing countries so as to help them effectively participate the discussion of IMO and put forward their own proposals. Otherwise, most of proposals being made by one cluster of countries or dominating the negotiation by one group, could not lead to a positive outcome.

### **Statement by the delegation of Brazil**

This delegation wishes to thank you for this document and to congratulate you, Mr. Chairman, on another straightforward attempt before this Committee to reach practical results deemed satisfactory by all Member States.

However, Brazil views it as necessary to comment on documents MEPC 60/4/9 and MEPC 60/INF.9, together with your proposals. The information provided by the Secretariat disseminates the IMO activities and stances taken at the UNFCCC, particularly in 2009, and clearly states the main results achieved at COP 15. In addition, it demonstrates the UNFCCC's recognition of IMO, as the former unanimously acknowledged the importance of continuing to receive the latter's reports at future sessions.

We also find the approval of the Copenhagen Accord to be of the utmost importance, as it will guide the stance taken by States within this Committee on applicability and on the work plan for further consideration of market-based measures.

During COP 15, Mr. Chairman, Brazil, a developing country, stated its firm and autonomous willingness to cooperate with the world's effort to fight global warming by disseminating its voluntary measures as well as the presidential intent to provide financial cooperation, again on a voluntary basis, with a view to assisting those less favoured.

Unfortunately, at Copenhagen we were not able to reach a binding agreement, as we would have liked to, for this theme is highly complex and, without a doubt, directly linked to the development of countries. We have nonetheless reached a milestone – a political agreement – which has made the year of 2010 extremely important in the attempt to find a consensus next December.

In Brazil's view, three aspects of the Copenhagen Accord are of fundamental significance:

Firstly – substantial political willingness to urgently fight climatic change by observing the principle of the CBDRs as well as the countries' respective capacity – one of the fundamental bases for the Climate Convention and its Kyoto Protocol, both of which are internationally recognized instruments;

Secondly – recognition that imperious priority is to be given to social and economic development and to the eradication of poverty in developing countries; and

Thirdly – the collective commitment by developed countries to mobilize significant financial resources yearly by 2020 in order to assist developing countries, particularly LDCs, SIDS and African countries. In order to accomplish that, it has become necessary to establish a High Level Panel under the guidance of the UNFCCC to look into funding sources as well as into "alternate sources of finance", which term needs to be further clarified, with a view to establishing the Copenhagen Green Climate Fund.

Mr. Chairman, we have just brought up issues, such as the development of countries and sources of funding, which are points that have been politically agreed to and which require binding decisions.

We, Brazilians, agree with the wise words of the Secretary-General, Admiral Mitropoulos, which draw attention to the seriousness of global warming. We undoubtedly need an environmentally safer world for our future generations. Nevertheless, the current social inequalities have no place in that very same future world.

Brazil recognizes the importance of IMO's role and the peculiar characteristics of the maritime sector, which rules, once established, must be applied to all Member States without distinction. However, we feel it is necessary to come to a consensus that allows for a global approach. The results obtained at Copenhagen clearly indicate we need to further develop the topics handled within the sphere of the Long-Term Cooperative Action Working Group (AWGLCA) and to hold an in-depth discussion on the future of paragraph 2.2 of the Kyoto Protocol at the UNFCCC. To do that, we count on this political agreement at its future meetings. After that, Mr. Chairman and distinguished delegates, we will be free to employ a sectoral approach and it is at this point in time that this Organization will be of crucial relevance, counting on its international recognition to conduct the debates.

Therefore, Mr. Chairman, this is of the view that it is of utmost importance to consider the results achieved at UNFCCC in the debates regarding your proposals which will be presented in document MEPC 60/4/57.

#### **Statement by the delegation of Saudi Arabia**

We would like to thank the UNFCCC Secretariat for their update on the Copenhagen COP.

We have come here to confirm our commitment to work with our colleagues to achieve a positive outcome on this important issue.

Saudi Arabia would like to express its support for the statements made by our colleagues from China and Brazil.

Let us remind ourselves that Kyoto Protocol Article 2, Paragraph 2 in 1997 is what led to these negotiations. It was only in 2003 that the IMO started tackling this matter after its assembly 59.

If the IMO is looking to conclude an agreement on this matter, the Principle of Common but Differentiated Responsibilities (CBDR) should be incorporated in any text dealing with greenhouse gas emissions from ships. CBDR is one of the fundamental principles of the 1992 Rio Declaration.

Let us be reminded that reduction of greenhouse gas emissions is as much a sustainable development imperative as it is a climate change imperative. With this, developing countries lag far behind industrialized countries in their levels of development and therefore need assistance in building up their capacities through, among other things, the transfer of technologies. We therefore cannot accept our shipping being treated on equal basis as those in developed countries.

As for the Energy Efficiency Design Index and Energy Efficiency Operational Index, we feel their application on a mandatory basis is still not possible, as they are not yet mature enough. More voluntary trials need to be conducted before we can consider making them mandatory.

We would also like to highlight that the IMO's own 2nd GHG Study states that, if taken together, technological solutions can lead to anywhere from 25 to 75% reduction of GHG emissions from ships. No other method can achieve even 10%. We should therefore allow these technological developments to help us to solve these problems.

As has been stated by the chairman, we have a plan that would culminate with an agreement at MEPC 62 and we are happy with that arrangement. We do not support any acceleration of the process.

Lastly, Mr. Chairman, we have been spinning our wheels on the issue of market based instruments. We support the proposal made by China to postpone discussion of these instruments until MEPC 62.

#### **Statement by the delegation of South Africa**

South Africa welcomes presentation of papers under agenda item 4 dealing with Prevention of air pollution from ships. In particular this delegation is deeply encouraged by the leadership provided by the Secretary General and you Mr. Chairman in the build-up to the historic climate talks hosted by the great city of Copenhagen as reported in 60/4/INF 9, thank you Denmark. The event proved once again that the international community heard the climate clarion call. As to its outcome, this will continue to be an area of study by climate change scientists and historians as to its success or failure. What we know for sure is that the Copenhagen Climate Accord was noticed and I think it would be proper for us to note it as being an important agreement that has the potential to break the impasse in these delicate negotiations. As we all are aware, the traditional home of climate change negotiations is the UNFCCC and South Africa looks forward participating as part of the global community in search of the solution appealing to all parties. This is not to downplay the undisputed role and responsibility of the IMO and ICAO as assigned by UNFCCC and Kyoto Protocol. For us here, the fundamental question is whether the outcome of COP 15 has brought any fundamental change in the status quo prior to it – thus requiring IMO to either, accelerate, accelerate with caution and or slow down towards halt. To us the first and third options are two extremes unworthy of consideration. And under the circumstances, pursuing option two, i.e. accelerate with caution, seems to be the most sensible decision. This will not only unite us, but will also allow us to progress within the speed of the UNFCCC process, a key ingredient forming the consensus as secured at the commencement of these negotiations. We hold the principle of CBDR and capabilities as being an obligation for IMO to respect. Mr. Chairman, our understanding is that there is every reason for us, for IMO to be optimistic in that a climate change deal is within reach and that the spirit of COP 15 has brought a new impetus requiring much greater caution lest we lose what we have already achieved. Unilateralism or blinkered arrogance will only put us firmly apart. The time requires responsible leadership and we have no doubt on your consensus building capabilities and leadership.

### **Statement by the delegation of Turkey**

We take the floor in order to underline our position on Greenhouse Gas Emissions issue.

Turkey supports the IMO studies on controlling the ship generated Greenhouse Gas Emissions and taking prompt actions on this important issue. However, any implementations supposed to be fair for every flag. That is to say the implementations like Emission Trading System or GHG fund which are on the agenda of this committee should lead to fair financial responsibilities

Shipping sector has a different structure from other industries. Consequently all the means should be taken so as to prevent undertaking more financial responsibilities by developing countries. So that, a classification method defining the developing and developed countries to be prepared to support the mitigation of greenhouse gas. This method should be based on the principles of "equity" and "common but differentiated responsibilities" and respective capabilities in the field shipping sector.

This classification has to also include some criteria on how the maritime industries make benefit from shipping sector. The criteria proposed by International Union for Conservation of Nature on imports can be taken as an example implementation. In this way, all the parties producing more Greenhouse Gas emissions shall take more financial responsibilities.

This delegation support GHG funding instrument just only a fair classification method could be established. In this context, the classification should be based on the sharing rates of the parties on international shipping commerce.

We do not support the Emission Trading System. We believe in that the Emission Trading System should be previously used in order by the other highly GHG producing sectors.

In a general perspective we support the instruments enabling GHG mitigation. In this context funding and levy systems should be prepared based merely on the maritime sector circumstances such as trading shares of the international shipping or GHG emission rates, but not to based on the UNFCCC and its annexes.

In addition, we are pleased on the studies of Energy Efficiency Design Index and Energy Efficiency Operational Indicator done under the umbrella of the IMO. Also, we believe in that designating a limit value for all kinds of ships and running this implementation on a calendar is very essential.

Moreover, it is evaluated to be worthwhile to lower Energy Efficiency Operational Index values in every 5-year period which can enable companies to get capacity increasing in either operational or technical developments.

### **Statement by the delegation of Norway**

In listening to the general statements so far, it seems that we are about to embark on a discussion which we have had at previous sessions. We should avoid going in circles and repeat arguments put forward in several previous sessions. Listening to the general statement by China, we sense some indication from their side to take one step forward. Despite our disagreement to several of their viewpoints, we welcome any constructive initiatives to find a way forward in the IMO work on reduction of greenhouse gases.

The issue of greenhouse gases was not given to the Organization and the Committee by Parties to the Kyoto Protocol. The mandate for our work comes from Conference resolution 8 of the 1997 air pollution conference. The follow-up of that resolution led to Assembly resolution A.963 (23) which is now the basis for our work.

In preparing the Assembly resolution, the MEPC did discuss how Article 2.2 of Kyoto Protocol should be understood, and which principle should be the basis for the IMO policy on GHG emissions from ships. Two documents, MEPC 49/4/4 by the United Kingdom and MEPC 49/4/6 by Norway, were submitted on that topic. Paragraph 4.9 of the report of MEPC 49 reflects the outcome of that discussion. The Committee: *"agreed that the draft Assembly resolution on IMO Policies and Practices related to reduction of greenhouse gas emissions from ships should be based on a common policy applicable to all ships, rather than based on the provisions of Kyoto Protocol which states that the reduction of greenhouse gas emissions is under the responsibility of the Annex I countries of the Protocol."*

We should respect this decision of the Committee, in our further proceedings.

We should as soon as possible start the consideration of the specific proposals submitted to this session of the Committee. Then all of us should strive for finding solutions in line with the customary practices of the Organization enabling shipping to respond firmly to climate change.

#### **Statement by the delegation of Argentina**

The Argentine delegation wishes to thank all those who have submitted documents on this item, the Organization for its valuable efforts to enhance the instruments that regulate the prevention of marine pollution, and you yourself, as we are well aware that the task of chairing this Committee, and especially this agenda item, is not easy.

Argentina, like all the governments, NGOs and intergovernmental organizations gathered here, shares the common interest in ensuring that this planet which supports us goes on being viable.

The Argentine Government recognizes IMO as having sufficient scope, in terms of its expertise, and sufficient experience, in the shape of this Committee and other IMO organs, to carry out initiatives relating to the greenhouse gases (GHGs) emitted by international maritime transport.

As argued by Bahamas in its document MEPC 60/4/22 and also stated by Brazil, we believe that there are serious political challenges before us which must be discussed and resolved together with other forums, before IMO adopts a decision that will affect trade and transport everywhere.

Argentina considers that each of the possible alternatives for reducing GHG emissions must be considered carefully, since these are measures which can profoundly affect not only maritime trade as we know it but also other matters including the technology implemented, access to markets and equality of opportunity. As well as all this, the principle of common but differentiated responsibilities and respective capabilities must be applied.

However small the cost increase, it will be passed on as some sort of overall inflation, and we appreciate that this is not a solution that the international community is expecting from us.

We understand that the outcomes of the discussions held in the framework of the United Nations Framework Convention on Climate Change are and must continue to be the ultimate reference point for progress in other areas. To act otherwise, to move forward on any binding, technical, operational or market-based instrument without taking into account general progress made in other forums may place maritime transport at a disadvantage as compared with other modes of transport.

We do not believe that now is the time to discuss mandatory requirements of the kind proposed in document MEPC 60/4/35. Of course, the work to develop measures must continue, but always on the basis of voluntary application, until such time as our governments can agree on the issues of highest importance which remain unresolved, as accurately reflected in documents MEPC 60/4/9 and MEPC 60/INF.9.

With respect to market-based measures, Argentina is quite willing for these, as well as technical and operational measures, to be discussed further. We believe that it must be a wide-ranging, transparent discussion conducted in full awareness that GHG emissions and the measures used to prevent them affect all of us. In this context, in principle we cannot support the proposals made in document MEPC 60/4/57.

Finally, Mr Chairman, the delegation of Argentina wishes to support the comments made by the delegations of Brazil, China, South Africa, Saudi Arabia and others.

#### **Statement by the delegation of India**

Let us at the very outset express our confidence, Mr. Chairman that under the Secretary-General's inclusive leadership on the issue of GHGs and your able guidance, the MEPC 60 will make constructive progress on the issue.

India broadly agrees with the views expressed by China, Brazil, Saudi Arabia, South Africa and Argentina particularly with respect to the principles of CBDR and respective capabilities, scope of MARPOL, deferring discussions on MBI, *et al.*

The Indian delegation takes note of the document MEPC 60/4/35 proposing mandatory application of EEDI and SEEMP.

While this delegation appreciates the urgent need to find ways for mitigating GHG emissions not only from international shipping but also from all other sources, we would like to take this opportunity to emphasize that voluntarily proactive steps are being undertaken by India and other like minded countries to address this issue.

During MEPC 59 this Committee had agreed that all documents and the discussions on legal instruments and application issues, in their entirety, should be left for future sessions, where these issues should be discussed in the light of the outcome of COP 15. The COP 15 decided to extend the mandate of the *Ad hoc* Working Group on Long-term Cooperative Action to enable it to continue its work. Hence, considering the current stage of the global negotiations at the UNFCCC, the discussions related to "applicability" and MBIs should be deferred.

Mr. Chairman, the document MEPC 60/4/57, proposed by you, states that the regulatory draft text proposed by Japan, Norway and USA should be discussed by the working group formed during this session of MEPC at the IMO and text is to be finalized at the plenary for adoption at MEPC 61.

We feel that the working group instead should continue its work in refining the technical measures like EEDI for practical application and the shipping industry ought to continue to test and apply EEDI, EEOI and SEEMP on voluntary basis for reduction of GHG emissions.

India is of the strong view that since any decision taken here in a rush will impact the fate of 130 developing States with diverse socio-economic milieu and geographical locations, the fundamental principles agreed to at UNFCCC and Kyoto Protocol with respect to CBDR and the respective capabilities of the Parties needs to be translated into practice.

We have noted the sentiments expressed by the distinguished delegate of Norway. No man, no institution is an island. We would like the IMO not to insulate it from the political consensus reflected in the UNFCCC and in COP 15, but act in unison with other UN bodies.

### **Statement by the delegation of France**

As we saw in Copenhagen, the discussions within the UNFCCC are particularly difficult. Nevertheless, what is important in the Copenhagen agreement is that all countries, developed or developing, must define their national objectives in terms of GHG emissions. Emissions from maritime transport have not been attributed to countries – for good reason.

It is the task of IMO, which brings together all the interested parties in maritime transport, to define the industry's ambitions and develop measures for reducing GHG emissions.

We must do this in accordance with the principles and practices that we have developed, which take account of the industry's particular characteristics and the need for cooperation among countries.

We therefore look forward to making progress this week on the basis of the many documents which have been submitted in this subject.

### **Statement by the delegation of the Philippines**

We believe that negotiations in the UNFCCC on reduction of emissions from maritime and aviation industries are nowhere near consensus. It is important to the Philippines that the following basic principles we are committed to are not diluted here at IMO in discussing Green House Gas emissions, namely: (1) common but differentiated responsibilities; and (2) support by developed countries for developing countries' climate change adaptation and mitigation actions – in terms of financing, technology transfer and capacity-building – within a sustainable development framework.

We do not hope to see proposed legislations/ongoing discussions in some countries that, if implemented or comes to fruition, would effectively tax developing countries in the name of climate change. Such unilateral actions could indeed be very worrisome. This makes it even more important for us to ensure that the already agreed principles, commitments, and goals of the UNFCCC and its Kyoto Protocol are respected.

In this regard, the Philippines can identify itself with the principles enunciated in the position by China, Brazil, and other similarly minded delegations. We specifically support the position that the deliberations in this Committee be guided by the principle of consensus, an approach that has served us all well. Unfortunately, it has not always been so observed. The setting aside of the approach through consensus may erode, in the long term, a significant basis upon which important measures have been adopted by this Organization in the past.

### **Statement by the delegation of Malaysia**

Malaysia is party to UNFCCC as well as the Kyoto Protocol. The actions to address climate change should be done within the context of sustainable development involving the implementation of prudent, cost effective and adaptive management approaches.

Malaysian Government reiterated its commitment to sustainable development by setting up the national steering committee on climate change and the committee for clean development mechanism to tackle the issues of climate change supportive of the implementation of the clean development mechanism under the Kyoto Protocol.

We recognized the competent and effectiveness of IMO in dealing with measures to control discharges and emissions from ships and lauded the leadership of the Secretary General and your good self in this respect.

The implementation of the technical elements uniformly for international shipping should be made through consensus. On the emissions of GHG's it should be considered under a new instrument.

Market-based measures should have due regard to the CBDR principal and if to be mandated should be through the UNFCCC.

### **Statement by the delegation of Portugal**

On this issue of the utmost importance this Delegation would like to support the statement made by the distinguished Delegate of Spain, supporting the role of IMO as the appropriate forum to develop global framework on greenhouse gas emissions from international shipping, supporting the global reduction targets proposed as the use of global market based instruments which should be developed within IMO.

Furthermore, we would like to give fully support to the proposals for working arrangements as proposed by you Mr. Chairman on document MEPC 60/4/57.

### **Statement by the delegation of the United States**

The United States agrees with the statements made by Norway, Spain, and France. Like Norway, much of what I would normally say, I've already stated at previous sessions. However, I feel it is necessary to address one point. The United States strongly disagrees with the idea that we must wait for UNFCCC. Norway had it correct as they gave the background of our decision.

IMO is not subservient to UNFCCC. We informed the UNFCCC of our plan – and they agree – IMO is the right venue for GHG solutions. We have the obligation to step up and fulfil our responsibility to address GHG emissions from international shipping. France had it right – we must act now. The United States fully supports IMO moving forward as we have planned and agreed.



### **Statement by the delegation of Germany**

I would like to thank the Delegations of Spain, Norway, France, Portugal and the United States for their statements and wish to associate our help with them.

As we understand the discussion we see that there is a disagreement but consent with the view to the fact that IMO is the responsible body to find solutions to protect the environment.

Improving the energy efficiency of shipping protects the environment in different regards:

- it will lead to less GHG emissions
- it will lead to less fuel consumption and thereby save our resources which as we all know are limited
- furthermore, improved energy efficiency will lead to less fuel consumption and lead also to less air pollution emissions such as NO<sub>x</sub>, SO<sub>x</sub> and PM<sub>10</sub> (Particulate Matter) which indisputably fall in the scope of Annex VI.

We consider FEDI as purely technical and not different and no different in nature than any requirement in other IMO instruments that improve performance of shipping.

When it comes to MBIs we understand that these can be considered of being of a different nature.

However, we cannot see that the responsibility of the IMO is limited.

The UNCLOS as well as the IMO Convention itself fully mandate the IMO to regulate the protection of the environment with a view to shipping.

That means IMO can adapt and actually is responsible to adapt whatever measure is appropriate to tackle the issue at hand.

Therefore, Mr. Chairman, we would like to encourage the Member States to turn to the proposals submitted to their Committee and follow your proposed way ahead procedurally.

### **Statement by the delegation of Sweden**

Lots have been said and this delegation agrees with Norway that we are moving around in circles. Sometimes we need to be reminded of decision already taken such as just been done by Norway who rightfully reminded us about what we have all previously agreed upon with regard to the main principles for our work regarding the greenhouse gas issues.

Sweden fully supports the statement made by Spain especially with regard to the role of IMO as the appropriate forum to develop global frameworks which should provide flag-neutral measures to avoid carbon-leakage. We have already agreed in the Organization's strategic plan that IMO should be the primary international forum for matters within international shipping and now we need to get together and shows what this means.

The Secretary-General this morning very clearly explained what can happen if we do not act at all or if we do not act quickly enough. I do not need to repeat his word but this delegation shares his reflection on the urgency of this matter – every day counts. The Assembly

resolution A.963(23) on *IMO policies and practices related to the reduction of Greenhouse gas emission from ships* from 2003 gave us the path to walk on – how can we explain for the outside world that we 7 years later just merely have started our stroll.

#### **Statement by the delegation of Cuba**

The words of the distinguished delegations which have preceded me (China, Brazil, Saudi Arabia, Argentina, India and the Philippines) were very clear with regard to the principle of common but differentiated responsibilities in relation to the reduction of greenhouse gas emissions. As has been demonstrated, climate change by its nature is more closely related to development than to the environment. IMO's work on the subject-matter of the Copenhagen conference must be acknowledged. In conclusion, consensus has always been IMO's most important and helpful asset.

#### **Statement by the delegation of the Cook Islands**

We can understand the concern expressed by, dare I say, both sides of the argument, but we and the South Pacific Island States share another concern that is our survival.

While we have been spared the tragedy met in Haiti, Chile and Turkey, we continue to face the full wrath and ever increasing frequency of even more damaging cyclones. There is no doubt in the science that Climate Change has contributed to the frequency and violence of these storms. Recently the island of Aitutaki suffered 80% devastation.

Sir, the Cook Islands are at the end of the supply chain and clearly we do not wish to see unnecessary restriction of limits on trade, but if the issue of Climate Change is not addressed there will arguably be significantly less South Pacific Island States to trade to.

We agree that Climate Change discussions must address sustainable development and of course we are engaged on the all important discussions on mitigation and adaptation but our overriding concern in the South Pacific is one of survival.

Chairman we appeal to all Member States to recognize our dilemma, and that of other small island, developing States and if not open their heart, open their minds so that progress can be made and give us hope for our future survival.

#### **Statement by the delegation of Italy**

Italy confirms its opinion, as stated in the previous sessions, that IMO for its nature is the unique, appropriate forum to develop a comprehensive regulatory regime aimed at limiting/reducing the GHG emissions from international shipping.

In this respect, Italy echoes the comments expressed by Norway, Spain, Portugal, France and others; contextually the Italian delegation welcomes the proposal set out in document MEPC 60/4/57 by the Chairman, dealing on work arrangements for agenda item 4 (prevention of air pollution from ships) and the proposals for further progress on GHG matters in 2010.

This line of action is in full harmony with the comments on which the Secretary-General focused this plenary's attention during his opening speech.

In our opinion, then speech goes beyond formalities and touches issues of particular sensitiveness, sending a clear message to the international maritime community to exploit the "momentum" created in the aftermath of COP 15.

Moreover, we are requested to put in place a "package stimulus" based on the 2006 Work Plan and aimed at intensify efforts to develop a global framework which should provide an effective, transparent, flag neutral mechanism, encompassing both the priority for protection of environment and balancing the needs of shipping, in a manner proportionate to its responsibility.

This delegation welcomes this approach for its huge sense of reality and extended wisdom, seeking for harmony with the UNFCCC, so as to provide maximum efficiency and effectiveness in tackling this epochal challenge

#### **Statement by the delegation of Peru**

Peru, taking into account the principle of common but differentiated responsibilities, wishes to see a global, far-reaching and effective agreement reached on climate change. Peru's position is proactive and aimed at finding a consensus that brings together viewpoints and ensures conformity with the provisions of the United Nations Framework Convention on Climate Change and its Kyoto Protocol. Bearing in mind the opinions of Argentina, Brazil, China and other delegations, the delegation of Peru considers it prudent and timely to postpone the debate on regulation of ships' energy efficiency until the next United Nations Climate Change Conference, in Mexico, where it may be possible to adhere to general principles which can then be applied."

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**ANNEX 5**

**DRAFT AMENDMENTS TO APPENDIX I OF THE REVISED MARPOL ANNEX VI  
(REVISED FORM OF SUPPLEMENT TO INTERNATIONAL AIR POLLUTION  
PREVENTION CERTIFICATE)**

Paragraph 2.3 of the form of Supplement to International Air Pollution Prevention Certificate is amended as follows:

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

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

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

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

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

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## ANNEX 6

### TERMS OF REFERENCE FOR THE FIRST INTERSESSIONAL MEETING OF THE WORKING GROUP ON ENERGY EFFICIENCY MEASURES FOR SHIPS

The first Intersessional meeting of the Working Group on Energy Efficiency Measures for Ships is instructed, taking into account all relevant documents, to:

- .1 further improve the text for mandatory requirements of EEDI and SEEMP using Annex 5 of MEPC 60/WP.9 as the base document, including but not limited to:
  - .1 coverage of ship types and ship sizes for the EEDI;
  - .2 target year for phases 1, 2 and 3 for the EEDI;
  - .3 establishment of EEDI baseline(s); and
  - .4 reduction rate X from the baseline for the phases for the EEDI.
- .2 develop guidelines on the method of calculation of the Energy Efficiency Design Index (EEDI) based on MEPC.1/Circ.681;
- .3 develop guidelines for calculation of baselines for attained EEDI based on the documents MEPC 60/4/7 and annex 4 of MEPC 60/WP.9 and other relevant documents submitted to MEPC 60 and previous sessions;
- .4 develop guidelines to support the regulatory framework for verification of the EEDI taking into account MEPC.1/Circ.682;
- .5 in relation to the mandatory carriage requirement of the SEEMP, consider any improvement of the guidance for the development of a Ship Energy Efficiency Management Plan (SEEMP) (MEPC.1/Circ.683);
- .6 consider any technical influence on safety which may be resulted from implementation of EEDI; and
- .7 submit a written report to MEPC 61.

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## ANNEX 7

### STATEMENTS BY DELEGATIONS ON MANDATORY TECHNICAL AND OPERATIONAL ENERGY EFFICIENCY MEASURES FOR SHIPS FOLLOWING CONSIDERATION OF THE WORKING GROUP'S REPORT (MEPC 60/WP.9)

#### Statement made by the delegation of South Africa

"South Africa wishes to draw to the attention of the Committee the approval by the Committee of the procedure to assess capacity-building implications when developing and/or amending mandatory measures, and request the Committee in anticipation of consideration of a mandatory instrument to implement the procedure."

#### Statement made by the delegation of India

"This delegation associates itself with the comments made by the delegations of South Africa, China and Saudi Arabia.

We have examined the paragraph 4 of MSC – MEPC 1/CIRC. 2 – Annex 2 and firmly believe that the 'procedure' stated therein is essential for attaining the capacity-building necessary by emerging economies. This is notwithstanding the cogent clarification given by the Director Maritime Environmental Division.

Since Resolution A.963 (23) states that "Noting also that the Air Pollution Conference invited the MEPC to consider what CO<sub>2</sub> reduction strategies may be feasible given the relationship between CO<sub>2</sub> and atmospheric pollutants, especially NO<sub>x</sub> whose emissions can exhibit...". From this it is clear that CO<sub>2</sub> is not an air pollutant, which merits being included in Annex VI of MARPOL."

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## ANNEX 8

### TERMS OF REFERENCE FOR THE EXPERT GROUP ON FEASIBILITY STUDY AND IMPACT ASSESSMENT OF POSSIBLE MARKET-BASED MEASURES (MBM-EG)

#### Introduction

1 The Marine Environment Protection Committee (the Committee), at its sixtieth session (MEPC 60), decided to undertake a feasibility study and impact assessment of all the market-based measure proposals submitted in accordance with the work plan for further consideration of market-based measures (MBM).

2 In order to fulfil the above, the Committee requested the Secretary-General to establish an Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures (the Expert Group). The scope of the Expert Group is to evaluate the various proposals on possible MBMs with the aim to assessing the extent to which they could assist in reducing GHG emissions from international shipping, giving priority to the maritime sectors of developing countries, least developed countries (LDC) and small island developing States (SIDS).

3 The Committee agreed that the MBM proposals to be assessed are those listed in the appendix, and that the Expert Group should work in accordance with the methodology set out below, and that the study/assessment report should be transparent and objective.

#### Methodology

4 The Expert Group was provided with the following Terms of Reference:

- .1 The scope of the feasibility study and the impact assessment is to review the practicability of implementing the various options for an MBM that have been proposed to the Committee as referred to in paragraph 3 above.
- .2 The study and assessment referred to in paragraph 4.1 above shall also aim to identify for each proposed MBM; the reduction potential on GHG emissions from international shipping, its impact on world trade, and the shipping industry, and the maritime sector in general, giving priority to the maritime sectors in developing countries, as well as recognition of the maritime sector in the global efforts to reduce the GHG emissions.
- .3 The study/assessment carried out shall provide information on how the difference in the socioeconomic capability between developing and developed States, as well as the special needs and circumstances of developing countries, can be addressed by each different MBM proposal.
- .4 The study/assessment will be conducted by a group of selected experts, nominated by IMO Member Governments following an invitation by the Secretary-General, with appropriate expertise on matters within the scope of the study, who, in the discharge of their duties, will serve the Group in their personal capacity.

- .5 The Secretary-General will also invite a proportionate number of organizations in consultative status with IMO, and relevant United Nations entities, as well as intergovernmental or international organizations, which can contribute with data and/or with expertise to the work of the Expert Group and will participate as advisers.
- .6 The Expert Group should at its establishing meeting, agree on its method of work and meeting dates in accordance with meeting room availability at the IMO Headquarters.
- .7 The sponsors of the identified proposals under review should be invited to provide further details to the Expert Group and to comment on any assumptions made related to their proposal. Where more than one Member State or organization has co-sponsored a proposal, a single focal point should be appointed.
- .8 It is imperative that the final report contains clear, precise, and robust conclusions and factual information.
- .9 The Expert Group should, as far as possible, reach its conclusions by consensus, and if not, this should be recorded in the report.
- .10 The end result should aim at assisting the MEPC to make well-informed decisions and should not make specific recommendations on policy issues.
- .11 While taking into account relevant new information, the Expert Group should not duplicate work that have already been completed.

### **Criteria**

5 Following the methodology outlined above, the Expert Group, giving priority to the overall impact on the maritime sectors of developing countries, is requested, for each of the submitted MBM proposals referred to in paragraph 3 above, to assess:

- .1 the environmental effectiveness, e.g., the extent to which the proposed MBM is effective in contributing to the reduction of greenhouse gas emissions from international shipping;
- .2 the cost-effectiveness of the proposed MBM and its potential impact(s) on trade and sustainable development;
- .3 the proposed MBM's potential to provide incentives to technological change and innovation – and the accommodation of current emission reduction and energy efficiency technologies;
- .4 the practical feasibility of implementing the proposed MBM;
- .5 the need for technology transfer to, and capacity-building within, developing countries, in particular the least developed countries (LDCs) and the small island developing States (SIDS), in relation to implementation and enforcement of the proposed MBM, including the potential to mobilize climate change finance for mitigation and adaptation actions;

- .6 the MBM proposal's relation with other relevant conventions such as UNFCCC, Kyoto Protocol and WTO, as well as its compatibility with customary international law, as depicted in UNCLOS;
  - .7 the potential additional administrative burden, and the legal aspects for National Administrations by implementing and enforcing the proposed MBM;
  - .8 the potential additional workload, economic burden and operational impact for individual ships, the shipping industry and the maritime sector as a whole, of implementing the proposed MBM; and
  - .9 the MBM's compatibility with the existing enforcement and control provisions under the IMO legal framework.
- 6 The Expert Group should submit its conclusions in a written report to MEPC 61.

## APPENDIX

### MBM PROPOSALS TO BE ASSESSED AND EVALUATED<sup>1</sup>

MEPC 60/4/8	Cyprus, Denmark, the Marshall Islands, Nigeria and IPTA	An International Fund for Greenhouse Gas emissions from ships
MEPC 60/4/10	Bahamas	Market-based Instruments: a penalty on trade and development
MEPC 60/4/12	United States	Further details on the United States proposal to reduce greenhouse gas emissions from international shipping
MEPC 60/4/22	Norway	A further outline of a Global Emission Trading System (ETS) for International Shipping
MEPC 60/4/26	United Kingdom	A global emissions trading system for greenhouse gas emissions from international shipping
MEPC 60/4/37	Japan	Consideration of a market-based mechanism: Leveraged Incentive Scheme to improve the energy efficiency of ships based on the International GHG Fund
MEPC 60/4/39	WSC	Proposal to Establish a Vessel Efficiency System (VES)
MEPC 60/4/40	Jamaica	Achieving reduction in greenhouse gas emissions from ships through Port State arrangements utilizing the ship traffic, energy and environment model, STEEM
MEPC 60/4/41	France	Further elements for the development of an Emissions Trading System for International Shipping
MEPC 60/4/54	Germany	Impact Assessment of an Emissions Trading Scheme with a particular view on developing countries
MEPC 60/4/55	IUCN	A rebate mechanism for a market-based instrument for international shipping

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<sup>1</sup> All previously issued IMO documents will be available to the Expert Group.

## **ANNEX 9**

### **STATEMENTS BY DELEGATIONS ON THE ESTABLISHMENT OF THE EXPERT GROUP ON MARKET-BASED MEASURES AND OTHER RELATED ISSUES**

(listed in the order of interventions)

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

The Chinese delegation believes that, consensus was reached among members that the principle of common but differentiated responsibilities shall be applied when IMO initiates the discussion of GHG issue. The basic and direct authorization of IMO to address the GHG issue is Article 2.2 of the Kyoto Protocol of the United Nations Framework Convention on Climate Change. IMO shall abide by the basic principles established by the UNFCCC, particularly the Principle of CBDR. It is regretful to note that the draft Terms of Reference do not contain this principle. This will definitely cause doubts among the international community that IMO refuses to apply the principle of CBDR when addressing GHG issues and intends to make unacceptable precedence to deny the Principle of CBDR. Therefore, the Chinese delegation does not support the draft Terms of Reference and will not support any expert group established under them. This delegation hopes that MEPC 61 should first discuss how to apply the principle of CBDR in related actions by IMO, and then consider the issue of establishment and other related work of MBM-EG.

At the same time, the Chinese delegation reserves its right to deny conclusion from the expert group established according to the draft Terms of Reference if the principle of CBDR is not explicitly referred to in its Terms of Reference.

#### **Statement by the delegation Saudi Arabia**

Saudi Arabia has reservations on the Terms of Reference of the expert group on MBMs. Our strong reservation is based on the fact the Principle of Common but Differentiated Responsibilities is not specifically mentioned in the ToR.

Saudi Arabia reserves the right to reject the outcome or recommendations from this expert group.

#### **Statement by the delegation of Brazil**

This delegation expressed its opposition, at the beginning of this session, as to establishment of this group.

Therefore, so as to continue contributing to the development of the works on this matter, Brazil believes that the consideration of the fundamental principle of the CBDR, within the Terms of Reference for the Expert Group, must be clearly stated.

### **Statement by the delegation of South Africa**

Although South Africa has the intention of participating in the work of the Expert Group, she however wishes to register reservation in relation to the absence of an explicit reference to the Principle of Common but Differentiated Responsibilities and Capabilities in the Terms of Reference for the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures. We therefore reserve the right not to accept the outcome of the work of the group.

### **Statement by the delegation of India**

Despite all efforts made, discussions have been seen to get divergent with respect to CBDR and RC in the Terms of Reference.

This has been considered by the Saudi Arabia delegation and we are of the view that we first need to discuss the policy issues of applying the principle of CBDR in MEPC 61 and thereafter discuss the Terms of Reference.

We have reservation with respect to the inclusion of the following:

- a) Paragraph 5.2 "and sustainable development"
- b) Paragraph 5.6 inclusion of "WTO"

To add in paragraph 5.5 at the end "as applicable to the shipping sector".

Referring to paragraph 4.9 it is our considered view that any dissenting observation/views need to be fully recorded in the report.

With reference to the document MEPC 60/WP.7, showing an establishing meeting between 21 and 23 April 2010 for consideration of MBI, we cannot agree to it since the dates are too close for consideration."

### **Statement by the delegation of Venezuela (the Bolivarian Republic of)**

The Bolivarian Republic of Venezuela reiterates its firm intent to join in, collaborate with and support any initiative aimed at finding a solution to the serious problem of climate change, which affects us all. We are fully aware of our responsibility in the context of the enormous effort that is needed to find solutions that will help us ensure that the environment is fit for future generations.

However, climate change is not an isolated problem – it goes hand in hand with poverty and underdevelopment for most of the peoples on this planet. This is why the nations of the world agreed on the United Nations Framework Convention on Climate Change, which, in order to resolve this problem adequately, stated that the task must be "to find an equitable balance between the economic, social and environmental needs of present and future generations and to lay the foundation for a global partnership between countries"; from this premise sprang the principle of common but differentiated responsibilities.



The Bolivarian Republic of Venezuela acknowledges the invaluable work that this organization has accomplished on the safety of people and ships at sea, and also to protect the marine environment. This is why we belong to it and participate actively, and why we have signed a large number of the conventions which owe their existence to the Organization and have made them law in our country, thus recognizing the binding nature of the Organization's instruments. In other words, all the States that belong to the Organization are committed to complying equally with the standards or undertakings that stem from it.

And that is why this delegation notes with concern and cautions the intention, in the framework of MEPC 60, to propose the establishment of an expert group to study market-based measures intended for mandatory application by all, as part of a possible solution to the issue of "Prevention of air pollution from ships". Measures of this kind, rather than provide a solution, would only accentuate the social differences that already exist in the world and which are the real seat of the problem. Moreover, the intended Terms of Reference for this expert group would not even deal explicitly with the principle of common but differentiated responsibility, which is an aspect that we consider to be fundamental to any study conducted on these matters.

This delegation accordingly rejects any market-based solution promoted by IMO to address the issue of "Prevention of air pollution from ships", and cannot support any text containing Terms of Reference for this expert group (MBM-EG), still less if the proposed wording does not include, or allow to be included, mention of the principle of common but differentiated responsibilities.

Finally, and ahead of the imminent decision to set up the expert group and approve the Terms of Reference that will govern its actions, this delegation wishes to express its complete reservation regarding this decision by the Committee.

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**ANNEX 10**

**RESOLUTION MEPC.189(60)  
Adopted on 26 March 2010**

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO  
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF  
POLLUTION FROM SHIPS, 1973**

**(Addition of a new chapter 9 to MARPOL Annex I)**

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 draft amendments to Annex I of MARPOL 73/78,

1. ADOPTS, in accordance with Article 16(2)(d) of the 1973 Convention, the amendments to Annex I of MARPOL 73/78 concerning the addition of a new chapter 9 on Special requirements for the use or carriage of oils in the Antarctic area;
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 February 2011 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 August 2011 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 MARPOL ANNEX I TO ADD  
CHAPTER 9 – SPECIAL REQUIREMENTS FOR THE USE OR  
CARRIAGE OF OILS IN THE ANTARCTIC AREA**

A new chapter 9 is added as follows:

**"CHAPTER 9 – SPECIAL REQUIREMENTS FOR THE USE OR CARRIAGE OF OILS IN  
THE ANTARCTIC AREA**

***Regulation 43***

*Special requirements for the use or carriage of oils in the Antarctic area*

1 With the exception of vessels engaged in securing the safety of ships or in a search and rescue operation, the carriage in bulk as cargo or carriage and use as fuel of the following:

- .1 crude oils having a density at 15°C higher than 900 kg/m<sup>3</sup>;
- .2 oils, other than crude oils, having a density at 15°C higher than 900 kg/m<sup>3</sup> or a kinematic viscosity at 50°C higher than 180 mm<sup>2</sup>/s; or
- .3 bitumen, tar and their emulsions,

shall be prohibited in the Antarctic area, as defined in Annex I, regulation 1.11.7.

2 When prior operations have included the carriage or use of oils listed in paragraphs 1.1 to 1.3 of this regulation, the cleaning or flushing of tanks or pipelines is not required."

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**ANNEX 11**

**RESOLUTION MEPC.190(60)  
Adopted on 26 March 2010**

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1997 TO AMEND THE  
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM  
SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO**

**(North American Emission Control 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"), 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") and article 4 of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (herein after referred to as the "1997 Protocol"), which together specify the amendment procedure of the 1997 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 and 1997 Protocols,

NOTING ALSO that, by the 1997 Protocol, Annex VI entitled Regulations for the Prevention of Air Pollution from Ships was added to the 1973 Convention (hereinafter referred to as "Annex VI"),

NOTING FURTHER that the revised Annex VI was adopted by resolution MEPC.176(58) and that, following its deemed acceptance on 1 January 2010, will enter into force on 1 July 2010,

HAVING CONSIDERED draft amendments to the revised Annex VI,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex VI, 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 February 2011, 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 August 2011 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 the 1973 Convention, as modified by the 1978 and 1997 Protocols, 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 the 1973 Convention, as modified by the 1978 and 1997 Protocols, copies of the present resolution and its Annex.

ANNEX

**AMENDMENTS TO REGULATIONS 13, 14 AND NEW APPENDIX VII  
OF THE REVISED MARPOL ANNEX VI**

1 Paragraph 6 of regulation 13 is amended as follows:

"6 For the purposes of this regulation, emission control areas shall be:

- .1 the North American area, which means the area described by the coordinates provided in appendix VII to this Annex; and
- .2 any other sea area, including any port area, designated by the Organization in accordance with the criteria and procedures set forth in appendix III to this Annex."

2 Paragraph 3 of regulation 14 is replaced by the following:

"3 For the purpose of this regulation, emission control areas shall include:

- .1 the Baltic Sea area as defined in regulation 1.11.2 of Annex I and the North Sea as defined in regulation 5(1)(f) of Annex V;
- .2 the North American area as described by the coordinates provided in appendix VII to this Annex; and
- .3 any other sea area, including any port area, designated by the Organization in accordance with the criteria and procedures set forth in appendix III to this Annex."

3 New appendix VII is added as follows:

**"Appendix VII  
North American Emission Control Area  
(Regulation 13.6 and regulation 14.3)**

The North American area comprises:

- .1 the sea area located off the Pacific coasts of the United States and Canada, enclosed by geodesic lines connecting the following coordinates:

POINT	LATITUDE	LONGITUDE
1	32° 32' 10" N.	117° 06' 11" W.
2	32° 32' 04" N.	117° 07' 29" W.
3	32° 31' 39" N.	117° 14' 20" W.
4	32° 33' 13" N.	117° 15' 50" W.
5	32° 34' 21" N.	117° 22' 01" W.
6	32° 35' 23" N.	117° 27' 53" W.
7	32° 37' 38" N.	117° 49' 34" W.
8	31° 07' 59" N.	118° 36' 21" W.
9	30° 33' 25" N.	121° 47' 29" W.

<b>POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
10	31° 46' 11" N.	123° 17' 22" W.
11	32° 21' 58" N.	123° 50' 44" W.
12	32° 56' 39" N.	124° 11' 47" W.
13	33° 40' 12" N.	124° 27' 15" W.
14	34° 31' 28" N.	125° 16' 52" W.
15	35° 14' 38" N.	125° 43' 23" W.
16	35° 43' 60" N.	126° 18' 53" W.
17	36° 16' 25" N.	126° 45' 30" W.
18	37° 01' 35" N.	127° 07' 18" W.
19	37° 45' 39" N.	127° 38' 02" W.
20	38° 25' 08" N.	127° 52' 60" W.
21	39° 25' 05" N.	128° 31' 23" W.
22	40° 18' 47" N.	128° 45' 46" W.
23	41° 13' 39" N.	128° 40' 22" W.
24	42° 12' 49" N.	129° 00' 38" W.
25	42° 47' 34" N.	129° 05' 42" W.
26	43° 26' 22" N.	129° 01' 26" W.
27	44° 24' 43" N.	128° 41' 23" W.
28	45° 30' 43" N.	128° 40' 02" W.
29	46° 11' 01" N.	128° 49' 01" W.
30	46° 33' 55" N.	129° 04' 29" W.
31	47° 39' 55" N.	131° 15' 41" W.
32	48° 32' 32" N.	132° 41' 00" W.
33	48° 57' 47" N.	133° 14' 47" W.
34	49° 22' 39" N.	134° 15' 51" W.
35	50° 01' 52" N.	135° 19' 01" W.
36	51° 03' 18" N.	136° 45' 45" W.
37	51° 54' 04" N.	137° 41' 54" W.
38	52° 45' 12" N.	138° 20' 14" W.
39	53° 29' 20" N.	138° 40' 36" W.
40	53° 40' 39" N.	138° 48' 53" W.
41	54° 13' 45" N.	139° 32' 38" W.
42	54° 39' 25" N.	139° 56' 19" W.
43	55° 20' 18" N.	140° 55' 45" W.
44	56° 07' 12" N.	141° 36' 18" W.
45	56° 28' 32" N.	142° 17' 19" W.
46	56° 37' 19" N.	142° 48' 57" W.
47	58° 51' 04" N.	153° 15' 03" W.

- .2 the sea areas located off the Atlantic coasts of the United States, Canada, and France (Saint-Pierre-et-Miquelon) and the Gulf of Mexico coast of the United States enclosed by geodesic lines connecting the following coordinates:

<b>POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
1	60° 00' 00" N.	64° 09' 36" W.
2	60° 00' 00" N.	56° 43' 00" W.
3	58° 54' 01" N.	55° 38' 05" W.
4	57° 50' 52" N.	55° 03' 47" W.
5	57° 35' 13" N.	54° 00' 59" W.
6	57° 14' 20" N.	53° 07' 58" W.
7	56° 48' 09" N.	52° 23' 29" W.
8	56° 18' 13" N.	51° 49' 42" W.



<b>POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
9	54° 23' 21" N.	50° 17' 44" W.
10	53° 44' 54" N.	50° 07' 17" W.
11	53° 04' 59" N.	50° 10' 05" W.
12	52° 20' 06" N.	49° 57' 09" W.
13	51° 34' 20" N.	48° 52' 45" W.
14	50° 40' 15" N.	48° 16' 04" W.
15	50° 02' 28" N.	48° 07' 03" W.
16	49° 24' 03" N.	48° 09' 35" W.
17	48° 39' 22" N.	47° 55' 17" W.
18	47° 24' 25" N.	47° 46' 56" W.
19	46° 35' 12" N.	48° 00' 54" W.
20	45° 19' 45" N.	48° 43' 28" W.
21	44° 43' 38" N.	49° 16' 50" W.
22	44° 16' 38" N.	49° 51' 23" W.
23	43° 53' 15" N.	50° 34' 01" W.
24	43° 36' 06" N.	51° 20' 41" W.
25	43° 23' 59" N.	52° 17' 22" W.
26	43° 19' 50" N.	53° 20' 13" W.
27	43° 21' 14" N.	54° 09' 20" W.
28	43° 29' 41" N.	55° 07' 41" W.
29	42° 40' 12" N.	55° 31' 44" W.
30	41° 58' 19" N.	56° 09' 34" W.
31	41° 20' 21" N.	57° 05' 13" W.
32	40° 55' 34" N.	58° 02' 55" W.
33	40° 41' 38" N.	59° 05' 18" W.
34	40° 38' 33" N.	60° 12' 20" W.
35	40° 45' 46" N.	61° 14' 03" W.
36	41° 04' 52" N.	62° 17' 49" W.
37	40° 36' 55" N.	63° 10' 49" W.
38	40° 17' 32" N.	64° 08' 37" W.
39	40° 07' 46" N.	64° 59' 31" W.
40	40° 05' 44" N.	65° 53' 07" W.
41	39° 58' 05" N.	65° 59' 51" W.
42	39° 28' 24" N.	66° 21' 14" W.
43	39° 01' 54" N.	66° 48' 33" W.
44	38° 39' 16" N.	67° 20' 59" W.
45	38° 19' 20" N.	68° 02' 01" W.
46	38° 05' 29" N.	68° 46' 55" W.
47	37° 58' 14" N.	69° 34' 07" W.
48	37° 57' 47" N.	70° 24' 09" W.
49	37° 52' 46" N.	70° 37' 50" W.
50	37° 18' 37" N.	71° 08' 33" W.
51	36° 32' 25" N.	71° 33' 59" W.
52	35° 34' 58" N.	71° 26' 02" W.
53	34° 33' 10" N.	71° 37' 04" W.
54	33° 54' 49" N.	71° 52' 35" W.
55	33° 19' 23" N.	72° 17' 12" W.
56	32° 45' 31" N.	72° 54' 05" W.
57	31° 55' 13" N.	74° 12' 02" W.
58	31° 27' 14" N.	75° 15' 20" W.
59	31° 03' 16" N.	75° 51' 18" W.
60	30° 45' 42" N.	76° 31' 38" W.
61	30° 12' 48" N.	77° 18' 29" W.

POINT	LATITUDE	LONGITUDE
62	29° 25' 17" N.	76° 56' 42" W.
63	28° 36' 59" N.	76° 47' 60" W.
64	28° 17' 13" N.	76° 40' 10" W.
65	28° 17' 12" N.	79° 11' 23" W.
66	27° 52' 56" N.	79° 28' 35" W.
67	27° 26' 01" N.	79° 31' 38" W.
68	27° 16' 13" N.	79° 34' 18" W.
69	27° 11' 54" N.	79° 34' 56" W.
70	27° 05' 59" N.	79° 35' 19" W.
71	27° 00' 28" N.	79° 35' 17" W.
72	26° 55' 16" N.	79° 34' 39" W.
73	26° 53' 58" N.	79° 34' 27" W.
74	26° 45' 46" N.	79° 32' 41" W.
75	26° 44' 30" N.	79° 32' 23" W.
76	26° 43' 40" N.	79° 32' 20" W.
77	26° 41' 12" N.	79° 32' 01" W.
78	26° 38' 13" N.	79° 31' 32" W.
79	26° 36' 30" N.	79° 31' 06" W.
80	26° 35' 21" N.	79° 30' 50" W.
81	26° 34' 51" N.	79° 30' 46" W.
82	26° 34' 11" N.	79° 30' 38" W.
83	26° 31' 12" N.	79° 30' 15" W.
84	26° 29' 05" N.	79° 29' 53" W.
85	26° 25' 31" N.	79° 29' 58" W.
86	26° 23' 29" N.	79° 29' 55" W.
87	26° 23' 21" N.	79° 29' 54" W.
88	26° 18' 57" N.	79° 31' 55" W.
89	26° 15' 26" N.	79° 33' 17" W.
90	26° 15' 13" N.	79° 33' 23" W.
91	26° 08' 09" N.	79° 35' 53" W.
92	26° 07' 47" N.	79° 36' 09" W.
93	26° 06' 59" N.	79° 36' 35" W.
94	26° 02' 52" N.	79° 38' 22" W.
95	25° 59' 30" N.	79° 40' 03" W.
96	25° 59' 16" N.	79° 40' 08" W.
97	25° 57' 48" N.	79° 40' 38" W.
98	25° 56' 18" N.	79° 41' 06" W.
99	25° 54' 04" N.	79° 41' 38" W.
100	25° 53' 24" N.	79° 41' 46" W.
101	25° 51' 54" N.	79° 41' 59" W.
102	25° 49' 33" N.	79° 42' 16" W.
103	25° 48' 24" N.	79° 42' 23" W.
104	25° 48' 20" N.	79° 42' 24" W.
105	25° 46' 26" N.	79° 42' 44" W.
106	25° 46' 16" N.	79° 42' 45" W.
107	25° 43' 40" N.	79° 42' 59" W.
108	25° 42' 31" N.	79° 42' 48" W.
109	25° 40' 37" N.	79° 42' 27" W.
110	25° 37' 24" N.	79° 42' 27" W.
111	25° 37' 08" N.	79° 42' 27" W.
112	25° 31' 03" N.	79° 42' 12" W.
113	25° 27' 59" N.	79° 42' 11" W.
114	25° 24' 04" N.	79° 42' 12" W.

<b>POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
115	25° 22' 21" N.	79° 42' 20" W.
116	25° 21' 29" N.	79° 42' 08" W.
117	25° 16' 52" N.	79° 41' 24" W.
118	25° 15' 57" N.	79° 41' 31" W.
119	25° 10' 39" N.	79° 41' 31" W.
120	25° 09' 51" N.	79° 41' 36" W.
121	25° 09' 03" N.	79° 41' 45" W.
122	25° 03' 55" N.	79° 42' 29" W.
123	25° 02' 60" N.	79° 42' 56" W.
124	25° 00' 30" N.	79° 44' 05" W.
125	24° 59' 03" N.	79° 44' 48" W.
126	24° 55' 28" N.	79° 45' 57" W.
127	24° 44' 18" N.	79° 49' 24" W.
128	24° 43' 04" N.	79° 49' 38" W.
129	24° 42' 36" N.	79° 50' 50" W.
130	24° 41' 47" N.	79° 52' 57" W.
131	24° 38' 32" N.	79° 59' 58" W.
132	24° 36' 27" N.	80° 03' 51" W.
133	24° 33' 18" N.	80° 12' 43" W.
134	24° 33' 05" N.	80° 13' 21" W.
135	24° 32' 13" N.	80° 15' 16" W.
136	24° 31' 27" N.	80° 16' 55" W.
137	24° 30' 57" N.	80° 17' 47" W.
138	24° 30' 14" N.	80° 19' 21" W.
139	24° 30' 06" N.	80° 19' 44" W.
140	24° 29' 38" N.	80° 21' 05" W.
141	24° 28' 18" N.	80° 24' 35" W.
142	24° 28' 06" N.	80° 25' 10" W.
143	24° 27' 23" N.	80° 27' 20" W.
144	24° 26' 30" N.	80° 29' 30" W.
145	24° 25' 07" N.	80° 32' 22" W.
146	24° 23' 30" N.	80° 36' 09" W.
147	24° 22' 33" N.	80° 38' 56" W.
148	24° 22' 07" N.	80° 39' 51" W.
149	24° 19' 31" N.	80° 45' 21" W.
150	24° 19' 16" N.	80° 45' 47" W.
151	24° 18' 38" N.	80° 46' 49" W.
152	24° 18' 35" N.	80° 46' 54" W.
153	24° 09' 51" N.	80° 59' 47" W.
154	24° 09' 48" N.	80° 59' 51" W.
155	24° 08' 58" N.	81° 01' 07" W.
156	24° 08' 30" N.	81° 01' 51" W.
157	24° 08' 26" N.	81° 01' 57" W.
158	24° 07' 28" N.	81° 03' 06" W.
159	24° 02' 20" N.	81° 09' 05" W.
160	23° 59' 60" N.	81° 11' 16" W.
161	23° 55' 32" N.	81° 12' 55" W.
162	23° 53' 52" N.	81° 19' 43" W.
163	23° 50' 52" N.	81° 29' 59" W.
164	23° 50' 02" N.	81° 39' 59" W.
165	23° 49' 05" N.	81° 49' 59" W.
166	23° 49' 05" N.	82° 00' 11" W.
167	23° 49' 42" N.	82° 09' 59" W.

POINT	LATITUDE	LONGITUDE
168	23° 51' 14" N.	82° 24' 59" W.
169	23° 51' 14" N.	82° 39' 59" W.
170	23° 49' 42" N.	82° 48' 53" W.
171	23° 49' 32" N.	82° 51' 11" W.
172	23° 49' 24" N.	82° 59' 59" W.
173	23° 49' 52" N.	83° 14' 59" W.
174	23° 51' 22" N.	83° 25' 49" W.
175	23° 52' 27" N.	83° 33' 01" W.
176	23° 54' 04" N.	83° 41' 35" W.
177	23° 55' 47" N.	83° 48' 11" W.
178	23° 58' 38" N.	83° 59' 59" W.
179	24° 09' 37" N.	84° 29' 27" W.
180	24° 13' 20" N.	84° 38' 39" W.
181	24° 16' 41" N.	84° 46' 07" W.
182	24° 23' 30" N.	84° 59' 59" W.
183	24° 26' 37" N.	85° 06' 19" W.
184	24° 38' 57" N.	85° 31' 54" W.
185	24° 44' 17" N.	85° 43' 11" W.
186	24° 53' 57" N.	85° 59' 59" W.
187	25° 10' 44" N.	86° 30' 07" W.
188	25° 43' 15" N.	86° 21' 14" W.
189	26° 13' 13" N.	86° 06' 45" W.
190	26° 27' 22" N.	86° 13' 15" W.
191	26° 33' 46" N.	86° 37' 07" W.
192	26° 01' 24" N.	87° 29' 35" W.
193	25° 42' 25" N.	88° 33' 00" W.
194	25° 46' 54" N.	90° 29' 41" W.
195	25° 44' 39" N.	90° 47' 05" W.
196	25° 51' 43" N.	91° 52' 50" W.
197	26° 17' 44" N.	93° 03' 59" W.
198	25° 59' 55" N.	93° 33' 52" W.
199	26° 00' 32" N.	95° 39' 27" W.
200	26° 00' 33" N.	96° 48' 30" W.
201	25° 58' 32" N.	96° 55' 28" W.
202	25° 58' 15" N.	96° 58' 41" W.
203	25° 57' 58" N.	97° 01' 54" W.
204	25° 57' 41" N.	97° 05' 08" W.
205	25° 57' 24" N.	97° 08' 21" W.
206	25° 57' 24" N.	97° 08' 47" W.

- .3 the sea area located off the coasts of the Hawaiian Islands of Hawai'i, Maui, Oahu, Moloka'i, Ni'ihau, Kaua'i, Lāna'i, and Kaho'olawe, enclosed by geodesic lines connecting the following coordinates:

POINT	LATITUDE	LONGITUDE
1	22° 32' 54" N.	153° 00' 33" W.
2	23° 06' 05" N.	153° 28' 36" W.
3	23° 32' 11" N.	154° 02' 12" W.
4	23° 51' 47" N.	154° 36' 48" W.
5	24° 21' 49" N.	155° 51' 13" W.
6	24° 41' 47" N.	156° 27' 27" W.
7	24° 57' 33" N.	157° 22' 17" W.

<b>POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
8	25° 13' 41" N.	157° 54' 13" W.
9	25° 25' 31" N.	158° 30' 36" W.
10	25° 31' 19" N.	159° 09' 47" W.
11	25° 30' 31" N.	159° 54' 21" W.
12	25° 21' 53" N.	160° 39' 53" W.
13	25° 00' 06" N.	161° 38' 33" W.
14	24° 40' 49" N.	162° 13' 13" W.
15	24° 15' 53" N.	162° 43' 08" W.
16	23° 40' 50" N.	163° 13' 00" W.
17	23° 03' 20" N.	163° 32' 58" W.
18	22° 20' 09" N.	163° 44' 41" W.
19	21° 36' 45" N.	163° 46' 03" W.
20	20° 55' 26" N.	163° 37' 44" W.
21	20° 13' 34" N.	163° 19' 13" W.
22	19° 39' 03" N.	162° 53' 48" W.
23	19° 09' 43" N.	162° 20' 35" W.
24	18° 39' 16" N.	161° 19' 14" W.
25	18° 30' 31" N.	160° 38' 30" W.
26	18° 29' 31" N.	159° 56' 17" W.
27	18° 10' 41" N.	159° 14' 08" W.
28	17° 31' 17" N.	158° 56' 55" W.
29	16° 54' 06" N.	158° 30' 29" W.
30	16° 25' 49" N.	157° 59' 25" W.
31	15° 59' 57" N.	157° 17' 35" W.
32	15° 40' 37" N.	156° 21' 06" W.
33	15° 37' 36" N.	155° 22' 16" W.
34	15° 43' 46" N.	154° 46' 37" W.
35	15° 55' 32" N.	154° 13' 05" W.
36	16° 46' 27" N.	152° 49' 11" W.
37	17° 33' 42" N.	152° 00' 32" W.
38	18° 30' 16" N.	151° 30' 24" W.
39	19° 02' 47" N.	151° 22' 17" W.
40	19° 34' 46" N.	151° 19' 47" W.
41	20° 07' 42" N.	151° 22' 58" W.
42	20° 38' 43" N.	151° 31' 36" W.
43	21° 29' 09" N.	151° 59' 50" W.
44	22° 06' 58" N.	152° 31' 25" W.
45	22° 32' 54" N.	153° 00' 33" W.

(end of text)"

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ANNEX 12

REVISED WORK PROGRAMME OF THE  
OPRC-HNS TECHNICAL GROUP\*

Priority	Title and reference to strategic directions, high-level actions and planned outputs for 2009-2010	Target completion date/number of sessions needed for completion	Reference
1	<b>Technical Co-operation implementation on OPRC and HNS</b> <i>Strategic direction: 7.2</i> <i>High-level action: 7.2.3</i> <i>Output: 7.2.3.1</i>	Continuous	MEPC 60/WP.1, section 6
	<b>Manual and guidance documents</b>		
H.1	<ul style="list-style-type: none"> <li><b>Manual on chemical pollution to address legal and administrative aspects of HNS incidents</b> <i>Strategic direction: 7.1</i> <i>High-level action: 7.1.2</i> <i>Output: 7.1.26</i></li> </ul>	2010 7 sessions  (TG 5 to TG 11)	MEPC 55/23, paragraph 7.19;  MEPC 60/WP.1, paragraphs 3.34 to 3.35
H.2	<ul style="list-style-type: none"> <li><b>Technical guidelines on sunken oil assessment and removal techniques</b> <i>Strategic direction: 7.1</i> <i>High-level action: 7.1.2</i> <i>Output: 7.1.2.16</i></li> </ul>	2012 8 sessions  (TG 6 to TG 13)	MEPC 56/23, paragraph 7.12.9;  MEPC 60/WP.1, paragraphs 5.15 and 5.16
H.3	<ul style="list-style-type: none"> <li><b>Guideline for oil spill response in fast currents</b> <i>Strategic direction: 7.1</i> <i>High-level action: 7.1.2</i> <i>Output: 7.1.2.20</i></li> </ul>	2010 5 sessions  (TG 7 to TG 11)	MEPC 56/23, paragraph 7.6;  MEPC 60/WP.1 paragraphs 3.29 and 3.30

\*Notes: 1 This work programme should be considered together with the Provisional agenda for the eleventh session of the MEPC/OPRC-HNS Technical Group as set out in MEPC/OPRC-HNS/TG 11/1.

Priority	Title and reference to strategic directions, high-level actions and planned outputs for 2009-2010	Target completion date/number of sessions needed for completion	Reference
H.4	<ul style="list-style-type: none"> <li>• <b>Waste Management Decision Support Tool</b> <i>Strategic direction:</i> 7.1 <i>High-level action:</i> 7.1.2 <i>Output:</i> 7.1.2.22</li> </ul>	2010 3 sessions  (TG 9 to TG 11)	MEPC 60/WP.1, paragraphs 3.4 and 3.5
H.5	<ul style="list-style-type: none"> <li>• <b>Operational guide on the use of sorbents</b> <i>Strategic direction:</i> 7.1 <i>High-level action:</i> 7.1.2 <i>Output:</i> 7.1.2.24</li> </ul>	2011 4 sessions  (TG 9 to TG 12)	MEPC 60/WP.1, paragraphs 3.37 to 3.39
H.6	<ul style="list-style-type: none"> <li>• <b>Guidance on Sensitivity Mapping for Oil Spill Response</b> <i>Strategic direction:</i> 7.1 <i>High-level action:</i> 7.1.2 <i>Output:</i> 7.1.2.23</li> </ul>	2010 3 sessions  (TG 9 to TG 11)	MEPC 60/WP.1, paragraphs 3.17 and 3.18
H.7	<ul style="list-style-type: none"> <li>• <b>Updating of IMO Dispersant Guidelines</b> <i>Strategic direction:</i> 7.1 <i>High-level action:</i> 7.1.2 <i>Output:</i> 7.1.2.20</li> </ul>	2012 3 sessions  (TG 11 to TG 13)	MEPC 57/21, paragraph 6.8
H.8	<ul style="list-style-type: none"> <li>• <b>Oil Spill Response in Ice and Snow Conditions</b> <i>Strategic direction:</i> 7.1 <i>High-level action:</i> 7.1.2 <i>Output:</i> 7.1.2.19</li> </ul>	2012 3 sessions  (TG 11 to TG 13)	MEPC 57/21, paragraph 6.8;  MEPC 60/WP.1, paragraphs 5.26 and 5.27
H.9	<ul style="list-style-type: none"> <li>• <b>Guideline for oil spill response – offshore <i>in situ</i> burning</b> <i>Strategic direction:</i> 7.1 <i>High-level action:</i> 7.1.2 <i>Output:</i> 7.1.2.21</li> </ul>	2012 4 sessions  (TG 11 to TG 14)	MEPC 56/23, paragraph 7.6;  MEPC 56/WP.1, paragraph 9.6.3
H.10	<ul style="list-style-type: none"> <li>• <b>Guidance on the safe operation and performance standards of oil pollution combating equipment</b> <i>Strategic direction:</i> 7.1 <i>High-level action:</i> 7.1.2 <i>Output:</i> 7.1.2.21</li> </ul>	2011 (TG 11 to TG 12)	MEPC 60/22, paragraph 19.6



Priority	Title and reference to strategic directions, high-level actions and planned outputs for 2009-2010	Target completion date/number of sessions needed for completion	Reference
	<b>Training</b>		
	No projects at this time		
	<b>Information services and exchange</b>		
2	<ul style="list-style-type: none"> <li>• <b>Summary of incidents involving HNS and lessons learnt</b>  <i>Strategic direction: 4.2, 7.1, 13.2</i>  <i>High-level action: 4.2.1, 7.1.4, 13.2.1</i>  <i>Output: 4.2.1.1, 7.1.1.2, 13.2.1.2</i></li> </ul>	Continuous	MEPC 56, paragraph 7.12.15;  MEPC 60/WP.1, paragraphs 5.18 and 5.19
3	<ul style="list-style-type: none"> <li>• <b>Review of web content on OPRC/HNS-related information</b>  <i>Strategic direction: 13.0</i>  <i>High-level action: 13.0.2</i>  <i>Output: 13.0.2.4</i></li> </ul>	Continuous	MEPC 60/WP.1, paragraph 5.6.2
H.11	<ul style="list-style-type: none"> <li>• <b>Inventory of information, R&amp;D and best practices related to HNS preparedness and response</b>  <i>Strategic direction: 13.0</i>  <i>High-level action: 13.0.2</i>  <i>Output: 13.0.2.3</i></li> </ul>	2010 2 sessions  (TG 10 and TG 11)	MEPC 60/WP.1, paragraph 5.8

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## ANNEX 13

### PROVISIONAL AGENDA FOR THE ELEVENTH MEETING OF THE OPRC-HNS TECHNICAL GROUP (TG 11)

#### Opening of the session

- 1 Adoption of the agenda
- 2 Decisions of other bodies
- 3 Manuals and guidance documents
  - .1 Manual on chemical pollution to address legal and administrative aspects of HNS incidents;
  - .2 Technical guidelines on sunken oil assessment and removal techniques;
  - .3 Guideline for oil spill response in fast currents;
  - .4 Waste management decision support tool;
  - .5 Operational guide on the use of sorbents;
  - .6 Guidance on sensitivity mapping for oil spill response;
  - .7 Updating of IMO dispersant guidelines;
  - .8 Oil spill response in ice and snow conditions;
  - .9 Guideline for oil spill response – offshore *in situ* burning; and
  - .10 Guidance on safe operation and performance standards of oil pollution combating equipment.
- 4 Training
- 5 Information services and exchange
  - .1 Summary of incidents involving HNS and lessons learnt;
  - .2 Review of web content on OPRC/HNS-related information; and
  - .3 Inventory of information on best practices/R&D – and HNS response.
- 6 Technical co-operation implementation on OPRC and HNS
- 7 Work programme and provisional agenda for TG 12
- 8 Any other business
- 9 Report to the Committee

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**ANNEX 14**

**RESOLUTION MEPC.191(60)**

**Adopted on 25 March 2010**

**ESTABLISHMENT OF THE DATE ON WHICH  
REGULATION 5(1)(h) OF MARPOL ANNEX V IN RESPECT OF THE WIDER CARIBBEAN  
REGION SPECIAL AREA SHALL TAKE EFFECT**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38 of the Convention of the International Maritime Organization concerning the function of the Committee,

NOTING regulation 5(1)(h) of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), defines the Wider Caribbean Region as a Special Area under the said Annex,

NOTING ALSO the definition of Special Area under MARPOL Annex V, i.e. a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of pollution of the sea by garbage is required,

NOTING FURTHER the information provided at MEPC 60 by Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Cuba, Dominica, France, Guyana, Honduras, Jamaica, Mexico, the Netherlands, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, United Kingdom, United States, and the Bolivarian Republic of Venezuela – representing the MARPOL Parties of concern bordering the Wider Caribbean Region Special Area – regarding reception facilities provided within the said Special Area, in accordance with regulation 5(4) of MARPOL Annex V,

HAVING CONSIDERED the matter to establish the date on which the discharge requirements of regulation 5(1)(h) of MARPOL Annex V in respect of the Wider Caribbean Region shall take effect,

1. DECIDES that the discharge requirements for Special Areas in regulation 5 of MARPOL Annex V for the Wider Caribbean Region Special Area shall take effect on 1 May 2011, in accordance with the requirements set out in regulation 5(4)(b) of MARPOL Annex V;
2. ENCOURAGES Member Governments and industry groups to comply immediately on a voluntary basis with the Special Area requirements for the Wider Caribbean Region;
3. REQUESTS the Secretary-General to notify, in conformity with regulation 5(4)(b) of MARPOL Annex V, all Parties to the Annex, of the aforementioned decision by 30 April 2010; and
4. FURTHER REQUESTS the Secretary-General to notify all Members of the Organization of the aforementioned decision.

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## ANNEX 15

### DRAFT AMENDMENTS TO MARPOL ANNEX III

The text of MARPOL Annex III, as adopted by resolution MEPC.156(55), 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.

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\* 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 or labelled to indicate that the substance is a harmful substance in accordance with the relevant provisions of the IMDG Code.

2 The method of affixing marks or labels on packages containing a harmful substance shall be in accordance with the relevant provisions of the IMDG Code.

## **Regulation 4\***

### *Documentation*

1 Transport information relating to the carriage of harmful substances shall be in accordance with the relevant provisions of the IMDG Code and shall be made available to the person or organization designated by the port State authority.

2 Each ship carrying harmful substances shall have a special list, manifest or stowage plan setting forth, in accordance with the relevant provisions of the IMDG Code, the harmful substances on board and the location thereof. A copy of one of these documents shall be made available before departure to the person or organization designated by the port State authority.

## **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.

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\* 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.



## **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.

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\* Refer to the Procedures for port State control adopted by the Organization by resolution A.787(19) and amended by resolution 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\*:

**(a) Acute (short-term) aquatic hazard**

**Category: Acute 1**

96 hr LC <sub>50</sub> (for fish)	≤ 1 mg/l and/or
48 hr EC <sub>50</sub> (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC <sub>50</sub> (for algae or other aquatic plants)	≤ 1 mg/l

**(b) Long-term aquatic hazard**

**(i) Non-rapidly degradable substances for which there are adequate chronic toxicity data available**

**Category Chronic 1:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.1 mg/l

**Category Chronic 2:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 1 mg/l

**(ii) Rapidly degradable substances for which there are adequate chronic toxicity data available**

**Category Chronic 1:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.01 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.01 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.01 mg/l

**Category Chronic 2:**

Chronic NOEC or EC <sub>x</sub> (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC <sub>x</sub> (for algae or other aquatic plants)	≤ 0.1 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.

**(iii) Substances for which adequate chronic toxicity data are not available**

**Category Chronic 1:**

96 hr LC<sub>50</sub> (for fish) ≤ 1 mg// and/or

48 hr EC<sub>50</sub> (for crustacea) ≤ 1 mg// and/or

72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) ≤ 1 mg//

and the substance is not rapidly degradable and/or the experimentally determined BCF is ≥ 500 (or, if absent the log K<sub>ow</sub> ≥ 4).

**Category Chronic 2:**

96 hr LC<sub>50</sub> (for fish) >1 but ≤ 10 mg// and/or

48 hr EC<sub>50</sub> (for crustacea) >1 but ≤ 10 mg// and/or

72 or 96 hr ErC<sub>50</sub> (for algae or other aquatic plants) >1 but ≤ 10 mg//

and the substance is not rapidly degradable and/or the experimentally determined BCF is ≥ 500 (or, if absent, the log K<sub>ow</sub> ≥ 4).

Additional guidance on the classification process for substances and mixtures is included in the IMDG Code.

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ANNEX 16

REPORT ON THE STATUS OF PLANNED OUTPUTS FOR THE MEPC

Planned output number in the High-level Action Plan for 2010-2011 <sup>a</sup>	Description	Target completion year <sup>b</sup>	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
1.1.1.1	Permanent analysis, demonstration and promotion of the linkage between a safe, secure, efficient and environmentally friendly maritime transport infrastructure, the development of global trade and the world economy and the achievement of the MDGs	continuous	ongoing		
1.1.2.2	Cooperation with IACS: consideration of unified interpretations	continuous	ongoing		
1.1.2.7	Cooperation with data providers: protocols on data exchange with international, regional and national entities	continuous	ongoing		
1.1.2.26	Policy input/guidance to Environment Management Group (established by UN General Assembly resolution A/53/463UN): inter-agency sharing of information and agreement on priorities	continuous	ongoing		
1.1.2.27	Policy input/guidance on GESAMP-related IMO developments	continuous	ongoing		
1.1.2.28	Policy input/guidance to GESAMP-BW Working Group: evaluation of ballast water management systems	continuous	ongoing		
1.1.2.29	Policy input/guidance to GESAMP-EHS Working Group: evaluation of bulk chemicals	continuous	ongoing		
1.1.2.30	Policy input/guidance to UNFCCC: greenhouse gas emissions from ships	continuous	ongoing		
1.1.2.31	Policy input/guidance to UN Globally Harmonized System: classification and labelling of products	continuous	ongoing		
1.1.2.32	Policy input/guidance to UN-Oceans: inter-agency coordination on oceans and coastal issues	continuous	ongoing		
1.1.2.33	Policy input/guidance to UN Regular Process: assessment of the state of the marine environment	continuous	ongoing		
1.1.2.42	Follow-up to the 3rd meeting of the Joint ILO/IMO/BC Working Group on Ship Scrapping	continuous	ongoing		

Planned output number in the High-level Action Plan for 2010-2011 <sup>a</sup>	Description	Target completion year <sup>b</sup>	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
1.3.1.3	Identification of PSSAs, taking into account article 211 and other related articles of UNCLOS (MEPC)	continuous	ongoing		
1.3.2.1	Contributions to the follow-up to UNCED and WSSD	2011	In progress		
1.3.3.1	Hazard profiles and evaluation of newly submitted substances to be incorporated into the IBC Code	continuous	ongoing		
1.3.3.2	Approval of ballast water management systems	continuous	ongoing		
2.0.1.2	Mandatory instruments: amendments to MARPOL Annexes I to VI, including revised MARPOL Annex V	continuous	ongoing		
2.0.1.11	Non-mandatory instruments: clarified boundaries between MARPOL and the London Convention 1972	2011	In progress		
2.0.1.12	Non-mandatory instruments: guidelines for enforcement of MARPOL Annex I	continuous	ongoing		
2.0.1.13	Non-mandatory instruments: guidelines for the BWM Convention (updating and consolidation of existing guidelines)	continuous	ongoing		
2.0.1.14	Non-mandatory instruments: guidelines for replacement engines not required to meet the Tier III limit (MARPOL Annex VI)	2011	In progress		
2.0.1.15	Non-mandatory instruments: guidelines on the provision of reception facilities (MARPOL Annex VI)	2011	In progress		
2.0.1.16	Non-mandatory instruments: other relevant guidelines pertaining to equivalents set forth in regulation 4 of MARPOL Annex VI and not covered by other guidelines	2011	In progress		
2.0.1.17	Non-mandatory instruments: guidelines called for under paragraph 2.2.5.6 of the NO <sub>x</sub> Technical Code	2011	In progress		
2.0.1.24	Unified interpretations of the MARPOL regulations	continuous	ongoing		
2.0.1.25	Promotion of the implementation of mandatory and non-mandatory instruments	continuous	ongoing		
2.0.1.26	Reports on the average sulphur content of residual fuel oil supplied for use on board ships	continuous	ongoing		

Planned output number in the High-level Action Plan for 2010-2011 <sup>a</sup>	Description	Target completion year <sup>b</sup>	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
2.0.1.27	Summary reports and analyses of mandatory reports under MARPOL	continuous	ongoing		
2.0.1.29	Interpretation of application of SOLAS, MARPOL and Load Line requirements for major conversions of oil tankers	2011	In progress		
2.0.2.1	Input related to marine environment protection to the Voluntary IMO Member State Audit Scheme and to the Code for the implementation of mandatory IMO instruments	continuous	ongoing		
2.0.2.2	A revised Code for the Implementation of Mandatory IMO Instruments	2011	In progress		
2.0.2.3	Implementation of approved proposals for the further development of the Audit Scheme	2011	In progress		
3.1.1.1	Guidance for the Secretariat concerning the environmental programmes and projects to which the Organization contributes or executes, such as GEF, UNDP, UNEP and World Bank projects or programmes, and the IMO/UNEP forum on regional cooperation in combating marine pollution	continuous	ongoing		
3.1.1.2	Reports on resource mobilization for, and on implementation of, environmental programmes	continuous	ongoing		
3.1.2.1	Guidance for the Secretariat concerning partnerships with the industry (Global Initiative) aiming at promoting implementation of the OPRC Convention and the OPRC-HNS Protocol	2011	In progress		
3.4.1.1	Guidance on identifying the emerging needs of developing States, in particular SIDS and LDCs	continuous	ongoing		
3.5.1.3	Input to the ITCP on marine environment protection	continuous	ongoing		
3.5.3.2	A capacity-building mechanism for new measures or instruments, as called for under resolution A.998(25)	2011	In progress		
4.0.2.1	Guidance on the establishment or further development of information systems (databases, websites, etc.) as part of the Global Integrated Shipping Information System (GISIS) platform, as appropriate	continuous	ongoing		
4.0.2.3	Protocols on data exchange with other international, regional and national data providers	continuous	ongoing		
4.0.5.1	Revised guidelines on organization and method of work, as appropriate	2011	In progress		

Planned output number in the High-level Action Plan for 2010-2011 <sup>a</sup>	Description	Target completion year <sup>b</sup>	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
5.2.2.2	Mandatory instruments: input regarding MARPOL, BWM and other environmental conventions for the training and operational procedures for maritime personnel	continuous	ongoing		
5.2.3.10	Mandatory instruments: input regarding MARPOL Annexes I and II and the IBC Code for the review of standards for safe handling and carriage by sea of solid and liquid cargoes	continuous	ongoing		
5.2.3.11	Mandatory instruments: amendments to MARPOL Annex III concerning review of standards for safe handling and carriage by sea of solid and liquid cargoes	continuous	ongoing		
5.3.1.5	Non-mandatory instruments: review of Guidelines for inspection of anti-fouling systems on ships	2011	In progress		
7.1.1.1	Follow-up to the GESAMP study on "Estimates of Oil Entering the Marine Environment from Sea Based Activities"	continuous	ongoing		
7.1.1.2	Technical guidance for the Secretariat for the development, on the basis of reporting requirements under MARPOL, OPRC and the OPRC-HNS Protocol, as well as other relevant sources of information, of a pollution incident information structure for regular reporting to the FSI and BLG Sub-Committees, and/or the MEPC	2011	In progress		
7.1.2.1	Mandatory instruments: follow-up to the Hong Kong Convention on Ship Recycling, including development and adoption of associated guidelines	2011	In progress		
7.1.2.2	Mandatory instruments: designation of Special Areas and PSSAs and adoption of their associated protective measures	continuous	ongoing		
7.1.2.3	Non-mandatory instruments: consolidated guidelines on ballast water management	2011	In progress		
7.1.2.4	Provisions for the reduction of noise from commercial shipping and its adverse impacts on marine life	2011	In progress		
7.1.2.5	Approved ballast water management systems	continuous	ongoing		
7.1.2.6	Approved list of ballast water management systems	continuous	ongoing		
7.1.2.7	Production of a manual entitled "Ballast Water Management – How to do it"	2011	In progress		



Planned output number in the High-level Action Plan for 2010-2011 <sup>a</sup>	Description	Target completion year <sup>b</sup>	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
7.1.2.8	Holding of the third BWM R&D symposium	2011	completed		Held in January 2010 in Malmö (Sweden) in cooperation with WMU
7.1.2.9	Policies on Practices Related to the Reduction of Greenhouse Gas Emissions from Ships (resolution A.963(23)): Ship CO <sub>2</sub> indexing scheme; CO <sub>2</sub> emission baseline	2011	In progress		
7.1.2.10	Measures to promote the AFS Convention	continuous	ongoing		
7.1.2.11	Manual on chemical pollution to address legal and administrative aspects of HNS incidents	2011	In progress		
7.1.2.12	Revised Manual on oil pollution, Section 1 – Prevention	2011	In progress		
7.1.2.13	Guidance on the carriage of biofuels and biofuel blends as cargo	2011	In progress		
7.1.2.14	Guidance on translocation of invasive aquatic species through biofouling of ships	2011	In progress		
7.1.2.15	Guidance document on the identification and observation of spilled oil	2011	In progress		
7.1.2.16	Technical guidelines on sunken oil assessment and removal techniques	2011	In progress		
7.1.2.17	Guidance document on Incident Command System during oil response	2011	In progress		
7.1.2.18	Guidance for oil spill response in fast currents	2011	In progress		
7.1.2.19	Guide on Oil Spill Response in Ice and Snow Conditions	2011	In progress		
7.1.2.20	Updated IMO Dispersant Guidelines	2011	In progress		
7.1.2.21	Guideline for oil spill response – offshore <i>in situ</i> burning	2011	In progress		
7.1.2.22	Waste Management Decision Support Tool	2011	In progress		
7.1.2.23	Guidance on sensitivity mapping for oil spill response	2011	In progress		
7.1.2.24	Operational guide on the use of sorbents	2011	In progress		
7.1.2.25	Publication checklist for new IMO manuals, guidance documents and training materials	2011	In progress		
7.1.2.26	Guidance on obligations and actions required by States to prepare for implementation of the OPRC-HNS Protocol	2011	In progress		

Planned output number in the High-level Action Plan for 2010-2011 <sup>a</sup>	Description	Target completion year <sup>b</sup>	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
7.1.2.27	Test standards for type approval of add-on equipment	2011	In progress		
7.1.2.28	Measures to promote integrated bilge water treatment systems	2011	In progress		
7.1.2.29	Guidelines for a shipboard oil waste pollution prevention plan	2011	In progress		
7.1.2.30	Manually operated alternatives in the event of pollution prevention equipment malfunctions	2011	In progress		
7.1.3.1	Reports on inadequacy of port reception facilities	continuous	ongoing		
7.1.3.2	Follow-up to the implementation of the Action Plan on port reception facilities	2011	In progress		
7.1.4.1	Action Plan on prevention and control of marine pollution from small craft, including development of appropriate measures	2011	In progress		
7.2.1.2	Input to the review of the Guidelines on the identification of places of refuge with regard to marine environment protection	2011	In progress		
7.2.2.2	Environmental aspects of alternative tanker designs	2011	In progress		
7.2.2.3	Amendments to MARPOL Annex I on the use and carriage of heavy grade oil (HGO) on ships in the Antarctic area	2010	Completed		Resolution MEPC.189(60)
7.2.2.4	Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments	2011	In progress		
7.2.2.5	Application of requirements for the carriage of biofuels and biofuel blends	2011	In progress		
7.2.3.1	Increased activities within the ITCP regarding the OPRC Convention and the OPRC-HNS Protocol	continuous	ongoing		
7.3.1.1	Review of non-mandatory instruments as a consequence of the revised MARPOL Annex VI	2011	In progress		
7.3.1.2	Amendments to MARPOL Annex VI introducing a North American ECA	2010	Completed		Resolution MEPC.190(60)
7.3.2.1	Completed work plan to identify and develop mechanisms needed to achieve the limitation or reduction of CO <sub>2</sub> emissions from international shipping	continuous	ongoing		

Planned output number in the High-level Action Plan for 2010-2011 <sup>a</sup>	Description	Target completion year <sup>b</sup>	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
7.4.1.1	Follow up to the updated Action Plan on the Organization's strategy to address human element(MSC-MEPC.7/Circ.4)	continuous	ongoing		
9.0.1.3	Provision of reception facilities under MARPOL in SIDS	2011	In progress		
11.1.1.1	Permanent analysis, demonstration and promotion of the linkage between a safe, secure, efficient and environmentally friendly maritime transport infrastructure, the development of global trade and the world economy and the achievement of the MDGs	continuous	ongoing		
11.1.1.6	Measures to promote the "IMO Children's Ambassador" concept, in collaboration with junior marine environment protection associations worldwide	continuous	ongoing		
12.1.1.1	Revised FSA Guidelines, including on environmental risk criteria	2011	In progress		
12.3.1.3	Reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	2011	In progress		
12.4.1.1	Guidelines and MEPC circulars regarding raising awareness of the "chain of responsibility" concept among all stakeholders through organizations that have consultative status	continuous	ongoing		
13.0.2.1	Guidance for the Secretariat on the development of GISIS and on access to information	continuous	ongoing		
13.0.2.2	Databases as part of GISIS and other means, including electronic ones	continuous	ongoing		
13.0.2.3	Inventory of information, R&D and best practices related to HNS preparedness and response	continuous	ongoing		
13.0.2.4	Web platform for OPRC/HNS-related information	continuous	ongoing		
13.0.3.1	Improved and new technologies approved for ballast water management systems and reduction of atmospheric pollution	continuous	ongoing		
13.0.3.2	Holding of the third BWM R&D symposium	2011	completed		See 7.1.2.8 above.

**NOTES:**

- a When individual outputs contain multiple deliverables, the format should report on each individual deliverable.
- b The target completion date should be specified as a year, or indicate that the item is continuous. This should not indicate a number of sessions.
- c The entries under the "Status of output" columns are to be classified as follows:
  - "completed" signifies that the outputs in question have been duly finalized;
  - "in progress" signifies that work on the related outputs has been progressed, often with interim outputs (for example, draft amendments or guidelines) which are expected to be approved later in the same biennium;
  - "ongoing" signifies that the outputs relate to work of the respective IMO organs that is a permanent or continuous task; and
  - "postponed" signifies that the respective IMO organ has decided to defer the production of relevant outputs to another time (for example, until the receipt of corresponding submissions).
- d If the output consists of the adoption/approval of an instrument (e.g., resolution, circular, etc.), that instrument should be clearly referenced in this column.

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**ANNEX 17**

**ITEMS TO BE INCLUDED IN THE AGENDAS  
FOR MEPC 61, MEPC 62 AND MEPC 63**

<b>No.</b>	<b>Item</b>	<b>MEPC 61 September 2010</b>	<b>MEPC 62 July 2011</b>	<b>MEPC 63 March 2012</b>
1	Harmful aquatic organisms in ballast water	RG X	[RG] X	[RG] X
2	Recycling of ships	WG X	[WG] X	[WG] X
3	Prevention of air pollution from ships	X	X	X
4	Reduction of GHG emissions from ships	WG X	[WG] X	[WG] X
5	Consideration and adoption of amendments to mandatory instruments	DG X	[X]	[X]
6	Interpretations of, and amendments to, MARPOL and related instruments	X	X	X
7	Implementation of the OPRC Convention and the OPRC-HNS Protocol and relevant Conference resolutions	X	X	X
8	Identification and protection of Special Areas and PSSAs	X	X	X
9	Inadequacy of reception facilities	X	X	X
10	Reports of sub-committees	X	X	X

No.	Item	MEPC 61 September 2010	MEPC 62 July 2011	MEPC 63 March 2012
11	Work of other bodies	X	X	X
12	Status of conventions	X	X	X
13	Harmful anti-fouling systems for ships	X	X	X
14	Promotion of implementation and enforcement of MARPOL and related instruments	X	X	X
15	Technical Co-operation Sub-programme for the Protection of the Marine Environment	X	X	X
16	Role of the human element	X	WG X	X
17	Formal safety assessment	WG X	[X]	[X]
18	Noise from commercial shipping and its adverse impacts on marine life	X	X	X
19	Work programme of the Committee and subsidiary bodies	X	X	X
20	Application of the Committees' Guidelines	X	X	X
21	Election of the Chairman and Vice-Chairman	X	X	
22	Any other business	X	X	X

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## ANNEX 18

### STATEMENT BY THE DELEGATION OF THE ISLAMIC REPUBLIC OF IRAN ON VISAS TO ATTEND MEPC 60

Mr. Chairman,

The Marine Environmental Protection Committee convened its 60th session at IMO Headquarters this week. A large number of delegations of the Member States and international organizations participated in this session which is of importance particularly dealing with IMO's current environmental hot topics including greenhouse gases, ship recycling and so on.

The Islamic Republic of Iran always attaches great significance to IMO meetings and considers its interests and concerns particularly on environmental issues. Accordingly, a group of nine senior experts and maritime administration officials was due to participate in this meeting.

Having pursued the matter of visa through the British Embassy in Tehran as well as IMO Secretariat, none of these nine experts were able to get the visa to enter the UK and therefore all of them missed this session and the opportunity for properly expressing the positions of the Islamic Republic of Iran of various issues.

This behaviour, which was not experienced for the first time, is totally unacceptable in accordance with mandate of IMO and the obligations of the hosting government enshrined in IMO Headquarters Agreement signed by IMO and the UK in 1968. Article 7 of the above-mentioned agreement stipulates that the Government of the United Kingdom undertakes to authorize the entry into the UK without delay and without charge for visa for the members of delegations.

It is obvious that IMO is a UN Specialized Agency located at London dealing with maritime matters and therefore the members of delegations of the Member States have an equal right to access its headquarters and attend all of its meetings without any delay and discrimination.

The Islamic Republic of Iran has been an active Member State of the IMO, since 1958 before its inception, and contributes in the process of the codification and development of maritime rules and standards and has very constructive interactions with IMO.

My delegation strongly believes that this kind of unfair treatment is completely against objectives and purposes of the IMO, based on collective cooperation and strengthening of multilateral interactions, and the obligations of the United Kingdom as the Hosting Government under IMO/UK Headquarters Agreement 1968. Continuation of this situation will seriously affect the right of delegations on easy access and participation at IMO meetings.

At the end, thanking and appreciating the IMO Secretariat for its cooperation and following up the matter, I would like to request you, as Chairman, to report our concern on this issue to the Council. We hope to take all necessary measures and coordinations in order to solve the problem forever.

Thank you.