INTERNATIONAL MARITIME ORGANIZATION

E

MARINE ENVIRONMENT PROTECTION COMMITTEE
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Agenda item 24

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REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE ON ITS SIXTY-FIRST SESSION

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1 INTRODUCTION

1.1 The sixty-first session of the Marine Environment Protection Committee was held at IMO Headquarters from 27 September to 1 October 2010 under the chairmanship of Mr. Andreas Chrysostomou (Cyprus). The Vice-Chairman of the Committee, Captain Manuel Nogueira (Spain), was also present.

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

ALGERIA
ANGOLA
ANTIGUA AND BARBUDA
ARGENTINA
AUSTRALIA
AUSTRIA
BAHAMAS
BANGLADESH
BELGIUM
BELIZE
BOLIVIA (PLURINATIONAL STATE OF)
BRAZIL
BULGARIA
CANADA
CHILE
CHINA
COLOMBIA
COOK ISLANDS
CÔTE D'IVOIRE
CROATIA
CUBA
CYPRUS
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
DENMARK
DOMINICAN REPUBLIC
ECUADOR
EGYPT
ESTONIA
ETHIOPIA
FINLAND
FRANCE
GEORGIA
GERMANY
GHANA
GREECE
HONDURAS
HUNGARY
ICELAND
INDIA
INDONESIA
IRAN (ISLAMIC REPUBLIC OF)
IRELAND
ISRAEL
ITALY
JAMAICA
JAPAN
KENYA
LATVIA
LIBERIA
LIBYAN ARAB JAMAHIRIYA
LUXEMBOURG
MALAYSIA
MALTA
MARSHALL ISLANDS
MEXICO
MOROCCO
NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
OMAN
PAKISTAN
PANAMA
PERU
PHILIPPINES
POLAND
PORTUGAL
QATAR
REPUBLIC OF KOREA
ROMANIA
RUSSIAN FEDERATION
SAINT KITTS AND NEVIS
SAINT VINCENT AND THE GRENADINES
SAUDI ARABIA
SENEGAL
SINGAPORE
SOUTH AFRICA
SPAIN
SRI LANKA
SWEDEN
SWITZERLAND
SYRIAN ARAB REPUBLIC
THAILAND
TONGA
TUNISIA
TURKEY
TUVALU

UKRAINE
UNITED KINGDOM
UNITED REPUBLIC OF TANZANIA
UNITED STATES
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:

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
WORLD METEOROLOGICAL ORGANIZATION (WMO)
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)
REGIONAL ACTIVITY CENTER/REGIONAL MARINE POLLUTION EMERGENCY, INFORMATION AND TRAINING CENTER, WIDER CARIBBEAN (RAC/REMPEITC-CARIB)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)
THE BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION (HELSINKI COMMISSION)
INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE ENVIRONMENT (ROPME)
COMMISSION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC (OSPAR COMMISSION)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
REGIONAL ORGANIIZATION FOR THE CONSERVATION OF THE ENVIRONMENT OF THE RED SEA AND THE GULF OF ADEN (PERSGA)
COMMISION 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 UNION OF MARINE INSURANCE (IUMI)
COMITÉ INTERNATIONAL RADIO-MARITIME (CIRM)
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 UNION FOR CONSERVATION OF NATURE (IUCN)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS LIMITED (SIGTTO)
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)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
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 SPILL CONTROL ORGANIZATION (ISCO)
WORLD SHIPPING COUNCIL (WSC)
NACE INTERNATIONAL
THE NAUTICAL INSTITUTE (NI)
PACIFIC ENVIRONMENT
CLEAN SHIPPING COALITION (CSC)

1.3 The Chairman of the Council, Mr. Jeffrey G. Lantz (United States); the Chairman of the Maritime Safety Committee (MSC), Mr. Neil Frank R. Ferrer (Philippines); 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); the Chairman of the Sub-Committee on Ship Design and Equipment (DE), Dipl.-Ing. Anneliese Jost (Germany) and the Chairman of the Sub-Committee on Flag State Implementation (FSI), Capt. Dwain Hutchinson (Bahamas) were also present.

The Secretary-General's opening address

1.4 The Secretary-General welcomed participants and delivered his opening address, which is reproduced, in full, in document MEPC 61/INF.27.

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 deliberations of the Committee.

"Deepwater Horizon" accident and the subsequent pollution

1.6 With reference to the Secretary-General's opening address which mentioned the **Deepwater Horizon** accident and the subsequent pollution, the delegation of the United States stated that an investigation was being carried out and that the report of the investigation into the accident would be submitted to IMO after it had been concluded, so that IMO would be in a position to review the report and consider any necessary measures in its regulatory regime with a view to enhancing maritime safety and environmental protection.

1.7 The delegation of the Marshall Islands stated that, as flag State of the MODU, its maritime Administration was also conducting its own independent flag State investigation in accordance with its obligations under the relevant international conventions. Its investigation team was charged with gathering the facts surrounding the accident, analysing all available information, identifying possible causes from its own perspective and making recommendations to enable prevention of similar accidents in the future. The report, when completed, would also be submitted to IMO for action as appropriate.

Adoption of the agenda

1.8 The Committee adopted the agenda (MEPC 61/1) and agreed to be guided during the session by the provisional timetable (MEPC 61/1/1, 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 61/INF.28.

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 (Brazil, Canada, Croatia and the Netherlands) had acceded to the Convention since the last MEPC session, which brought the number of contracting Governments to 27, representing 25.32% of the world's merchant fleet tonnage. The Committee urged the other Member States to ratify the Convention at their earliest possible opportunity.

ESTABLISHMENT OF THE BALLAST WATER REVIEW GROUP

2.2 The Committee recalled that MEPC 59 had agreed to conduct a new review of the status of ballast water technologies before the 2012 application date and to re-establish the Ballast Water Review Group at this session for this purpose. In view of the significant volume of work, the Committee instructed the Group to start working immediately on any outstanding matters emanating from BLG 14 concerning the two guidance documents, namely, "Framework for determining when a Basic Approval granted to one ballast water

management system may be applied to another system that uses the same Active Substance or Preparation" and "Guidance for Administrations on the Type Approval process for ballast water management systems in accordance with Guidelines (G8)", and re-join the plenary at a later stage to consider the remaining sub-items of the assigned terms of reference (see paragraph 2.27).

REPORTS OF THE THIRTEENTH AND FOURTEENTH MEETINGS OF THE GESAMP-BWWG

2.3 After resuming consideration of this agenda item on Wednesday, 29 September 2010, the Committee noted that the thirteenth and fourteenth meetings of the GESAMP-BWWG were held from 24 to 28 May 2010 and from 19 to 23 July 2010, at IMO Headquarters, under the chairmanship of Mr. Jan Linders. During the two meetings, the GESAMP-BWWG had reviewed a total of 10 proposals for approval of ballast water management systems that make use of Active Substances, submitted by China, Germany (two proposals), Japan (three proposals), Norway, and the Republic of Korea (three proposals).

Basic Approval

2.4 The Committee, having considered the recommendations contained in annexes 4 and 5 of the "Report of the thirteenth meeting of the GESAMP-BWWG" (MEPC 61/2/15), as well as the recommendations contained in annex 4 of the "Report of the fourteenth meeting of the GESAMP-BWWG" (MEPC 61/2/21), agreed to grant Basic Approval to:

.1 Techwin Eco Co., Ltd. (TWECO) Ballast Water Management System (Purimar), proposed by the Republic of Korea in document MEPC 61/2;

.2 AquaStar Ballast Water Management System, proposed by the Republic of Korea in document MEPC 61/2/1; and

.3 Kuraray Ballast Water Management System, proposed by Japan in document MEPC 61/2/6.

2.5 The Committee then invited the Administrations of Japan and the Republic of Korea to take into account all the recommendations made in the aforementioned reports (annexes 4 and 5 to the report of the thirteenth meeting and annex 4 to the report of the fourteenth meeting, respectively) during the further development of the systems.

2.6 With regard to the proposal for Basic Approval of the "MES Ballast Water Management System (FineBallast MF)", described in document MEPC 61/2/3 (Japan), the Committee concurred with the recommendation of the GESAMP-BWWG that since no Active Substance is used during the treatment process, the system does not need to be evaluated in accordance with the provisions of Procedure (G9). Consequently, the Committee invited the Administration of Japan to conduct future evaluations of this system in accordance with the Guidelines for approval of ballast water management systems (G8) only.

Final Approval

2.7 The Committee, having considered the recommendations contained in annexes 6, 8 and 9 of the report of the thirteenth meeting of the GESAMP-BWWG (MEPC 61/2/15) as well as the recommendations contained in annexes 5, 6 and 7 of the report of the fourteenth meeting of the GESAMP-BWWG (MEPC 61/2/21), agreed to grant Final Approval to:

.1 Special Pipe Hybrid Ballast Water Management System combined with Ozone treatment version, proposed by Japan in document MEPC 61/2/2;

.2 "ARA Ballast" Ballast Water Management System, proposed by the Republic of Korea in document MEPC 61/2/5;

.3 BalClor Ballast Water Management System, proposed by China in document MEPC 61/2/4;

.4 OceanGuard™ Ballast Water Management System, proposed by Norway in document MEPC 61/2/7;

.5 Ecochlor® Ballast Water Management System, proposed by Germany in document MEPC 61/2/8; and

.6 Severn Trent De Nora BalPure® Ballast Water Management System, proposed by Germany in document MEPC 61/2/9.

2.8 The Committee then invited the Administrations of China, Germany, Japan, Norway and the Republic of Korea to verify that all the recommendations made in the aforementioned reports (annexes 6, 8 and 9 of the report of the thirteenth meeting and annexes 5, 6 and 7 of the report of the fourteenth meeting, respectively) are fully addressed prior to the issuance of a Type Approval Certificate.

Future meetings of the GESAMP-BWWG

2.9 The Committee noted that 13 submissions for either Basic or Final Approval had been received for evaluation by the GESAMP-BWWG. However, due to the limited time between two consecutive sessions of the MEPC, the GESAMP-BWWG could only meet twice (GESAMP-BWWG 13 and GESAMP-BWWG 14) and was able to evaluate only the first 10 proposals for approval in the chronological order of their submission. The Committee noted with appreciation that, with a view to facilitating the consideration of as many ballast water management systems as possible and in anticipation of an increasing workload for the year 2011, the GESAMP-BWWG had agreed to hold an extraordinary meeting (GESAMP-BWWG 15), scheduled to be held from 13 to 17 December 2010, to evaluate the remaining three proposals described in documents MEPC 61/2/10 (Japan), MEPC 61/2/11 (Greece) and MEPC 61/2/12 (Singapore), the outcome of which would be reported to MEPC 62.

2.10 The Committee also noted that the next regular meeting of the GESAMP-BWWG, i.e. the sixteenth meeting, had been tentatively scheduled to be held from 28 February to 4 March 2011 and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems to MEPC 62, as soon as possible but not later than 17 December 2010.

2.11 The Committee further noted that, recognizing the possibility that more than four proposals may be submitted for the Group's review and approval by MEPC 62, the GESAMP-BWWG had expressed its availability to have an additional meeting, in April/May 2011, to accommodate as many proposals as possible provided that all necessary conditions for organizing such a meeting are met.

Other matters emanating from the GESAMP-BWWG meetings

2.12 The Committee recalled that, at its last session, it had requested the GESAMP-BWWG to conduct discussions with Administrations/applicants – on a trial basis – according to the additional terms of reference contained in document MEPC 60/2/15 (Germany) with the amendment that such discussions should be conducted at the request of the Administrations and solely during the Final Approval evaluation.

2.13 In reporting the Group's findings after the discussions conducted during the fourteenth meeting with the representatives of the German Administration and the manufacturers of Ecochlor® and Severn Trent de Nora Balpure® Ballast Water Management Systems, the Chairman of the GESAMP-BWWG drew the attention of the Committee to the following points:

.1 the Group ensured complete transparency and a fair treatment for all the proponent Administrations by strictly adhering to the chronological order of the submissions, however, a significant amount of time was required for the preparation (two working hours) and holding (four working hours) of the two discussion sessions;

.2 the discussions with the Administration/applicants reiterated the information already provided in the written responses to the Group's questions by e-mail and no new insights were gained;

.3 it was not possible to anticipate all the potential unclear aspects or shortcomings of the application dossiers before thoroughly considering the confidential information, the review of which, for most of the evaluations, extends well into the last day of the evaluation week. This disrupted the meeting schedule considerably; and

.4 during its thirteenth meeting, when the Group did not conduct any face-to-face meetings, it was able to evaluate six proposals. Conversely, during its fourteenth meeting, despite long working hours (up to 21:00), the Group was only able to evaluate four proposals. The Group could not find any additional merit in conducting the two discussion sessions.

2.14 Having considered the GESAMP-BWWG's findings following the face-to-face meetings with the Administrations/applicants and following an intervention made by the delegation of Germany, the Committee agreed to instruct the Ballast Water Review Group to consider the proposals contained in document MEPC 60/15 (Germany) taking into account the conclusion of the GESAMP-BWWG contained in document MEPC 61/2/21.

CLARIFICATION REGARDING CERTIFICATION AND COMPLIANCE WITH THE D-2 STANDARD UNDER THE BWM CONVENTION

2.15 The Committee recalled that MEPC 59 had approved BWM.2/Circ.19 regarding the application dates contained in regulation B-3.1 of the BWM Convention based on the clarification provided by IACS. Having considered document MEPC 61/2/16 (IACS) proposing to modify the above-mentioned circular as well as providing IACS's understanding of the certification and the ship's compliance with the D-2 standard of the BWM Convention and, following the intervention made by the delegation of the Russian Federation, the Committee agreed to instruct the Ballast Water Review Group to examine the discrepancies identified by that delegation with regard to the usage of the term "anniversary date of the ship" and the term "date of construction".

REVIEW OF THE STATUS OF BALLAST WATER TREATMENT TECHNOLOGIES

2.16 The Committee recalled that MEPC 59 had concluded that ballast water treatment technologies were available and were being fitted on board ships, confirming that a sufficient number of ballast water management systems would be available for ships constructed in 2010. MEPC 59 had also agreed to conduct a new review of the status of ballast water technologies and to examine the applicable requirements for ships described in regulation B-3.1 and any other aspects of ballast water management in accordance with the provisions contained in regulation D-5.1 at this session.

2.17 The Committee noted that nine documents: MEPC 61/2/14 (Netherlands), MEPC 61/2/17 (Japan), MEPC 61/2/18 (ICS), MEPC 61/INF.3 (Norway), MEPC 61/INF.4 (Norway), MEPC 61/INF.16 (Germany), MEPC 61/INF.17 (Netherlands), MEPC 61/INF.19 (Australia) and MEPC 61/INF.21 (Japan) providing information related to the development of ballast water treatment technologies had been submitted under this agenda item and agreed to refer all these nine documents to the Ballast Water Review Group for detailed consideration during the review of the status of ballast water treatment technologies.

2.18 The Committee noted in particular that four new ballast water management systems had received type approval certification from their respective Administrations, namely, GloEn-Patrol™ Ballast Water Management System (MEPC 61/2/19, Republic of Korea), PureBallast Ballast Water Management System (MEPC 61/INF.3, Norway), OptiMarin Ballast System (MEPC 61/INF.4, Norway) and Hitachi Ballast Water Management System (MEPC 61/INF.21, Japan), bringing the number of type-approved systems to 10.

2.19 The Committee noted with appreciation the information contained in the following documents: MEPC 61/INF.16 (Germany) on discharge control and neutralization option for ballast water management systems using PERACLEAN® Ocean; MEPC 61/INF.17 providing detailed technical information on difficulties to acquire appropriate technologies for some special types of ships; and MEPC 61/INF.19 (Australia) on tools for verification of ballast water management systems.

OUTCOME OF THE WORK OF BLG SUB-COMMITTEE RELEVANT TO BALLAST WATER MANAGEMENT

2.20 Recalling that it had instructed the Ballast Water Review Group to further consider two guidance documents prepared by the BLG Sub-Committee (see paragraph 2.2), the Committee considered the remaining items related to the outcome of BLG 14 (8 to 12 February 2010) relevant to ballast water management and agreed to:

.1 extend the target completion date for the agenda item "Development of guidelines and other documents for uniform implementation of the 2004 BWM Convention" to the year 2012; and

.2 note the Sub-Committee's revised Action Plan (BLG 14/17, annex 6) to develop the remaining documents needed for uniform implementation of the BWM Convention.

ORGANIZATIONAL ARRANGEMENTS AND OTHER INFORMATION RELATED TO BALLAST WATER MANAGEMENT AND CONTROL

2.21 The Committee considered a proposal by the observer from the International Council for the Exploration of the Sea (ICES) to enhance and formalize the ongoing collaboration between ICES and IMO on matters relating to the transfer of invasive aquatic species by ships (MEPC 61/2/13). Recalling the collaboration between the two organizations, the ICES observer proposed to establish a formal agreement between ICES, Intergovernmental Oceanographic Commission (IOC) of UNESCO and IMO, in order to provide the much-needed link between policy and scientific knowledge.

2.22 The Committee instructed the Secretariat to liaise with the Secretariats of ICES and IOC with a view to formalizing the existing cooperation and facilitating the use of scientific knowledge available in the Joint Working Group on Ballast and Other Ship Vectors (WGBOSV) to progress the work of IMO on invasive aquatic species.

2.23 Due to time constraints consideration of documents MEPC 61/INF.5 (Secretariat) and MEPC 61/2/20 (CEFIC) was deferred to MEPC 62.

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

.1 MEPC 61/INF.13 (Germany) on the development of a harmonized Emission Scenario Document (ESD) for ballast water discharge;

.2 MEPC 61/INF.15 (Black Sea Commission) on the IMO-BSC PS Memorandum of Understanding (MoU) on implementation of IMO technical cooperation activities and update on GloBallast regional legal training course and regional strategy development workshop on implementation of the BWM Convention; and

.3 MEPC 61/INF.20 (Honduras) on the regional ballast water management legal training course.

FURTHER INSTRUCTIONS FOR THE BALLAST WATER REVIEW GROUP

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

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

.1 consider the "Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation" (BLG 14/17, annex 3) with a view to approval by the Committee for dissemination as a technical circular;

.2 consider the "Guidance for Administrations on the Type Approval process for ballast water management systems in accordance with Guidelines (G8)" (BLG 14/17, annex 4) with a view to approval by the Committee for dissemination as a technical circular;

.3 identify the current status of ballast water treatment technologies, taking into account the information contained in documents MEPC 61/2/14 (Netherlands), MEPC 61/2/17 (Japan), MEPC 61/2/18 (ICS), MEPC 61/INF.3 (Norway), MEPC 61/INF.4 (Norway), MEPC 61/INF.16 (Germany), MEPC 61/INF.17 (Netherlands), MEPC 61/INF.19 (Australia), MEPC 61/INF.21 (Japan) and MEPC 60/INF.17 (United Kingdom);

.4 determine the availability of ballast water treatment technologies with reference to the groups of ships constructed in or after 2012 with a ballast water capacity of 5,000 cubic metres or more;

.5 examine the applicable requirements for ships described in regulation B-3.1 and any other aspects of ballast water management addressed in the annex to the Convention in accordance with the provisions contained in regulation D-5.1;

.6 consider the proposals contained in document MEPC 60/2/15 (Germany), taking into account conclusions of the GESAMP-BWWG contained in document MEPC 61/2/21;

.7 examine the discrepancies identified by the delegation of the Russian Federation with regard to the usage of the term "anniversary date of delivery of the ship" contained in regulation B-3.2 and the term "date of construction" contained in Appendix 1 of the BWM Convention; and

.8 submit a written report on the review conducted, including its findings and recommendations, to plenary on Thursday, 30 September 2010."

CONSIDERATION OF THE REPORT OF THE BALLAST WATER REVIEW GROUP

2.26 Upon receipt of the report of the Ballast Water Review Group (MEPC 61/WP.8), the Committee approved it in general and took action as outlined in the following paragraphs.

Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation

2.27 The Committee noted that the Review Group had reviewed the Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation developed by the BLG Sub-Committee (BLG 14/17, annex 3) and agreed to approve this guidance document and to instruct the Secretariat to disseminate it through BWM.2/Circ.27.

Guidance for Administrations on the Type Approval process for ballast water management systems in accordance with Guidelines (G8)

2.28 Having noted the clarification provided in paragraph 3.1.12 and the editorial changes made by the Review Group to the Guidance for Administrations on the Type Approval process for ballast water management systems in accordance with Guidelines (G8), developed by the BLG Sub-Committee (BLG 14/17, annex 4), the Committee agreed to approve this guidance document and instructed the Secretariat to disseminate it through BWM.2/Circ.28.

Review of the availability of ballast water treatment technologies

2.29 Having noted that the Review Group had considered documents MEPC 61/2/14 (Netherlands), MEPC 61/2/17 (Japan), MEPC 61/2/18 (ICS), MEPC 61/2/19 (Republic of Korea), MEPC 61/INF.3 (Norway), MEPC 61/INF.4 (Norway), MEPC 61/INF.16 (Germany), MEPC 61/INF.17 (Netherlands), MEPC 61/INF.19 (Australia), MEPC 61/INF.21 (Japan) and MEPC 60/INF.17 (United Kingdom) providing information related to the development of ballast water treatment technologies, the Committee concurred with the conclusion of the Review Group that for ships with ballast water capacity up to 5,000 cubic metres, including those constructed in 2011, there are sufficient technologies available and that their number is increasing.

2.30 Having noted that a number of challenges are yet to be addressed in relation to some special types of ships, in particular, seagoing unmanned barges, semi-submersibles and heavy lift crane vessels, the Committee agreed to invite Member Governments and observers to propose practical solutions to the challenges identified and to allocate sufficient time to discuss such proposals during future sessions.

2.31 In noting the information on type-approved ballast water management systems provided by the delegations of the Republic of Korea, Norway and Japan and the fact that in some cases such information appears to be insufficient, the Committee agreed to urge all the Administrations issuing Type Approval Certificates to carefully follow the provisions of resolution MEPC.175(58) and the Guidance for Administrations on Type Approval when submitting such information to the Organization.

2.32 Following consideration of the recommendation of the Review Group with regard to document MEPC 61/INF.19 (Australia) providing useful tools for verification of ballast water management systems by the port State control officers, the Committee agreed to instruct FSI 19 to consider this document in the context of the PSC Guidelines currently under development by the FSI Sub-Committee.

2.33 Having noted the concerns of the Review Group with regard to the limited capacity of the shipyards to install and retrofit ballast water management systems on board ships and having recalled the provisions of resolution MEPC.188(60), which, *inter alia*, encourages the installation of such systems on new ships, the Committee urged Member States to apply this resolution as soon as possible.

2.34 While supporting the views of ICS (MEPC 61/2/18) on the compelling need for a review of the availability of ballast water treatment technologies as soon as the Convention achieves its conditions for entry into force, the delegation of India expressed its concern regarding the availability of technologies for larger vessels with large flow capacity, and requested the Committee to urge Member Governments to share information related to the availability of such technologies.

2.35 In anticipation of the possible entry into force of the BWM Convention in 2012, the Committee agreed that a new review of ballast water treatment technologies, focused on larger ships (with ballast water capacity of 5,000 cubic metres or more, in particular those with higher flow rate) would be necessary at MEPC 62 and decided to re-establish the Review Group at that session.

Consideration of the GESAMP–BWWG findings contained in document MEPC 61/2/21 (Secretariat) and the proposals in document MEPC 60/2/15 (Germany)

2.36 Having examined the conclusions of the Review Group with regard to the face-to-face meetings between the GESAMP-BWWG and Administrations/applicants, the Committee agreed to extend the "trial period" for such meetings, which should at least take place during two sessions of the GESAMP-BWWG, with a view to gaining sufficient experience. This extension of the trial should include an entire MEPC intersessional period to ensure that face-to-face meetings are available to all applicants in that period. The Committee emphasized that the trial should focus on ensuring that these meetings add value to the process without causing undue delay and that the procedure should be applied upon request of the Administrations for Final Approval only and being limited to one hour per application.

2.37 Having noted the split views of the Review Group during the discussions regarding a possible clarification mechanism and the practical implementation of the settlement of dispute clause contained in the Letter of Agreement produced by the proponent Administrations for the situation when an applicant disagrees with the recommendation of the GESAMP-BWWG, the Committee agreed to encourage Member States to submit their views on the matter to MEPC 62.

Discrepancies with regard to the usage of the terms "anniversary date of delivery of the ship" and "date of construction"

2.38 The Committee noted the conclusion of the Review Group with regard to the usage of the terms "anniversary date of delivery of the ship" and "date of construction" and the two alternatives that would become available after the entry into force of the BWM Convention.

2.39 In responding to the two alternatives suggested by the Review Group on discrepancies regarding the usage of the terms "**anniversary date of delivery of the ship**" and "**date of construction**", the observer from IACS indicated that the date of delivery of a ship can be readily established from the supplement to the International Oil Pollution Prevention Certificate (in both Forms A and B), the threshold for ships to carry such statutory certification being the same as for the BWM Convention (i.e. 400 GT).

2.40 Having noted the precedent and the significant experience regarding the use of the term "**anniversary date of delivery of the ship**" that already exists through the implementation of regulations 20 and 21 of MARPOL Annex I, the Committee agreed to use the term in this context, with the understanding indicated by IACS in document MEPC 61/2/16 and instructed the Secretariat to amend BWM.2/Circ.19 accordingly.

Action taken by the Committee

2.41 Having considered the action requested by the Review Group and the comments made by various delegations, the Committee:

.1 approved the Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation and instructed the Secretariat to disseminate it through BWM.2/Circ.27;

.2 approved the Guidance for Administrations on the Type Approval process for ballast water management systems in accordance with Guidelines (G8) and instructed the Secretariat to disseminate it through BWM.2/Circ.28;

.3 urged the Administrations issuing Type Approval Certificates to carefully follow the provisions of resolution MEPC.175(58) and the Guidance for Administrations on Type Approval when submitting such information to the Organization;

.4 instructed FSI 19 to consider document MEPC 61/INF.19 by Australia in the context of the PSC Guidelines currently under development by the FSI Sub-Committee;

.5 concurred with the Review Group's conclusion that for ships with ballast water capacity up to 5,000 cubic metres, including those constructed in 2011, there are sufficient technologies available and that their number is increasing;

.6 invited Member Governments and observers to propose practical solutions to the challenges identified in relation to some special types of ships, in particular seagoing unmanned barges, semi-submersibles and heavy lift crane vessels and agreed to allocate sufficient time to discuss such proposals during future sessions;

.7 urged Member States to apply, as soon as possible, the provisions of resolution MEPC.188(60), which encourages Member Governments to install ballast water management systems on new ships in accordance with the application dates contained in the BWM Convention;

.8 agreed to re-establish the Review Group at MEPC 62 and urged Member Governments to share information related to availability of such technologies;

.9 extended the "trial period" for face-to-face meetings between the GESAMP-BWWG and Administrations/applicants to include an entire MEPC intersessional period, until sufficient experience is gained, ensuring that these meetings add value to the process and do not cause undue delay;

.10 invited Member States to consider the further development of the settlement of dispute clause under the terms of the Letter of Agreement in connection with the proposals for approval of ballast water management systems and submit their views to MEPC 62; and

.11 agreed to replace the phrase "anniversary date of the ship" in paragraph 3 of the annex to BWM.2/Circ.19 with "anniversary date of delivery of the ship"; concurred with IACS understanding of the survey cycle; and instructed the Secretariat to amend BWM.2/Circ.19 accordingly.

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) had been open for signature from 1 September 2009 until 31 August 2010. France, the Netherlands, Italy, Turkey and Saint Kitts and Nevis had signed the Convention subject to ratification. The Committee encouraged countries to ratify the Convention.

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". Thereafter, MEPC 60 had agreed that three further guidelines should be developed in parallel (on facilities; on the Ship Recycling Plan; and on the authorization of the facilities) in view of the close interrelationship between them. MEPC 60 had also established a correspondence group on ship recycling guidelines.

Planning of the work

3.3 The Committee had for its consideration 13 documents submitted under the item and agreed to plan its work as follows:

.1 under the heading "Development of the guidelines" to consider six documents (MEPC 61/3, MEPC 61/3/1, MEPC 61/3/2, MEPC 61/3/3, MEPC 61/3/9 and MEPC 61/INF.8) addressing the development of the facility guidelines; the Ship Recycling Plan guidelines; and the authorization guidelines. Two of these submissions formed the report of the correspondence group; three submissions commented on the group's report; and the remaining submission proposed draft text to be used as a basis for the development of the authorization guidelines;

.2 under the heading "Promotion of technical cooperation and assistance" to consider three documents (MEPC 61/3/5, MEPC 61/3/6 and MEPC 61/3/INF.14) addressing technical cooperation and the early

implementation of the technical requirements of the Hong Kong Convention on a voluntary basis. Two of these submissions reported on the outcome of workshops conducted since MEPC 60, and one submission provided information on a study commissioned to identify transitional technology solutions for environmentally sound ship recycling in developing countries;

.3 under the heading "Proposed amendments to the inventory guidelines" to consider two documents (MEPC 61/3/7 and MEPC 61/3/8) proposing amendments to the Guidelines for the development of the Inventory of Hazardous Materials, adopted by resolution MEPC.179(59); and

.4 under the heading "Other matters" to consider two documents (MEPC 61/3/4 and MEPC 61/INF.25), one by the Secretariat of the Basel Convention concerning the outcome of the seventh session of the Open-ended Working Group of the Basel Convention, and the second one by the International Organization for Standardization (ISO) providing an update on ISO 30000 (Ship Recycling) series standards.

Development of the guidelines

3.4 In considering the report of the correspondence group (MEPC 61/3), the Committee thanked Japan for its continuing contribution as coordinator of the group and all the members of the group for their excellent work.

3.5 The Committee, having discussed a submission by Panama, the United Kingdom, the United States and IACS (MEPC 61/3/9), which commented on the direction and content of the guidelines currently under development, supported the recommendations regarding the way forward, as follows:

.1 all guidelines and their appendices should provide objective performance-based standards or high-level objectives which will add clarity to the requirements of the Convention and should not need further explanation/interpretation;

.2 the guidelines should neither provide guidance on activities that are outside the scope of the Convention, nor create new requirements in addition to those intended by the Convention; and

.3 the guidelines should address their respective scopes and should not overlap each other; if some overlap is unavoidable, the text should ensure consistency and eliminate conflicts.

3.6 A number of delegations also stressed the need for the guidelines to be concise, user-friendly and easy to implement by their intended users.

3.7 Cook Islands, supported by a number of delegations, noted that the draft guidelines for ship recycling facilities contained sections on Safe for entry procedures and on Safe for hot work determinations, requested that the working group on guidelines for ship recycling should take into account the work completed by the fifteenth session of the DSC Sub-Committee which revised Assembly resolution A.864(20) (Recommendations for entering enclosed spaces aboard ships). The Committee agreed on the need to avoid duplication of work developed in the Organization by different groups and consequently agreed that the working group should consider using suitable existing text on Safe for entry procedures and on Safe for hot work determinations.

3.8 The Committee agreed to instruct the working group on guidelines for ship recycling to consider the report of the intersessional correspondence group (MEPC 61/3) as a basis for the further development of the "Guidelines for safe and environmentally sound ship recycling" and the "Guidelines for the development of the Ship Recycling Plan", 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 authorization of Ship Recycling Facilities", using as a basis for the text proposed by France, Germany and Turkey (MEPC 61/3/1).

Promotion of technical cooperation and assistance

3.10 The Committee noted the two submissions by Thailand and the Secretariat of the Basel Convention (MEPC 61/3/6 and MEPC 61/3/5) discussing the outcome of two workshops conducted since MEPC 60 and containing recommendations on technical cooperation and requested its working group on guidelines for ship recycling to consider the submissions and to propose an appropriate course of action. The Committee also noted the submission by the United Kingdom (MEPC 61/INF.14) on a study commissioned to identify transitional low cost technology solutions for environmentally sound ship recycling in developing countries.

Proposed amendments to the Inventory Guidelines

3.11 The Committee also noted two submissions proposing amendments to the Guidelines for the development of the Inventory of Hazardous Materials, adopted by resolution MEPC.179(59). In a follow up to discussions at MEPC 60, the International Association of Classification Societies, proposed in document MEPC 61/3/7, specific amendments to the inventory guidelines in order to accurately define the definitive form of testing for materials controlled by the Hong Kong Convention. The second submission, by ICS and industry co-sponsors (MEPC 61/3/8), explained the pressing need for the development of threshold values and exemptions applicable to the materials to be listed in Inventories of Hazardous Materials; this being of specific relevance to sampling procedures; the Ship Recycling Plan; and the Convention's implementation and control procedures.

3.12 The delegation of Japan questioned the need to amend the Inventory Guidelines as proposed in document MEPC 61/3/8 and pointed out that appendix 1 of the Inventory Guidelines already incorporated threshold values for some of the listed hazardous materials. The delegation proposed that, unless a problem can be substantiated, time should not be spent amending the Guidelines. The delegation of China, however, suggested that there is a need to discuss the remaining materials, such as asbestos, in appendix 1 to the Inventory Guidelines for which threshold values have not been set.

3.13 The Committee agreed to instruct the working group to consider the proposals to amend the Inventory Guidelines if time permitted to do so, otherwise to advise how to discuss this matter under the intersessional correspondence group.

Other matters

3.14 Under this heading, the Committee considered a submission by the Secretariat of the Basel Convention (MEPC 61/3/4) concerning the outcome of the seventh session of the Open-ended Working Group of the Basel Convention on the dismantling of ships, and an information document (MEPC 61/INF.25) by the International Organization for Standardization (ISO) bringing to the Committee's attention the current status of ISO 30000 standards (Ship Recycling) and the fact that nine ship recycling facilities have been certified so far by third party independent auditors.

3.15 In its submission MEPC 61/3/4, the Secretariat of the Basel Convention reminded the Committee that the Conference of the Parties (COP) to the Basel Convention had decided to carry out an assessment on whether the Hong Kong Convention, as adopted, establishes an equivalent level of control and enforcement as that established under the Basel Convention. Following the COP 9 meeting in 2008, the seventh session of the Open-ended Working Group of the Basel Convention (OEWG 7) was instructed to develop the criteria for the comparison and to carry out a preliminary assessment on the equivalency at its meeting in May 2010 and to report to COP 10. Following long and complex discussions a set of criteria was compiled by OEWG 7. Thereafter the OEWG was able to list potentially relevant articles, regulations and decisions in the two conventions addressing the established criteria. A preliminary assessment was not possible in the time available. Members and other stakeholders having a particular interest in ship recycling were therefore encouraged to submit documents to the Secretariat of the Basel Convention by 15 April 2011, to complete the lists of mechanisms and to provide their preliminary assessments of whether the Hong Kong Convention establishes an equivalent level of control and enforcement as that established under the Basel Convention, for eventual consideration by the Conference of the Parties in COP 10 (November 2011).

Establishment of the Working Group on Guidelines for Ship Recycling

3.16 The Committee agreed to establish the Working Group on Guidelines for Ship Recycling under the chairmanship of Dr. Claude Wohrer (France) with the following Terms of Reference:

> "Using the report of the correspondence group on ship recycling guidelines (MEPC 61/3) as a basis, as well as comments, proposals and decisions made in plenary, the Working Group on Guidelines for Ship Recycling is instructed to:
>
> .1 further develop the "Guidelines for safe and environmentally sound ship recycling", taking into account the comments and proposals in documents MEPC 61/3/2, MEPC 61/3/3 and MEPC 61/3/9;
>
> .2 further develop the "Guidelines for the development of the Ship Recycling Plan", taking into account document MEPC 61/3/9;
>
> .3 commence the development of the "Guidelines for the authorization of Ship Recycling Facilities", using as a basis the text contained in document MEPC 61/3/1;
>
> .4 consider the proposals on technical cooperation contained in documents MEPC 61/3/6 and MEPC 61/3/5 and propose an appropriate course of action;
>
> .5 time permitting, consider the proposals contained in documents MEPC 61/3/7 and MEPC 61/3/8 for amending the Guidelines for the development of the Inventory of Hazardous Materials, as adopted by resolution MEPC.179(59), and propose an appropriate course of action, otherwise advise how to discuss this matter under the intersessional Correspondence Group on Ship Recycling Guidelines;
>
> .6 develop draft terms of reference for an intersessional Correspondence Group on Ship Recycling Guidelines; and
>
> .7 submit a written report to plenary on Thursday, 30 September 2010."

Report of the Working Group on Guidelines for Ship Recycling

3.17 The Committee considered and approved the report of the working group (MEPC 61/WP.9) in general and, in particular (paragraph numbers are those of document MEPC 61/WP.9):

.1 noted the progress made by the group on the development of the Draft guidelines for safe and environmentally sound ship recycling (paragraphs 5 to 13);

.2 noted the progress made by the group on the development of the Draft guidelines for the development of the Ship Recycling Plan (paragraphs 14 to 16);

.3 noted the progress made by the group on the development of the Draft guidelines for the authorization of Ship Recycling Facilities (paragraph 17);

.4 requested the sixty-first session of the Technical Co-operation Committee to include the implementation of the Hong Kong Convention as a thematic priority in the next biennium 2012-2013, and invited Member States to consider donations for the conduct of activities during 2011 (paragraphs 18 to 20);

.5 noted the outcome of the consideration by the group of the proposals for amending the Guidelines for the development of the Inventory of Hazardous Materials (paragraphs 22 to 25); and

.6 agreed to the re-establishment of the intersessional Correspondence Group on Ship Recycling Guidelines, under the coordination of Japan* and approved the terms of reference for the group as follows:

"On the basis of the outcome of MEPC 61, the report of the working group (MEPC 61/WP.9) and document MEPC 61/INF.8, the correspondence group on ship recycling guidelines is instructed to:

.1 further develop the draft text of the "guidelines for safe and environmentally sound ship recycling" based on the text contained in annex 1 to document MEPC 61/WP.9, with the view to the adoption of the guidelines at MEPC 62;

.2 further develop the draft text of the "guidelines for the development of the Ship Recycling Plan" based on the structure contained in annex 2 to document MEPC 61/WP.9, with the view to the adoption of the guidelines at MEPC 62;

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.3 further develop the draft text of the "guidelines for the authorization of Ship Recycling Facilities", using as basis the text contained in document MEPC 61/3/1 and taking into account the comments by the working group contained in annex 3 to document MEPC 61/WP.9, with the view to adoption of the guidelines at MEPC 62; and

.4 report the outcome of its deliberations to MEPC 62."

3.18 The Committee thanked the Chairman and the members of the Working Group for their hard work.

4 PREVENTION OF AIR POLLUTION FROM SHIPS

4.1 The Committee recalled that MEPC 58 unanimously adopted the revised MARPOL Annex VI and the NO_x Technical Code 2008 (by resolutions MEPC.176(58) and MEPC.177(58) respectively) and that the two revised instruments entered into force on 1 July 2010.

4.2 The Committee recalled also that the BLG Sub-Committee was instructed to update and develop guidelines and to consider the need for further guidance on several issues relating to the implementation of the revised MARPOL Annex VI and the NO_x Technical Code 2008.

Outcome of BLG 14

Guidelines for certification of marine diesel engines fitted with SCR systems

4.3 The Committee noted that BLG 14 could not finalize the guidelines for engines fitted with Selective Catalyst Reduction (SCR) systems, as a range of substantial issues were still outstanding, in particular, how the engine family concept may be applied to engines fitted with SCR after-treatment systems and whether certification of engines and SCR systems separately (Scheme B) would require an amendment to the NO_x Technical Code (NTC) 2008.

4.4 The Committee noted also that BLG 14 had agreed to continue the review of the guidelines, with a view to finalization at BLG 15. BLG 14 encouraged interested delegations (holding the view that amendments to the NO_x Technical Code 2008 were necessary to allow Scheme B to be implemented) to submit proposals for possible amendments to the NTC 2008 to this session of the Committee (paragraphs 12.25 to 12.29.1 of document BLG 14/17).

4.5 The Committee considered document MEPC 61/7/4 (Denmark, Germany and Japan) proposing to amend the NTC 2008 concerning the testing of marine diesel engines to be fitted with a NO_x-reducing device as there might be a possibility that combined engine/SCR systems cannot be tested on a test bed. To provide more flexibility in the test/certification process (Scheme B), the co-sponsors proposed to amend paragraph 2.2.5.1 of the NO_x Technical Code 2008.

4.6 The Committee also considered document MEPC 61/7/8 (Japan) providing technical background for the proposed amendment to the NTC 2008 set out in document MEPC 61/7/4. Japan reiterated the necessity to amend the NTC 2008 to introduce a certification procedure of testing by Scheme B, in order to avoid difficulties for certification of large-sized engine and associated SCR systems, and to ensure smooth implementation of the Tier III NO_x limit.

4.7 A number of delegations supported the proposed amendments while others held the view that it was premature to consider the matter prior to finalization of the guidelines for certification of marine diesel engines fitted with SCR systems, which are expected to be finalized by BLG 15 (February 2011).

4.8 The Committee agreed to refer the proposed amendments to the NO_x Technical Code 2008 to the BLG Sub-Committee under its agenda item 11 – Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NO_x Technical Code, with 2011 as the target completion date.

Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use on board ships

4.9 The Committee recalled that MEPC 59 had adopted the 2009 Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use on board ships by resolution MEPC.183(59), in which the calculation formula for the average sulphur content had been revised on a mass of fuel basis as opposed to a sample number basis as in the previous guidelines (resolution MEPC.82(43)).

4.10 The Committee noted that BLG 14 had agreed to draft text to amend the 2009 guidelines to expand the monitoring programme to all petroleum fuel types covered by the revised MARPOL Annex VI and agreed to forward the draft amendments to the Committee, with a view to their adoption at this session, noting that MEPC 61 should review the draft guidelines taking into account the updated ISO:8217 specification of marine fuels to secure consistency (paragraph 12.29 of document BLG 14/17).

4.11 The Committee noted also that BLG 14 had requested the Secretariat to investigate any implications for its work from the expansion of the sulphur monitoring programme, including added costs, and report this to the Committee at this session.

4.12 The Committee considered document MEPC 61/4 (Secretariat) providing the outcome of the monitoring of the worldwide average sulphur content of residual fuel oils supplied for use on board ship through 2009.

4.13 The Committee noted that, although the revised guidelines become effective in 2010, the data providers had kindly provided the sulphur data for 2009 on both a sample number basis and a mass of fuel basis and, therefore, the sulphur monitoring for 2009 was calculated and presented in accordance with both methodologies. It noted, in particular, that:

.1 the average sulphur content of the tested residual fuel oil on a sample number basis had decreased since 2008 by 0.02 percentage points from 2.37% to 2.35%; and

.2 the average sulphur content based on actual quantities was 2.60%.

4.14 The Committee considered document MEPC 61/4/2 (Secretariat) summarizing comments and proposals from three data providers of the sulphur monitoring programme on the draft guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships, including investigations of expanding the scope of the monitoring programme as well as added costs.

4.15 The Committee adopted the revised guidelines as set out in the annex to document MEPC 61/4/2 by resolution MEPC.192(61), as set out in annex 1.

4.16 The Committee noted that the additional annual cost of expanding the monitoring programme to cover distillate fuel will be US$6,000, meaning that the annual cost of the sulphur monitoring programme from 2011 would be in the range of US$18,500 to US$20,000.

Extension of the target completion date

4.17 The Committee agreed with the proposed extension of the target completion date to 2012 for the BLG Sub-Committee's work programme item on review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NO_x Technical Code 2008 (paragraph 2.18 of document MEPC 61/11).

Guidelines for Exhaust Gas Cleaning Systems (EGCS)

4.18 The Committee recalled that MEPC 60 had agreed that document MEPC 60/4/25 by Norway, providing proposals to ensure robust and uniform application of regulation 4 of the revised MARPOL Annex VI, and document MEPC 60/4/19 by IMarEST, proposing amendments to the 2009 guidelines for EGCS, should be deferred to MEPC 61 for consideration. In relation to the above documents, documents MEPC 61/4/3 by the United States and MEPC 61/4/6 by France were submitted to this session.

4.19 The Committee agreed that the above documents should be referred to the BLG Sub-Committee and instructed it to consider amendments to the 2009 Guidelines for Exhaust Gas Cleaning Systems, taking into account the proposals made in documents MEPC 60/4/19, MEPC 60/4/25, MEPC 61/4/3 and MEPC 61/4/6 under its agenda item 11 – Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NO_x Technical Code, with 2011 as the target completion date (BLG 15).

Specification of marine fuels

4.20 The Committee recalled that that MEPC 57 had agreed to request ISO to develop recommendations to be considered by the Committee concerning a fuel oil specification with recommendations on specific parameters related to air quality, ship safety, engine performance and crew health as well as specific values for each parameter.

4.21 The Committee considered document MEPC 61/4/1 (ISO) providing the revised specification of marine fuels ISO 8217:2010, taking into account the issues raised by the Committee regarding fuel characteristics and parameters addressing air quality, ship safety, engine performance and crew health. The Committee welcomed the work undertaken by ISO and expressed its appreciation for this significant effort which was an important step in securing that marine fuels in future meets relevant requirements related to air quality, ship safety, engine performance and crew health.

4.22 The Committee considered document MEPC 61/4/7 (Norway and INTERTANKO) arguing that an ISO standard for marine fuels is a commercial standard referred to and used as the guiding specification for marine fuel purchase and, therefore, there is currently no mechanism to control the quality of marine fuels delivered to ships. The co-sponsors were of the view that the quality of marine fuel oil is of vital importance to ship safety, crew health and environmental protection and the Committee should address the need to improve the control of marine fuels prior to being delivered to ships.

4.23 The Committee considered document MEPC 61/4/9 (OCIMF) providing comments on the inclusion of maximum limits for hydrogen sulphide (H_2S) in the revised specification of marine fuels, ISO 8217:2010. OCIMF recommended that the level of hydrogen sulphide in supplied marine fuels should be kept as low as possible, and should be measured in the vapour stage using normal operational conditions of pressure and temperature.

4.24 Following an exchange of views on the newly released ISO specification of marine fuels, the Committee noted that:

.1 fuel oil quality is mainly a matter between the seller and the buyer, while regulations should be focussed on harmful emissions as well as health and safety;

.2 fuel oil specification is only one element in a number of measures to secure the overall performance of marine diesel engines and to prevent harmful emissions;

.3 no relevant parameter exists for combustion characteristics;

.4 fuel quality and ignition characteristics are a safety issue; and

.5 a problem of measurement of H_2S in the vapour phase.

4.25 The Committee agreed that further consideration of the matter was needed. Therefore, it also agreed that the above documents and comments raised at this session should be considered in further detail by the BLG Sub-Committee.

4.26 The Committee instructed the BLG Sub-Committee to review the revised specification of marine fuels ISO 8217:2010, taking into account the proposals made in documents MEPC 61/4/7 and MEPC 61/4/9 (as well as comments raised at this session), under its agenda item 11 – Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NO_x Technical Code, with 2011 as the target completion date (BLG 15).

Consideration of fuel availability

4.27 The Committee recalled that MEPC 59 had considered documents MEPC 59/4/6 (ICS, OCIMF, BIMCO and INTERCARGO) and MEPC 59/4/42 (IPIECA) proposing the establishment of a Correspondence Group to develop a strategy to monitor the supply and demand situation of bunker fuels under the revised MARPOL Annex VI. Given the equally divided views, MEPC 59 had decided not to establish a Correspondence Group at that stage and decided to keep documents MEPC 59/4/6 and MEPC 59/4/42 in abeyance for consideration at a future session.

4.28 The Committee considered document MEPC 61/4/5 (ICS, BIMCO, OCIMF and INTERCARGO) proposing to reconsider the proposal made by industry to MEPC 59 for the establishment of a Correspondence Group, which should be tasked to investigate appropriate mechanisms for studying developments in the supply and demand of bunker fuels compliant with the revised MARPOL Annex VI as part of the formal review which, in accordance with regulation 14.8, should be completed by 2018. The co-sponsors proposed draft Terms of Reference for the Correspondence Group, as set out in the annex to the above document.

4.29 The Committee also considered document MEPC 61/4/8 (IPIECA) supporting the view in document MEPC 61/4/5 (ICS, BIMCO, OCIMF and INTERCARGO) to establish the Correspondence Group. IPIECA proposed additional ToR for the Correspondence Group in addition to the draft ToR proposed in the annex to document MEPC 61/4/5.

4.30 A number of delegations supported the proposal to establish a Correspondence Group to develop the methodology to be used in the review as fuel oil availability was a critical element for the full and effective implementation of the revised MARPOL Annex VI and that a global monitoring mechanism of availability studies was needed. An equal number of delegations expressed the view that it was premature to initiate the review at this

stage; that it should not be given priority over other more pressing matters (given the limited number of Correspondence Groups); and that 2015 or 2016 would be the appropriate time to start considering methodology for a review to be completed by 2018.

4.31 The Committee, recognizing the need to prepare for the required review identified in regulation 14.8 of MARPOL Annex VI and being aware of the requirements of regulations 14.8 and 14.9 regarding timing and procedure, agreed to establish the Correspondence Group on Assessment of Availability of Fuel Oil under MARPOL Annex VI under the coordination of the United States* and approved the Terms of Reference for the group as follows:

"1 The Correspondence Group is instructed to consider how to establish a methodology to determine the availability of fuel oil to comply with the fuel oil standard set out in paragraph 1.3 of regulation 14 of MARPOL Annex VI. The following points should be addressed:

.1 consideration of how to use the supply/demand models developed by the Informal Cross Government/Industry Scientific Group of Experts established under the revision of MARPOL Annex VI (MEPC 57/4), giving consideration to the latest amendments to Annex VI, and any new ECAs that maybe proposed or adopted.

.2 consideration of how to track changes in fuel demand and supply against the original forecast produced by the IMO Expert Group and what facilities or resources may require to be engaged. Means to improve the accuracy of longer term forecasts should also be considered.

.3 consideration of how to forecast changes to marine fuel oil availability specified in paragraph 1.3 of regulation 14 of MARPOL Annex VI taking into account:

.1 the addition of new ECAs;

.2 changes in global bunker supply and demand as a result of economic or other activity, such as increased fleet efficiency;

.3 the impact of the use of alternative fuels such as LNG and biofuels; and

.4 the impact of the use of alternative compliance methods (abatement technology).

.4 consideration of experience gained with the introduction of the various fuel oil sulphur content reduction steps required by MARPOL Annex VI.

.5 consideration of an appropriate timeline for the review required under MARPOL Annex VI regulation 14.

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.6 in completing its task the Correspondence Group will need to specially consider the implication of Competition Regulations in place globally related to the exchange of business information and how it can be ensured such regulations are complied with throughout.

.7 identification of any additional resources deemed necessary to perform the methodology proposed.

2 The Correspondence Group should provide a report to the Committee at its next session."

4.32 The Committee noted the information provided in document MEPC 61/INF.10 (ICS) presenting a study on the potential impact of the revised MARPOL Annex VI regulations that require a reduction in the maximum sulphur content in fuels used in ECAs to 0.10% from 1 January 2015.

Proposal to designate an emission control area for the United States' territories in the Caribbean

4.33 The Committee recalled that MEPC 60 had adopted, by resolution MEPC.190(60), amendments to MARPOL Annex VI to designate the North American Emission Control Area, which was expected to enter into force in August 2011.

4.34 The Committee, having considered documents MEPC 61/7/3 and MEPC 61/INF.9 (United States) proposing to designate certain waters adjacent to the coasts of the Commonwealth of Puerto Rico and the United States Virgin Islands as an Emission Control Area for NO_x, SO_x and PM, approved the proposed amendments to MARPOL Annex VI on the matter, as set out in annex 2, and requested the Secretariat to circulate the proposed amendments with a view to adoption at MEPC 62.

Consideration of certain propulsion boilers designed for operation on heavy fuel oil

4.35 The Committee considered document MEPC 61/7/6 (United States) reasoning that complying with fuel sulphur limits in an ECA might introduce unintended safety concerns for older steamships (ships propelled by steam boilers constructed before 1985).

4.36 Due to time constraints, the Committee agreed that document MEPC 61/7/6 should be considered at its next session and invited interested delegations to make further submissions/comments to MEPC 62.

Ozone-depleting substances and coordination with UNEP

4.37 The Committee recalled that MEPC 60 had requested the Secretariat to continue liaising with the United Nations Environmental Programme (UNEP) and its Secretariat of the Montreal Protocol (the Ozone Secretariat) on the correct procedures for the purchasing of HCFCs in foreign (European) ports (paragraph 4.7 of document MEPC 60/22).

4.38 The Committee noted document MEPC 61/4/4 (Secretariat) providing the outcome of its liaison with the Ozone Secretariat of UNEP and presenting information provided by the European Commission.

4.39 The Committee agreed to request the Secretariat to continue liaising with the Ozone Secretariat and, if appropriate, to prepare a draft MEPC circular for consideration at its next session to facilitate the Committee's deliberations of the issue.

Consideration of IACS unified interpretation on VOC management plans

4.40 The Committee considered document MEPC 61/7/11 (IACS) providing unified interpretation MPC 97 and proposing that the Committee approve it as an IMO unified interpretation on VOC management plans, which specifies that the requirement of a VOC Management Plan applies only to tankers carrying crude oil.

4.41 The Committee agreed to the proposal by IACS, approved the proposed Unified Interpretation on VOC management plans, and instructed the Secretariat to issue it as MEPC.1/Circ.735.

World Ports Climate Initiative (WPCI) launched by IAPH

4.42 The Committee noted the information provided in document MEPC 61/INF.12 (IAPH) on the objectives and progress of the World Ports Climate Initiative (WPCI), which was launched by the International Association of Ports and Harbours (IAPH).

Implementation of the revised MARPOL Annex VI

4.43 With regard to the national implementation of the revised MARPOL Annex VI, Denmark announced that a Government Order implementing the revised MARPOL Annex VI in Denmark had been finalized and that the regulations had entered into force on 28 September.

5 REDUCTION OF GHG EMISSIONS FROM SHIPS

5.1 The Committee noted that significant progress had been made at its last session on all three building blocks in the Organization's GHG work, namely on technical, operational and market-based reduction measures. MEPC 60, having noted that further work was needed on the regulatory text to make the EEDI and SEEMP mandatory by adding a new part to MARPOL Annex VI, as well as on the EEDI itself with regard to cut-off limits and reduction rates, had agreed to hold an intersessional meeting dedicated to further progress on these issues. With regard to market-based mechanisms, MEPC 60 had before it ten different proposals and agreed to establish an Expert Group to undertake a feasibility study and impact assessment of the different proposals in line with the work plan for further consideration of market-based measures.

Order of discussions

5.2 As suggested by the Chairman, the Committee agreed on the following order of discussions under this agenda item:

- General statements;
- The need for capacity building related to mandatory EEDI and SEEMP;
- Speed reductions;
- EEDI and SEEMP matters including instructions to the working group;
- UNFCCC matters;
- MBM issues including the report of the Expert Group;
- Reduction target;
- Black carbon; and
- Other GHG issues.

General statements

5.3 The delegations of China, India, Brazil, Venezuela (Bolivarian Republic of), Saudi Arabia, Malaysia, Qatar, Argentina, Iran (Islamic Republic of), South Africa, Ecuador, Colombia, Bolivia and Bangladesh (listed in the order of interventions) made statements on matters of principle or policy concerning GHG issues, which are set out in annex 3 together with a written statement from the Republic of Ethiopia.

Information documents and working papers

5.4 The Committee agreed that of the submitted information documents, only document MEPC 61/INF.2 should be presented in plenary. The Committee also agreed that working paper MEPC 61/WP.7, containing an assessment of the reduction potential of the proposed cut-off limits and reduction rates of the EEDI should be taken into account by the working group, once established.

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

.1 MEPC 61/INF.18 by IMarEST on marginal abatement costs and cost-effectiveness of energy-efficiency measures (that would be taken into account by the working group);

.2 MEPC 61/INF.22 by the Clean Shipping Coalition on going slow to reduce emissions – can the current surplus of maritime transport capacity be turned into an opportunity to reduce GHG emissions?; and

.3 MEPC 61/INF.24 by the United States, providing further details on the United States' proposal to reduce greenhouse gas emissions from international shipping.

The need for capacity-building related to mandatory EEDI and SEEMP

5.6 The Committee recalled the agreement to implement the procedure on assessment of the need for capacity-building, in accordance with Assembly resolution A.998(25) and that the assessment should happen in parallel with the continued development of the technical and operational measures, as indicated in the procedure, not to restrict progress.

5.7 The Committee considered document MEPC 61/5 by the Vice-Chairman, providing the results of his preliminary assessment on the possible capacity-building implications of applying the draft regulations for energy efficiency of ships as mandatory measures. The Vice-Chairman, in consultation with the Chairman and assisted by the Secretariat, had conducted a preliminary assessment of applying the draft regulations on EEDI and SEEMP as mandatory measures under MARPOL Annex VI, in accordance with the checklist for identification of capacity-building implications. The results of the preliminary assessment of:

.1 whether there are, or there will be, capacity-building implications or need for technical assistance; indicated that, if the proposed requirements on energy efficiency measures for ships are adopted as amendments to MARPOL Annex VI, the Parties to the 1997 MARPOL Protocol would need to update their national legislation and provide any necessary training to relevant officers in their Maritime Administration to make sure that ships flying their flag, and foreign ships calling at their ports or offshore terminals, comply with the new requirements. Some developing countries may need technical assistance, as would be the case with any other new set of regulations or amendments adopted by IMO;

.2 possible implications; indicated that, relevant national maritime legislation will need to be updated and regional/sub-regional training of flag State and port State control officers may be necessary; and

.3 recommendations on the way forward; it was recommended that the Integrated Technical Co-operation Programme (ITCP) of the Organization for the 2012-2013 biennium should include funding for the above training activities and that the said activities should be implemented before the entry into force of the amendments.

5.8 The Committee exchanged views on the matter and noted that:

.1 the Technical Co-operation Committee would meet in June 2011 (TCC 61) and that any proposal for inclusion in the ITCP for the 2012-2013 biennium needed to be made to that session;

.2 the need for transfer of technology was an important matter that would be addressed by the appropriate forum but was outside the ITCP;

.3 in accordance with the assessment procedure, the Committee should, if necessary, decide to convene the *Ad Hoc* Capacity-building needs Analysis Group (ACAG) to consider the preliminary assessment and any further submissions relating thereto; and

.4 to accurately assess the capacity-building implications, all aspects of the mandatory EEDI and SEEMP regimes would need to be finalized, including supporting guidelines, as they could influence the additional burden for maritime Administrations; and that the assessment, therefore, needed to be kept alive.

5.9 The delegation of Cuba made a statement relating to financial and technical resources. As requested the statement is set out in annex 4.

5.10 The Committee noted an intervention by the Chairman of the Technical Co-operation Committee, R. Adm. Olimbo of Italy, where he assured the Committee that he would work closely with the Secretariat and exert every possible influence so the TCC could approve, within the ITCP for the 2012-2013 biennium, the allocation of appropriate financial resources for training activities, in view of their need to be implemented before the entering into force of the proposed amendments to MARPOL Annex VI.

5.11 The Committee agreed that, if the EEDI and SEEMP were to be made mandatory as proposed, the ITCP of the Organization for the 2012-2013 biennium should allocate funding for the training and capacity-building activities mentioned in paragraph 14 of document MEPC 61/5 and that those activities should be implemented before the entry into force of the amendments. Should there be additional funding available specifically for the purpose of supporting the Organization's efforts to reduce or limit GHG emissions from international shipping, emphasis should be placed on supplementing the identified capacity-building activities under the ITCP.

Speed reductions

5.12 The Committee noted that the Second IMO GHG Study 2009 included speed reduction as an important factor in all scenarios for emissions reductions. The Study concluded that, although there may be some technical challenges in reducing the operational

speed of existing vessels, such as less complete combustion and increased engine deposits, a ten per cent speed reduction equates on average to a twenty per cent energy saving on a tonne mile basis.

5.13 The Committee also noted that it was commonly recognized that speed reduction was a readily available means of reducing fuel consumption and emissions from ships and that slow steaming was widely deployed by some sections of the shipping industry to reduce fuel costs.

5.14 The Committee considered document MEPC 61/5/10 by the Clean Ship Coalition (CSC) on: Speed Reduction – the key to the fast and efficient reduction of greenhouse gas emissions from ships. The CSC observer argued that speed reduction should be pursued as a regulatory option in its own right and not only as possible consequences of market-based instruments or the EEDI. Given the clear evidence that lower speeds could bring quick and substantial reductions in emissions, the question of lower ship speed and possible regulatory approaches should be considered by the Committee as a matter of priority.

5.15 The Committee exchanged views on how to promote speed reductions and whether this should come as a result of the technical, operational and market-based measures under consideration or by imposing specific speed limits as an additional regulatory path. It was noted in the debate that speed reduction was the most immediate single factor to increase energy efficiency and reduce emissions. If specific speed limits were imposed, different limits would be needed for different ships types and segments. The legal and enforcement aspects as well as the practicalities of the measure should also be investigated.

5.16 The Committee agreed that speed considerations would be addressed indirectly through the EEDI, the SEEMP and by a possible market-based mechanism and, therefore, decided that no further investigation of speed reductions as a separate regulatory path was needed.

EEDI and SEEMP matters including instructions to the working group

5.17 The Committee noted that, at its last session, it had 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 emissions control (MEPC 60/22, paragraph 4.34).

5.18 The Committee noted that, after the consideration of the draft text for mandatory requirements of the EEDI and the SEEMP at its last session, there were still unresolved issues on ship size, target dates and reduction rates in relation to the EEDI requirements and had agreed by majority that further work was needed and that it should continue expeditiously. MEPC 60 had agreed to hold an intersessional meeting of the working group with specific Terms of Reference.

5.19 The Committee also noted that the first intersessional meeting of the Working Group on Energy Efficiency Measures for Ships had taken place from 28 June to 2 July 2010 under the chairmanship of Mr. Koichi Yoshida (Japan).

5.20 The Committee noted further that MEPC 60 had agreed in principle to re-establish the Working Group on Energy Efficiency Measures for Ships at this session to consider matters related to technical and operational measures.

5.21 The Committee agreed that the plenary debate should aim at providing the working group with necessary instructions to enable it to do its part of the work and that the following five documents on technical and operational measures should be introduced in plenary:

.1 MEPC 61/5/3 (Secretariat) – Report of the Outcome of the intersessional meeting of the working group on Energy Efficiency Measure for Ships;

.2 MEPC 61/5/12 (Vanuatu) – Consideration of a principle for alternate calculation or exemption of EEDI in ships with special circumstances;

.3 MEPC 61/5/17 (United States) – Decision criteria for establishing EEDI correction factors;

.4 MEPC 61/5/20 (Singapore) – Consideration of CO_2 abatement technologies; and

.5 MEPC 61/5/32 (IACS) – Consideration of the Energy Efficiency Design Index for New Ships – Minimum installed power to maintain safe navigation in adverse conditions.

5.22 The Committee agreed that the documents listed below were to be considered directly by the Working Group.

MEPC 61/5/2	Germany	Report on a trial verification of the Energy Efficiency Design Index (EEDI)
MEPC 61/5/4	Norway	Reference lines for Combination Carriers
MEPC 61/5/5	Norway	Size limits and reduction rate for the required EEDI
MEPC 61/5/6	Norway	Comments on the draft regulatory text on Energy Efficiency for Ships
MEPC 61/5/7	IMarEST	Marginal abatement costs and cost-effectiveness of energy-efficiency measures
MEPC 61/5/8	RINA	Definition of draught in the calculation of the EEDI
MEPC 61/5/9	Belgium, the Netherlands and Sweden	Proposal for cut-off lower limit Y for general cargo ships
MEPC 61/5/11	ICS	Comments on the report of the Intersessional Meeting of the Working Group on Energy Efficiency Measures for Ships

MEPC 61/5/12	Vanuatu	Consideration of a principle for alternate calculation or exemption of EEDI in ships with special circumstances
MEPC 61/5/14	Denmark and ICS	Definition of dry cargo carriers/bulk carriers
MEPC 61/5/15	Secretariat	Information to facilitate discussion on GHG emissions from ships
MEPC 61/5/17	United States	Decision criteria for establishing EEDI correction factors
MEPC 61/5/20	Singapore	Consideration of CO_2 abatement technologies
MEPC 61/5/21	Greece	Comments on the draft guidelines on the method of calculation of the attained Energy Efficiency Design Index for new ships
MEPC 61/5/22	Greece	Comments on the draft guidelines on Survey and Certification of the EEDI
MEPC 61/5/23	Greece	Consideration of safety issues related to EEDI
MEPC 61/5/25	China	Proposed amendments to the text regarding correction factor f_i in the EEDI Calculation Guidelines
MEPC 61/5/26	China	Comments and proposals on the draft regulation text on energy efficiency for ships
MEPC 61/5/27	China	Proposed amendments to the text regarding correction factor f_j in the EEDI Calculation Guidelines
MEPC 61/5/30	IACS	Consideration of the Energy Efficiency Design Index for New Ships – Comment on voluntary safety enhancements to ship structures
MEPC 61/5/31	IACS	Consideration of the Energy Efficiency Design Index for New Ships – Comment on ambient conditions for electrical power table

MEPC 61/5/32	IACS	Consideration of the Energy Efficiency Design Index for New Ships – Minimum installed power to maintain safe navigation in adverse conditions
MEPC 61/5/34	Japan	Treatment of coefficient "f_w" under the mandatory requirement of EEDI
MEPC 61/5/35	Japan	Additional information on the technologies for energy efficiency improvement that should be taken into account in setting the EEDI reduction rates
MEPC 61/5/36	Japan	The Form of International Energy Efficiency (IEE) Certificate
MEPC 61/5/37	ICS	Comment on proposals on size limits and reduction rate for the required EEDI
MEPC 61/5/38	United States	Technical considerations in establishing the EEDI reduction rates and phase-in period
MEPC 61/INF.18	IMarEST	Marginal abatement costs and cost-effectiveness of energy-efficiency measures
MEPC 61/WP.7	Secretariat	Assessment of the reduction potential of the proposed cut-off limits and reduction rates of the EEDI

Outcome of EE-WG 1

5.23 The Committee considered document MEPC 61/5/3 on the outcome of the first Intersessional Meeting of the Working Group on Energy Efficiency Measures from Ships (EE-WG 1) held from 28 June to 2 July 2010, introduced by its Chairman, Mr. Koichi Yoshida (Japan).

5.24 The Committee approved the report in general, and in particular:

.1 considered the improved draft regulatory text for mandatory requirements for the EEDI and the SEEMP; and agreed that the working group should continue its work;

.2 noted the group's consideration of the need for definitions of "attained EEDI" and "required EEDI";

.3 noted that further investigation of the trade and cargo carriage by vehicle carriers was necessary to reach a firm conclusion on the capacity to be used in the EEDI calculation for this type of ships;

.4 noted the group's consideration related to EEDI reduction rates in terms of ships' speed and size for certain types of ships;

.5 endorsed the view of the group that it was necessary to develop supporting guidelines for the development of the SEEMP;

.6 considered the draft guidelines on the method of calculation of the attained EEDI for new ships, which also contained guidelines for the development of electric power tables, and agreed that the working group should continue its work on this matter;

.7 noted that further consideration on the method of determination of power output of main engines for ships with shaft generators was necessary;

.8 noted that it was necessary to develop relevant guidance for determination of the weather factor f_w;

.9 considered the draft guidelines on survey and certification of the attained EEDI, and agreed that the working group should continue its work on this matter;

.10 considered the draft guidelines for calculation of reference lines (baselines) for use with the EEDI, and agreed that the working group should continue its work on this matter; and

.11 noted that the group had extensively considered safety issues related to the EEDI and endorsed the view of the group that most of the concerns in this regard would be addressed by the consideration of manoeuvrability, effect of structural rules, redundancy of propulsion and voluntary enhancement of structural safety.

The use of correction factors in the EEDI

5.25 The Committee considered document MEPC 61/5/17 by the United States on decision criteria for establishing EEDI correction factors. The delegation of the United States argued that correction factors should be used carefully to minimize the risk of creating loopholes in the EEDI requirements and proposed six criteria that must be met before any new correction factor is added to the EEDI equation. The United States supported the correction factors for ice-classed ships (f_i and f_j), and the weather correction factor (f_w), however, other correction factors, such as those proposed for CSR and voluntary structural enhancement as well as expanded use of power correction factor (f_j) for redundant power, might create loopholes that could render the EEDI requirements ineffective.

5.26 The majority of the delegations who spoke supported the proposal by the United States while some delegations expressed concerns that some of the objectives were subjective.

5.27 The Committee agreed to the proposal by the United States and that the matter should be considered further by the working group.

Safety issues related to the EEDI

5.28 The Committed considered document MEPC 61/5/32 by the International Association of Classification Societies (IACS) on consideration of the Energy Efficiency Design Index for New Ships – Minimum installed power to maintain safe navigation in

adverse conditions. IACS reasoned that ship designers may choose to reduce a ship's design speed to achieve the required EEDI, which in turn would result in reduced installed power. In order to avoid any adverse affects on safety, such as under-powered ships, IACS proposed to include a provision in the draft regulations to provide the necessary safeguard, as follows:

> "For each ship to which this regulation applies, the installed propulsion power shall not be less than the propulsion power needed to maintain the manoeuvrability of the ship under adverse conditions as defined in the guidelines to be developed by the Organization."

5.29 The proposal by IACS attracted support from many delegations while some expressed the view that the guidelines referenced in the draft text needed to be developed before the Committee would be in a position to make a final decision.

5.30 The observer delegation of IACS informed the Committee that it would develop a first draft of the guidelines and submit them to MEPC 62 for further consideration.

5.31 The Committee welcomed the information by IACS and agreed to instruct the working group to include the proposed text in [square brackets] for further consideration at MEPC 62.

Possible exemptions for ships trading to LDC and SIDS

5.32 The Committee considered document MEPC 61/5/12 by Vanuatu proposing to introduce a principle for alternative calculation or exemption of EEDI for ships in special circumstances. Vanuatu advocated that the EEDI reference line should not be intended to penalize vessels designed for routes that call at ports that are remote, isolated or without the facilities of developed nations. The most equitable way forward would be to include a compensating factor for vessels with design considerations that could restrict their cargo carrying capacity, such as ships fitted with self-unloading gear or ships also designed for secondary missions. Vanuatu proposed that a provision for an exemption for these vessels should be included in the draft regulations.

5.33 The majority of delegations taking the floor on the matter did not support the proposal by Vanuatu. In the course of the debate it was noted that:

.1 the reference line (formerly called EEDI baseline) had no other function than being a reference line from which the reduction rate (X) is calculated;

.2 the cut-off application limit, if sufficiently high, would solve this matter to a great extent;

.3 the purpose of the EEDI was to promote energy efficiency and not to penalize remotely located and Small Island Developing States (SIDS);

.4 to exempt ships in certain trades or routes from the EEDI requirements could mean that the least efficient ships would serve these trades/routes indefinitely and that this may be to the disadvantage of developing countries as it may result in higher transportation costs; and

.5 the special needs and circumstances of developing countries needed to be addressed further.

5.34 The Committee did not agree to the proposal by Vanuatu but agreed that the working group, if time allowed, should consider how the special needs and circumstances of remotely located and small island developing States might be accommodated.

5.35 The Committee also agreed to investigate thoroughly the implications of any exemptions from the EEDI framework before taking any such action, and invited interested delegations to submit proposals and further input to future sessions.

Development of guidelines for CO_2 abatement technologies (chemical conversion)

5.36 The Committee considered document MEPC 61/5/20 by Singapore on CO_2 abatement technologies. Singapore advocated that a new provision to allow for alternative CO_2 reduction compliance methods (CO_2 abatement technologies), in the same manner as for the use of exhaust gas cleaning systems under MARPOL Annex VI, should be added to the draft EEDI regulations. Singapore proposed to develop guidelines for type approval of CO_2 abatement technologies and reduction factors for the EEDI and EEOI formulas.

5.37 In the course of the debate it was noted that it would be prudent to include the possible effect of CO_2 abatement technologies in the EEDI formula and that the formula itself already provided this possibility. However, as such technologies were at an early stage of development and their effectiveness still needed to be scientifically proven, the Committee noted that development of relevant guidelines was not an urgent matter. The Committee invited interested delegations to submit further input to future sessions.

5.38 The Committee agreed to instruct the working group to include provisions for CO_2 abatement technologies in the EEDI framework.

Matters related to the Energy Efficiency Operational Indicator (EEOI)

5.39 The Committee noted document MEPC 61/5/29 by the Republic of Korea on the Energy Efficiency Operational Indicator (EEOI) and agreed to defer it to a future session as EEOI would not be reviewed at this session.

Terms of Reference for the Working Group

5.40 The Committee re-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 decisions made by the Committee and the relevant documents, as well as comments and decisions made in plenary, to:
>
> .1 finalize the draft regulatory text on the EEDI and SEEMP, with a view to approval at this session, using annex 1 to document MEPC 61/5/3 as basic document;
>
> .2 finalize the EEDI associated guidelines using annexes 2, 3 and 4 of document MEPC 61/5/3 as basis;
>
> .3 if time allows, address other issues related to technical and operational reduction measures, including, but not limited to, development of a work plan with timetable for the remaining EEDI issues and development of EEDI frameworks for ships not covered by the current draft EEDI requirements; and
>
> .4 submit a written report to plenary on Thursday, 30 September 2010."

Outcome of the Working Group on Energy Efficiency Measures for Ships

5.41 The Committee received the report of the Working Group on Energy Efficiency Measures for Ships (MEPC 61/WP.10). In his introduction of the report, the Chairman of the working group, Mr. Koichi Yoshida (Japan), emphasized that the working group had:

.1 held extensive discussions in relation to the draft regulatory text on the EEDI and SEEMP, in particular, on the necessary safeguard against under-powered ships; the definition of major conversion; vessels designed for routes that call at ports that are remote, isolated or without the facilities of developed nations; the term "substantially" in draft regulation 1; and future technologies for reduction of emission of GHG from ships (CO_2 abatement technologies);

.2 not considered proposals related to policy issues and transfer of technology, which were outside the scope and terms of reference of the group;

.3 prepared the draft regulatory text on the EEDI and SEEMP with two sets of square brackets: in draft regulation 4.5 and around the application dates in table 1 in draft regulation 4;

.4 agreed to request the Secretariat to calculate parameters "a" and "c" in table 2 of draft regulation 4 in accordance with the draft guidelines for calculation of reference lines;

.5 prepared the draft guidelines on survey and certification of the EEDI; and

.6 taking into account the need for further improvement of relevant guidelines and development of future frameworks for ships not covered by the draft regulations and guidelines on the method of calculation of the EEDI, agreed to recommend to the Committee the establishment of a correspondence group on energy efficiency measures for ships.

5.42 The working group Chairman also thanked the members of the group for their hard work, flexibility and willingness to negotiate and to reach compromises, thereby securing a successful outcome.

5.43 In considering the report of the working group, there was considerable debate, particularly in relation to paragraphs 4.31 and 4.32 of document MEPC 61/WP.10.

5.44 The delegation of China, supported by a number of countries, proposed that text relating to capacity building and technology transfer should be included in an additional regulation 4*bis* (MEPC 61/WP.10, paragraph 4.32) in the draft regulations on energy efficiency measures for ships. A number of delegations opposed the proposed text as it went beyond similar provisions in relevant IMO instruments and was unclear with regard to the stipulated obligations for some (developed) Member States. The Committee noted the request of the delegation of China and concluded that capacity building would be further considered at MEPC 62 together with other related matters.

5.45 It was agreed that a placeholder 4*bis* (capacity building and technology transfer) would be included in the draft regulations. The following text was provided by the delegation of China:

"Regulation 4*bis* – Promotion of technical assistance and capacity building:

In order to promote the GHG reduction in global maritime industry and finalize the technical measures of EEDI, transparency of technology should be increased in the implementation of EEDI. All new design and technology which reduce the attained EEDI value should be opened to public. Developed countries should transfer their technology and provide financial support to developing countries for their capacity building so as to enhance their ability to satisfy these new requirements."

5.46 The delegation of China also proposed an additional paragraph in regulation 2 of the draft regulations on energy efficiency for ships (MEPC 61/WP.10, paragraph 4.31) relating to mandatory application of the EEDI for ships built in developed countries and voluntary application for ships built in developing countries. A number of countries supported this whilst a number of other delegations opposed it, considering the proposal ambiguous and unworkable as well as conflicting with the basic principles of IMO.

5.47 A number of delegations expressed the view that the energy efficiency regulations could be phased in for ships built in developing countries over a certain time period, e.g., in eight years, to allow the shipbuilding industry in developing countries to adjust.

Intervention by the Secretary-General

5.48 In his intervention, the Secretary-General, while understanding the views of delegations expressing support for mandatory measures for developed countries and voluntary for developing, expressed concern that, were the Organization to go along the path suggested; a dangerous precedent would be created, which, if invoked in the future, might jeopardize the very basis on which IMO had been working and making decisions since its inception.

He was considerably apprehensive when listening to interventions referring to "the two sides of the House" or "developed and developing countries", used in the context of the Committee's work on energy efficiency measures within its strenuous efforts to deliver on the unanimously agreed action plan to shape IMO's response to climate change and global warming.

While he could understand that there could be "two sides of the argument", he found it difficult to endorse the suggested text and would strongly advise that delegates refrained from any reference to "two groups of Members" or any attempt to classify the Members of the Organization as "developing" and "developed" countries – not so much because he was not aware of any definition of countries as such in IMO's terminology but mainly because any attempt to go along such a proposal would end up with a divided membership.

He then referred to his concluding remarks at A 26 (one week before the opening of the Climate Change Conference in Copenhagen in December 2009), when, addressing the issue of IMO's unity, he had said: "When we go to Copenhagen, next week, we cannot go **divided**. We cannot afford that and we should not allow this to happen. When thinking of the consequences of a divided IMO at a Conference as crucial as COP 15, I cannot but think of Abraham Lincoln's famous "House Divided" speech at Springfield on 16 June 1858: "A house divided against itself cannot stand"."

Were the Committee to endorse the proposal, it would mean introducing in IMO – an Organization that has invariably advocated the "level playing field" in its regulatory regime, thus strongly opposing any "double standards" in all its relevant processes – measures and procedures, which would go against the provisions of Article 1, paragraph (b) of its constitutive Convention.

He went on to say that, introducing, at this late stage in the Organization's history, different standards for different countries would not only lead to distortion of competition, it would, most significantly, inflict serious damage on the universality of regulation IMO strives to achieve in its efforts to serve an industry the international character of which makes it imperative that it be governed by global standards only.

He added that, on the important issues before the Committee, it would be most desirable if decisions could be made by **consensus**. He had strongly recommended this in his opening speech when he had said that "once progress is achieved on the set objectives, the Committee should then move on to deciding how to incorporate the outcome of its work in the Organization's regulatory regime. Given the seriousness of the contemplated measures and the need to ensure their wide and effective implementation, he could see no way to make decisions on them other than by **consensus**. This would not only be in line with one of the most successful traditions in the decision-making process of IMO, it would, more importantly, send a message of unity and unanimity among all the parties involved: Governments, in the first place, international organizations and the industry. He sincerely hoped delegates would be prepared and determined to go the extra mile to achieve consensus – and he would be deeply disappointed if, at the end of the day, decisions would have to be made by means other than by **consensus**."

He then went on to say that, if, however, in spite of the best efforts of the Committee and the time spent in order to build consensus, this could not be achieved, the only avenue left open for it in order to make progress on the crucial issues it was debating was by means of **decisions by majority**. Such an outcome would not be as ideal as decisions made by consensus but it would not, in a democratically-run Organization such as IMO, be wrong and without precedence. Having said that, he would still encourage any special effort, through mutual concessions, that would lead to consensus decisions.

It was with thoughts like these that, in his opening speech, he had concluded his reference to climate change issues by saying: "On climate change, the question we should put to ourselves should not be what **others** should do about it and the planet. It should rather be what **we** can, and should, do about it. We are in this all **together** and, **together**, we should seek a successful way out. **And yes, we can!**"

The Secretary-General then addressed the issue of the "vehicle" to make mandatory (if the Committee so decided) the technical and operational measures under elaboration and reiterated his view, expressed at his opening speech, that, once the Legal Office of the Organization had advised that "it would not be contrary to the legislation governing the issue" to proceed that way, it would, under the light of attendant **political considerations**, be desirable that the most expeditious way should be sought to introduce the measures and that such a way should, in the circumstances, be that of amendments to MARPOL Annex VI.

He wished to repeat these words at the Committee's concluding session.

5.49 Continuing with the consideration of the draft regulations on energy efficiency for ships (MEPC 61/WP.10, paragraph 10.1.3), the Committee agreed that the square brackets around regulation 4.5 relating to minimum installed propulsion power could be removed.

5.50 With regard to the capacity of containerships for the purpose of calculation of the EEDI (MEPC 61/WP.10, paragraph 6.2), the delegation of the Republic of Korea requested room for further discussion because it was of the view that 65% DWT did not reflect correctly the accurate operating practice and conditions for such vessels.

5.51 The Committee considered inclusion of text in the draft regulations on energy efficiency measures relating to equivalency similar to that included in MARPOL Annex VI (Regulation 4). The Chairman of the Working Group indicated that most new technologies could be treated as equivalents and that the EEDI calculation methodology could already accommodate this.

5.52 The incorporation of text on equivalency was supported by a number of delegations and it was agreed to include a placeholder relating to equivalency. The delegation of the Cook Islands subsequently provided the following text for inclusion:

> "Equivalence
>
> 1 Taking into account guidelines developed by the Organization the Administration of a Party may allow any system to be fitted in a ship, or other compliance technology, as an alternative to regulation 4 of this Annex, if such system and technology are at least as effective in terms of the emission reduction that would be achieved by the efficiency improvement as that required by this part of the annex, including the standards set out in regulation 4.
>
> 2 Such system or method shall be approved by the Organization, based on a procedure developed by the Organization.
>
> 3 The Administration of a Party that allows a system or technology used as an alternative shall communicate to the Organization for circulation to the Parties particulars thereof, for their information and appropriate action, if any."

5.53 The Committee held a lengthy debate with regard to the legal form of the draft regulations on energy efficiency for ships. The Committee recalled that, at MEPC 60, it had agreed by majority that MARPOL Annex VI was the appropriate vehicle for enacting energy efficiency requirements for ships. The Chairman indicated that circulating the requirements as an amendment to Annex VI would mean that the proposed amendments would be further considered at the next session and that any Member Government or observer organization could submit additional input for discussion.

5.54 A number of delegations supported the inclusion of the energy efficiency measures in MARPOL Annex VI as the appropriate legal instrument and in line with the decision made at the last session. However, a number of other delegations opposed this as they maintained the view that MARPOL Annex VI was not the appropriate legal instrument to regulate energy efficiency measures and that a new instrument would be needed.

5.55 The Committee noted that a number of States were in favour of the draft regulations on energy efficiency for ships being circulated as possible amendments to MARPOL Annex VI. However, a number of other delegations opposed this and no consensus view could be reached.

5.56 The Committee noted an intervention by the delegation of Norway, in which it expressed its intention, as a Party to MARPOL Annex VI, to request the Secretary-General to circulate the proposed amendments under Article 16(2)(a) of the MARPOL Convention. The Committee noted also that other Parties might consider joining Norway in its request to the Secretary-General to circulate the proposed amendments.

Action taken on the report of the Working Group

5.57 In concluding its consideration of the report of the working group, the Committee approved it in general and, in particular (paragraph numbers are those of document MEPC 61/WP.10):

.1 endorsed the view of the group that the review process 1 relating to consideration of the applicable requirements for the small ship segments should be started at the time of adoption of the instrument for implementation of the regulations on energy efficiency for ships (paragraph 4.6.5) and this review process 1 should also cover the proposal by Vanuatu (paragraph 4.24) in document MEPC 61/5/12;

.2 noted the view of the group that an unified interpretation of the term "substantially" in regulation 1 would facilitate the work of maritime Administrations and the intention of Germany to submit input for the interpretation to MEPC 62 (paragraph 4.27);

.3 noted the draft regulations on energy efficiency for ships, as set out in annex 1 to document MEPC 61/WP.10 (paragraph 4.35);

.4 noted the draft guidelines for calculation of reference lines for use with the energy efficiency design index and requested the Secretariat to calculate the reference line for each ship type (paragraph 5.3);

.5 noted the guidelines on survey and certification of the energy efficiency design index (paragraph 6.6); and

.6 agreed to establish an intersessional Correspondence Group on Energy Efficiency Measures for Ships* with the following terms of reference:

"The correspondence group on energy efficiency measures for ships is instructed, taking into account the agreement reached at MEPC 61, to:

.1 finalize the draft guidelines on the method of calculation of the attained energy design index for ships based on annex 2 to document MEPC 61/5/3, documents submitted to MEPC 61 and the agreement made in the EE-WG during MEPC 61;

.2 develop further the guidelines for SEEMP based on MEPC/Circ.684;

.3 develop a work plan with timetable for development of EEDI frameworks for ships not covered by the draft regulations and guidelines on the method of calculation of the attained energy design index for ships and for technologies in document MEPC 61/5/20; and

.4 submit a written report to MEPC 62.

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5.58 The Committee expressed appreciation and thanks to the Chairman and the members of the working group for the work done.

5.59 The delegations of China, Brazil, Ghana, the United Kingdom and India (listed in the order of interventions) proposed amendments to the Energy Efficiency Measures for Ships as contained in document MEPC 61/WP.10. As requested, these are set out in annex 5 to this report.

UNFCCC matters

5.60 The Committee recalled that, at MEPC 60, the Secretariat was requested to continue its cooperation with the UNFCCC Secretariat, by attending relevant UNFCCC meetings and reporting the outcome of IMO's work to such meetings. It also requested the Secretariat to continue reporting to the Committee on progress and developments within UNFCCC related to emissions from international maritime transport.

5.61 The Committee welcomed and noted the information provided in the Secretariat's report on UNFCCC and activities. On the outcome of the United Nations Climate Change Talks held in Bonn, Germany in May/June 2010 (MEPC 61/5/1), the Committee noted in particular that:

.1 The Secretariat had attended the meetings of the UNFCCC's subsidiary bodies that met during the UN Climate Change Talks, held in Bonn, Germany in May/June of this year. These had been the first meetings to engage in real negotiations after the Copenhagen Conference and the main meeting prior to COP 16/CMP 6, which will be held in Cancún, Mexico towards the end of the year.

.2 The Secretariat had submitted a document providing comprehensive information on the outcome of MEPC 60 on GHG issues to SBSTA 32 under agenda item 7 and to AWG-LCA 10 under its agenda item 3 and that this document was available for download from the UNFCCC website as indicated in paragraph 4.

.3 Noting the information that had been received from, and progress reported by, the Secretariats of ICAO and IMO on their ongoing work on emissions from their respective transport sectors as well as the views expressed by Parties on this information, SBSTA 32 had adopted a conclusion on emissions from fuel used for international aviation and maritime transport as indicated in paragraph 10 and invited the Secretariats of ICAO and IMO to continue to report at future sessions on relevant work and progress on this issue.

.4 The LCA Chair had issued an updated version of the text to facilitate negotiations at AWG-LCA 11, with text relevant to the Committee's work as indicated in paragraph 14.

5.62 On the outcome of the August session of the UNFCCC's *Ad Hoc* working groups, AWG-KP 13 and AWG-LCA 11 (MEPC 61/5/1/Add.1), the Committee noted in particular that:

.1 The second iteration of the text to facilitate negotiations that had been issued by the LCA Chair contained text relevant to the Committee's work on control of GHG emissions from international maritime transport as set out in annex 1.

.2 As described in paragraph 7, the Government of the Cook Islands had submitted a follow-up document to its proposal to AWG-LCA 10, which had attracted support from a number of Parties. Some Parties had proposed new text to be included, either for clarification or as alternative options.

.3 A new updated text had been issued during the meeting and was set out in annex 2. It included new and some old proposals by Parties and would be the basis for further consideration and negotiations when Parties met in Tianjin in China for AWG-LCA 12 (4 to 9 October 2010).

.4 There seemed to be general agreement among UNFCCC Parties that IMO is the appropriate international organization to develop and enact regulations aimed at controlling GHG emissions from international maritime transport. However, there were still three questions that needed to be resolved:

.1 should a reduction target be set for emissions from international shipping, and if so, what should the target be, how should it be articulated, and should it be set by UNFCCC or IMO?;

.2 should a new legally binding agreement or a COP decision state how revenues from a market-based instrument under IMO should be distributed and used (for climate change purposes in developing countries in general, for specific purposes only (e.g., adaptation) or in certain groups of developing countries (LDC and SIDS))?; and

.3 how should the balance between the basic principles under the two Conventions be expressed in the new legally binding agreement text or the COP decision (UNFCCC and its fundamental CBDR principle and, on the other hand, the IMO constitutive Convention with its non-discriminatory approach)?

5.63 The Committee requested the Secretariat to continue its well established cooperation with the UNFCCC Secretariat, by attending relevant UNFCCC meetings and bringing the outcome of IMO's work to the attention of the appropriate UNFCCC bodies and meetings. It 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, as appropriate.

5.64 In considering document MEPC 61/5/18 (Secretariat) on the High-level Advisory Group of the United Nations Secretary-General on Climate Change Financing, the Committee noted that:

.1 The Group had been established by the United Nations Secretary-General, Mr. Ban Ki-Moon to study potential sources of revenue for financing of climate change action in developing countries.

.2 The Advisory Group was expected to develop practical proposals on how to significantly scale-up long-term financing for mitigation and adaptation strategies in developing countries from various public and private sources in line with the Copenhagen Accord. Within the Group, the international civil aviation and maritime transport sectors were recognized as strong potential financial sources.

.3 AGF's Aviation and Maritime Revenues work stream was addressing three possible generic policy constructs – an emission trading scheme, a fuel levy and an aviation ticket tax, that may be used to raise revenues. The AGF report would make qualitative assessments of the policies against agreed criteria and also outline some quantitative analyses of the policies' revenue potential and their effect on the pattern of trade.

.4 The final report of the AGF would be submitted to the UN Secretary-General and to the current (Denmark) and next (Mexico) Presidents of the UNFCCC Conference of the Parties by November 2010. The Secretariat would provide AGF with the report to the sixty-second session of the Committee.

5.65 The Committee expressed its appreciation to the United Nations Secretary-General for his initiative to establish the AGF as making financing available to developing countries for mitigation and adaptation purposes was an urgent matter to support action on climate change. The Committee looked forward to receiving the final AGF report to its next session.

5.66 The Committee noted with interest an intervention by the UNFCCC representative on behalf of the UNFCCC Executive Secretary where he emphasized the suitability of IMO taking appropriate action prior to COP 16. The intervention is set out in annex 6.

Market-based measures (MBM) issues including the report of the Expert Group

5.67 The Committee noted 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 to give priority to technical, operational and market-based solutions.

5.68 The Committee also noted that, at its fifty-ninth session, an in-depth debate on market-based measures had been held and that such measures could serve two main purposes: the offsetting of growing ship emissions, and the provision of incentives for the maritime industry. In addition, some of the proposed measures could generate funds which could be used for climate change actions in developing countries. The Committee, at its fifty-ninth session, had developed and adopted a work plan for further consideration of market-based measures (MEPC 59/24, annex 16).

5.69 The Committee acknowledged that, in addition to identifying a considerable reduction potential, the Second IMO GHG Study 2009 also concluded that market-based measures were cost-effective policy instruments with a high environmental effectiveness.

5.70 The Committee noted that the work plan for further consideration of market-based measures stated that "MEPC 60 would further consider the methodology and criteria for feasibility studies and impact assessments in relation to international shipping, giving priority to the overall impact on the maritime sectors of developing countries". MEPC 60 had agreed that an expert group was the best available solution to undertake the feasibility study and impact assessment of market-based mechanisms that had been called for by the work plan, and the Secretary-General had been requested to establish the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures (MBM–EG) in consultation with the Chairman.

5.71 The report of the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures, contained in document MEPC 61/INF.2, was presented at a special session in the Main Hall in the afternoon of Monday, 27 September.

5.72 The Committee considered document MEPC 61/5/39 by the Secretary-General, on the work of the MBM-EG, which, in addition to the executive summary of the report, summarized the background leading to the Group's establishment and the organization of its work. The Committee noted that:

> The Secretary-General had called upon Members and organizations to contribute towards funding of the work of the Group, and was grateful to those who responded positively to his request. The Committee expresses its profound appreciation to the donors.
>
> The Secretary-General was pleased that the Group had delivered its report on time, as requested by the Committee, and that it was able, in the limited time available, to address all of its terms of reference. He welcomed and appreciated the significant undertaking of assessing in detail the various proposals for possible market-based measures and congratulated the Group for providing a comprehensive and balanced study.
>
> The Secretary-General thanked all those involved in the work of the Group, individually and collectively, for their notable achievements and the well-balanced outcome. His special thanks went to the Chairman, Mr. Andreas Chrysostomou, as well as to the task-group leaders: Dr. Andrew Pankowski (Environment); Mr. Lars Robert Pedersen (Shipping and Maritime); Dr. Leigh Mazany (Impact on Trade and Development and Developing Countries); and Mr. Paul Sadler (and Mr. Gilberto Arias in Mr. Sadler's absence) (Administrative and Legal), for their dedication and hard work in responding to the Committee's expectations.

5.73 The Committee thanked all those involved in the work of the Expert Group and expressed its appreciation to those that had contributed financially to the exercise, namely the following Member States and observer organizations: Canada, Denmark, Germany, Norway, the United Kingdom, BIMCO, IACS, ICS, INTERCARGO, INTERTANKO, IPTA, OCIMF and World Shipping Council.

5.74 The Committee noted the following corrections to documents MEPC 61/INF.2 and MEPC 61/5/39:

.1 Paragraphs 1.56 and 20.4 in MEPC 61/INF.2 and paragraph 56 in MEPC 61/5/39 should be replaced by:

"The Group reached its conclusions by consensus apart from a few instances where the evaluation of legal, administrative and other aspects led to different views as captured in the report."

.2 The heading of paragraph 1.9.6 in MEPC 61/INF.2 and paragraph 9.6 in MEPC 61/5/39 should be replaced by:

".6 **The Global Emission Trading Scheme System (ETS) for international shipping proposal by Norway (MEPC 60/4/22)**".

.3 A new paragraph should be added after paragraph 1.20 in MEPC 61/INF.2 and paragraph 20 in MEPC 61/5/39:

"In-sector, out-of-sector and total emission reductions observed in modelling the MBMs for 2030 are shown in the table overleaf, along with remaining proceeds and supplementary out-of-sector reductions. The table

also shows the mechanisms that deliver the in-sector and out-of-sector reductions for each MBM as described in the section immediately above. The values shown are the range of values observed under the following scenarios considered in the modelling:".

5.75 The Committee considered document MEPC 61/INF.2 containing the full report of the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures, and noted that:

.1 following the methodology outlined in the Terms of Reference, the Expert Group, giving priority to the overall impact on the maritime sectors of developing countries, had assessed each of the submitted MBM proposals against the nine criteria adopted by MEPC 60, as described in paragraph 1.2 and in section 2;

.2 the Expert Group study came at a critical time in IMO's deliberations on how to address GHG emissions from the maritime sector. As had been noted in the Second IMO GHG Study 2009, international shipping contributed to 2.7% of the global emissions of CO_2 in 2007, and this contribution was expected to increase in the future due to projected growth in world trade;

.3 the ten proposals analysed targeted GHG reductions through in-sector emission reductions from shipping or out-of-sector emissions reductions through the collection of funds to be used for mitigation activities in other sectors that would contribute towards the overall goal of reducing global GHG emissions. The MBM proposals sought to achieve similar objectives to a greater or lesser extent through differing methodologies;

.4 the proposal from Germany had not been evaluated since it was an impact assessment and could not be reviewed against the nine criteria. It was thus treated as an information resource to assist in the assessment of other proposals;

.5 to manage the work in the very tight time scale the group had established four task-groups: Environment; Shipping and Maritime; Administrative and Legal; and Trade and Development and Developing Countries; and

.6 all of the proposals aimed at establishing a MBM to reduce GHG emissions and bring forward concepts with merit for achieving cost-effective reductions in GHG emissions. However, many of the issues considered by the Group were complicated by the fact that none of the proposals provided a final legal text from which to evaluate the administrative and legal criteria given by the MEPC.

5.76 The Committee noted the following MBM-EG conclusions:

.1 The evaluation of the proposals had been completed as requested by the Committee in accordance with the terms of reference.

.2 The Group had reached its conclusions by consensus apart from a few instances as captured in the report.

.3 The evaluation had been complicated by the different levels of maturity of the proposals. Proposals with a high level of maturity had generated more discussion compared to those that were less developed. The proposals lacked, to various degrees, sufficient details for the necessary evaluation of issues such as international harmonization in implementation, carbon leakage, fraud, and traffic of vessels between non-party states, among others. These issues required further policy considerations in order to be properly addressed.

.4 The proposed measures would require further elaboration and development to enable a full assessment of all possible impacts in a comparable analysis.

.5 All proposals addressed reduction of GHG emissions from shipping. Some of the proposals went beyond mitigation and proposed a mechanism that provided for substantial contribution to address the adverse effects of climate change.

.6 The proposals had different ways of reducing emissions, some focused on "in-sector" reductions and others also utilized reductions in other sectors. The extent of such reductions was detailed within the individual evaluation of each proposal in the report.

.7 Cost-effective operational and technical emission reduction measures were available to the shipping sector. However, barriers existed in the uptake of many of these measures.

.8 The Group had considered sustainable development in a holistic way so that it became an inherent part of the assessment, rather than as an isolated criterion.

.9 The implications of implementing the different MBM proposals for international shipping were directly related to the stringency of the proposed measures. Irrespective of this, the Group concluded that all proposals could be implemented notwithstanding the challenges associated with the introduction of new measures.

.10 The assessment of the impacts of an increase in bunker fuel prices and freight costs showed that implementation of the proposed measures would affect some countries and products more than others. In some cases even small increases in costs could have relatively significant consequences. Indirect economic costs and benefits were not considered in the analysis. Some of the proposed measures include mechanisms aiming to provide means to mitigate negative impacts.

5.77 The Committee noted paragraph 3 of the Committee's work plan for further consideration of market-based measures, which stated:

> ".3 Taking into account the outcomes and conclusions of the studies mentioned in paragraph 2 above and any other contribution made, the Committee would be able, preferably by MEPC 61, to clearly indicate which market-based measure it wishes to evaluate further and identify the elements that could be included in such a measure;".

5.78 The Committee recognized that the above-mentioned studies were the feasibility studies and impact assessments undertaken by the Expert Group and reported in document MEPC 61/INF.2. The Committee noted that with the outcome of the feasibility study and impact assessment undertaken by the Expert Group, it was in a better position to indicate which market-based mechanism should be evaluated further.

5.79 The Committee exchanged views on which market-based measures it should develop further or the elements that should be included in such a measure. The Committee however noted that there was no majority view on which of the proposed market-based mechanisms should be developed further, and that it, therefore, would need to consider how to advance the matter so the next session would be able to report progress to the twenty-seventh session of the Assembly as stipulated in the work plan.

5.80 The Committee recalled that MEPC 59, having considered a large number of views and contributions on market-based measures, together with their merits and environmental effectiveness, had agreed by majority that a market-based mechanism was needed as part of a comprehensive package of measures for effective regulation of GHG emissions from international shipping. 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 measures had been considered by the Committee in line with the work plan agreed at MEPC 55.

5.81 The Committee held a debate on how to progress the development of a suitable market-based mechanism for international shipping that satisfied the nine basic principles agreed by MEPC 57 (April 2008) and also took into account the special needs and circumstances of developing countries. The Committee considered how to advance the matter and agreed that the process needed to be transparent and open to all.

5.82 The Committee noted that the work plan for further consideration of market-based measures states 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."

5.83 Based on a proposal by its Chairman, the Committee agreed that an intersessional working group meeting should be held with the task to provide the Committee with clear advice as to what market-based mechanism to bring forward as a possible mandatory IMO instrument.

5.84 The Committee developed and agreed Terms of Reference for the third intersessional meeting of the Working Group on GHG Emissions from Ships (GHG-WG 3), as set out in annex 7 to this report.

5.85 The Committee agreed that the following documents on market-based mechanisms submitted to this session should be taken into account by the intersessional meeting:

MEPC 61/5/16	United States	Further details on the United States proposal to reduce greenhouse gas emissions from international shipping
MEPC 61/5/33	IUCN	Further information on a rebate mechanism for a market-based measure for international shipping

5.86 The Committee noted the following documents which were introduced, but due to time constraints, were not considered. The Committee agreed to keep the documents in abeyance and that they should be taken into account by the intersessional meeting, as appropriate:

MEPC 61/5/19	India	Market-Based Measures – inequitable burden on developing countries
MEPC 61/5/24	China and India	Uncertainties and Problems in Market-based Measures
MEPC 61/5/28	Republic of Korea	Comments on the use of credits of the Clean Development Mechanism in market-based measures for international shipping

Statements by the delegations of India and China

5.87 The delegations of India and China made statements on Market-based Measures (MBM) and on the report of the Expert Group. As requested, the statements are set out in annex 8.

Reduction target for international shipping

5.88 The Committee recalled that, at the last session, the topic of reduction levels was considered and that it was agreed to continue the deliberations at this session. However, due to time constraints, the Committee was unable to consider this issue further; agreed to revisit it at the next session; and invited additional contributions to ensure an informed debate in order to advance the issue satisfactorily.

Black carbon

5.89 The Committee recalled that, at its last session, in considering document MEPC 60/4/22, it had held a debate on whether separate actions were needed to reduce the impacts of shipping emissions 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 GHG work. Having noted that there had been no further submissions to the present session, the Committee, in order to progress the issue, agreed to invite interested delegations and observers to submit concrete proposals with specific measures to BLG 15 (7 to 11 February 2011) under its agenda item on "Any other business".

Other GHG issues

5.90 Due to time constraints, the Committee agreed to defer consideration of documents MEPC 61/5/7 (IMarEST) – Marginal abatement costs and cost-effectiveness of energy-efficiency measures, and MEPC 61/5/13 (OCIMF) – Emission trajectory prediction for shipping, to its next session.

6 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

6.1 The Committee recalled that, at MEPC 60, it had approved, with a view to adoption at this session, draft amendments to:

.1 MARPOL Annex III (the revised MARPOL Annex III) (MEPC 60/22, paragraph 10.3 and annex 15); and

.2 MARPOL Annex VI (revised form of Supplement to the IAPP Certificate) (MEPC 60/22, paragraph 4.50.1 and annex 5).

6.2 The Committee noted that the texts of the approved amendments were circulated by the Secretary-General on 26 March 2010, under cover of Circular letter No.3046, in accordance with the provisions of article 16(2)(a) of the MARPOL Convention.

6.3 The Committee also recalled that MEPC 60 had agreed, in principle, that a drafting group would be established at MEPC 61 to make any editorial changes to the draft amendments, as necessary, before adoption by the Committee.

Amendments to MARPOL Annex III

6.4 The Committee noted that the proposed amendments (MEPC 61/6) consisted of a new revised MARPOL Annex III, the text of which was developed by the DSC Sub-Committee following the decision of MEPC 59 based upon the need to revise the criteria defining marine pollutants in MARPOL Annex III in order to bring them in line with the recently revised Globally Harmonized System (GHS); and to revise certain documentation provisions in the Annex in order to align them with proposed amendments to SOLAS regulation VII/4.

6.5 The Committee noted also that, at MEPC 60, it had decided that the revised MARPOL Annex III should enter into force on 1 January 2014 in order to align it with the planned timing of amendments (36-12) to the IMDG Code.

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

Amendments to MARPOL Annex VI

6.7 The Committee noted that the proposed amendments (MEPC 61/6/1) to the Revised form of Supplement to the IAPP Certificate are intended to clearly and precisely document the extent of a ship's compliance with regulations 4 and 14 of MARPOL Annex VI regarding Sulphur Oxide (SO_x) values, or the possibility of using equivalent arrangements, outside or inside an ECA, as the case may be.

6.8 The observer from IACS welcomed these amendments and drew the attention of the Committee to the "*Revised form of Supplement to IAPP Certificate*" (MEPC.1/Circ.718, issued on 20 April 2010), in particular the phrase in paragraph 4, whereby "Member Governments are invited to use the revised form of Supplement to the IAPP Certificate **at the earliest possible opportunity** when issuing the Supplement in accordance with the revised MARPOL Annex VI."

6.9 He stated that this advice should be seen in the context of the: "*Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments*" (MSC-MEPC.5/Circ.6, issued on 6 August 2009) and interpreted the phrase "**at the earliest possible opportunity**" to mean: when the first inspection would be due, rather than "immediately".

6.10 The delegation of China, while stating that it welcomed the proposed amendments to MARPOL Annex VI, drew the attention of the Committee to the complications arising from the multiple entry into force dates in the proposed revised form of IAPP Supplement.

6.11 The Committee agreed to request the FSI Sub-Committee, being the custodian of the abovementioned circulars, to update these after adoption of the proposed amendments to MARPOL Annex VI.

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

Establishment of the Drafting Group on amendments to mandatory instruments

6.13 The Committee established the Drafting Group on amendments to mandatory instruments, under the chairmanship of Mr. Zafrul Alam (Singapore), with the following Terms of Reference:

> "Using documents MEPC 61/6 and MEPC 61/6/1 as a basis, and taking into account any comments, proposals and decisions made in plenary, the Drafting Group is instructed to:
>
> .1 review and finalize the texts of proposed amendments to MARPOL Annex III (Revised MARPOL Annex III) and MARPOL Annex VI (Revised form of Supplement to the IAPP Certificate);
>
> .2 review and finalize two draft MEPC resolutions for adoption of the two sets of amendments to MARPOL Annex III and Annex VI, respectively; and
>
> .3 submit a written report to the plenary on Thursday, 30 September."

Report of the Drafting Group and action taken by the Committee

6.14 Having received the report of the Drafting Group (MEPC 61/WP.11), the Committee approved the report in general and, in particular:

.1 noted the advice of the Drafting Group, in reply to the comments by China, in paragraph 6.10 above, that the IAPP Supplement should be completed on the basis of *all* available options, thereby avoiding the need for repeated re-issuance of the Supplement as the various given dates are passed;

.2 endorsed the recommendation of the Drafting Group to improve the language for draft regulations 8.1 and 8.2 of MARPOL Annex III and that the text of these amended regulations could be used in other Port State control provisions in the future;

.3 adopted, by resolution MEPC.193(61), amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (the Revised MARPOL Annex III), as set out in annex 9;

.4 adopted, by resolution MEPC.194(61), 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 (Revised form of Supplement to the IAPP Certificate), as set out in annex 10; and

.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.

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

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

7.1 The Committee noted that, at the current session, 16 substantive and four information documents had been submitted under this agenda item.

7.2 The Committee agreed to consider documents MEPC 61/7/3 (United States), MEPC 61/7/4 (Denmark *et al*.), MEPC 61/7/6 (United States), MEPC 61/7/8 (Japan), MEPC 61/7/11 (IACS) and MEPC 61/INF.9 (United States), dealing with matters related to MARPOL Annex VI and the NO_x Technical Code, under agenda item 4.

7.3 The Committee agreed to consider the remaining documents under the following categories:

.1 firstly, the outcome of the Correspondence Group on the review of MARPOL Annex V and comments thereto, with five substantive documents and two information documents, as follows: MEPC 61/7/2 (New Zealand), MEPC 61/7/5 (Norway), MEPC 61/7/10 (United States), MEPC 61/7/12 (CSC), MEPC 61/7/13 (United States), MEPC 61/INF.6 (New Zealand) and MEPC 61/INF.7 (New Zealand);

.2 secondly, proposed amendments to MARPOL Annex IV and comments thereto, with four substantive documents and one information document, as follows: MEPC 61/7 (Denmark *et al*.), MEPC 61/7/9 and Add.1 (Bahamas *et al*.), MEPC 61/7/14 (WWF) and MEPC 61/INF.23 (United States); and

.3 thirdly, two documents on matters concerning MARPOL Annex I (proposals for Unified Interpretations and Guidelines), as follows: MEPC 61/7/1 (Denmark *et al*.) and MEPC 61/7/7 (Republic of Korea).

REVIEW OF MARPOL ANNEX V

7.4 The Committee agreed to consider the report of the correspondence group and four documents commenting on its outcome prior to opening a general discussion, with the aim to resolve any outstanding issues in plenary to the extent possible before establishing the working group.

7.5 The delegation of New Zealand, as coordinator of the correspondence group, introduced document MEPC 61/7/2, with the outcome of the group's deliberations in the intersessional period. The Committee noted that the group had been successful in developing a complete draft revised MARPOL Annex V, set out in annexes 1 and 2 to the report, while annex 3 presented a summary of changes to the existing Annex V for ease of reference and annex 4 provided a list of likely revisions required for the existing Guidelines for the implementation of MARPOL Annex V once the latter's revised text is approved.

7.6 The group, however, had identified several issues still undecided which required further consideration by the Committee, as follows (MEPC 61/7/2, paragraph 23):

.1 the inclusion of animal carcasses as a garbage type to be regulated under Annex V, along with conditions for discharge related to distance from shore, water depth, treatment before discharge and numbers of carcasses that may be discharged;

.2 whether ships must be *en route* during discharge of all, or of some, garbage types permitted for discharge in regulation 3;

.3 whether cargo residues contained in cargo hold wash water should be permitted for discharge in special areas where the ship is not leaving the special area between unloading and next loading ports;

.4 whether the minimum length of vessels requiring placards or signage should be 10 or 12 metres;

.5 whether fishing gear, lost in accordance with the provisions of regulation 6, should be reported to coastal States or flag States in addition to an entry being made in the ship's Garbage Record Book or log; and

.6 whether deck washing water should fall within the scope of Annex V.

7.7 In concluding her introduction, the Chairperson of the correspondence group stressed that, in order that the review could be finalized, the Committee should provide clear direction on the issues detailed above as, without it, it would be very difficult to complete the review at the current session.

7.8 The Committee thanked the correspondence group for the successful outcome of its deliberations and congratulated its Chairperson, Dr. Alison Lane of New Zealand, for her hard work and effective leadership.

7.9 The delegation of Norway introduced document MEPC 61/7/5 where it proposed that pollution categories and subsequent discharge standards should be developed for cargo residues and that the Committee develop a regulatory framework for the control of discharge of cargo residues which includes entries in the International Maritime Solid Bulk Cargoes Code (the IMSBC Code). On the issue of cleaning additives commonly present in deck washing water, GESAMP could, in the view of Norway, be tasked with providing advice to the DSC Sub-Committee in order to develop an approval scheme for the use of cleaning agents for tank and deck washing of solid bulk cargoes.

7.10 The delegation of the United States introduced document MEPC 61/7/10 addressing the management of spoilt cargo including animal carcasses, within the scope of MARPOL Annex V. The United States advised that it had submitted a document on this matter to the LC-LP bodies and proposed a questionnaire to be disseminated among Member Governments and interested organizations in order to gather more information about spoilt cargoes on board ships so that an informed decision could be taken by the Committee and LC-LP bodies at a later stage.

7.11 In document MEPC 61/7/13, the United States commented on several issues that, in its view, needed further discussion in plenary before the establishment of the working group. These related, *inter alia*, to the following matters: the original definitions in the current Annex V should be maintained; those terms currently defined in the Guidelines should remain there until after the amendments to Annex V have been developed; the proposed formulations for "operational wastes", "food wastes" and "cargo residues" should be revisited; further discussion was needed as regards detergents and fishing gear; the explicit prohibition for discharge of plastics should remain; cargo residues as marine pollutants should be regulated through the IMSBC Code; and, regarding poultry, Annex V should be consistent with the Antarctic Treaty regulations.

7.12 The Clean Shipping Coalition (CSC), in document MEPC 61/7/12, expressed its support for the views stated by Friends of the Earth International (FOEI) at MEPC 60 (MEPC 60/6/8) and advanced its opinion that the revision of MARPOL Annex V should address, *inter alia*, the worldwide harmonization of port reception facility schemes; the incorporation of environmental considerations into the IMSBC Code; a requirement for all commercial seagoing vessels (however small and including fishing boats) to have a Garbage Management Plan and a Garbage Record Book; and, in the case of lost fishing gear, the coastal State where the loss has occurred should be required to take all reasonable actions to locate and retrieve the lost gear.

7.13 The Committee noted the information contained in documents MEPC 61/INF.6 and MEPC 61/INF.7, both by New Zealand, on measures implemented to reduce marine debris and research results on garbage management, respectively.

Discussion

7.14 Once all documents had been introduced, the Chairman stated that the review of Annex V had been ongoing for several years and had incurred a significant delay. He stressed that it would be unfortunate if a revised MARPOL Annex V could not be approved in principle at the current session for circulation, with a view to adoption at MEPC 62 in July 2011, even with sections within square brackets, which could be resolved by further discussion in plenary at MEPC 62.

7.15 The Vice-Chairman of the DSC Sub-Committee, on behalf of its Chairperson, advised the Committee that, in the context of the proposals by Norway (MEPC 61/7/5), the United States (MEPC 61/7/13) and CSC (MEPC 61/7/12), he would like to draw the Committee's attention to the fact that, if the Committee decided to address the development of criteria and hazard profiles to identify bulk cargoes as marine pollutants, the work should be co-ordinated by the DSC Sub-Committee as this would have an impact on the IMSBC Code.

7.16 In that respect, the Committee noted the information provided by the Chairman concerning the decisions taken by DSC 15 (13 to 17 September 2010) on a related matter, as reflected in the draft report of that meeting (DSC 15/WP.1, paragraphs 4.19 and 4.20), as follows:

> "***Classification criteria for all solid bulk cargoes and associated environmental hazards***
>
> *4.19 The Sub-Committee considered a proposal from Australia (DSC 15/4/11), highlighting a potential issue that not all solid cargoes carried in bulk can be appropriately classified as required by SOLAS regulation VII/7 for the environmental hazards they present and proposing that this matter be brought to the attention of MEPC 61, and noted that the MEPC Correspondence Group for the Review of MARPOL Annex V (MEPC 61/7/2) had included a specific provision on cargo residues, in particular that the above group had recommended a new guideline be developed (in lieu of amending the IMSBC Code) to address the classification of cargo residues which could be harmful to the marine environment.*
>
> *4.20 Bearing in mind that it is a complex issue that has yet to be resolved by the MEPC, the Sub-Committee agreed to await the outcome of MEPC 61 on the matter and encouraged Member Governments and international organizations to raise their concerns at the above session when the report of the correspondence group is considered, taking into account that the Sub-Committee has not been instructed to*

take any action on this issue. In this context, the Chairman advised delegations interested in considering this matter further to submit a justification for a new output in accordance with the Guidelines on the organization and method of work, for consideration by MEPC 62."

7.17 The Committee, having considered the above information, agreed to instruct the DSC Sub-Committee to consider the matter, including the convenience of using the GESAMP or GHS environmental criteria, taking into account proposals contained in documents MEPC 61/7/5, MEPC 61/7/13 and MEPC 61/7/14, under its agenda item on "Amendments to the IMSBC Code, including evaluation of properties of solid bulk cargoes", and to report back to the Committee at a future session.

7.18 In the ensuing discussion, the Committee focused its deliberations upon the questions put forward by the correspondence group (set out in paragraph 7.6 above) and took the following decisions:

.1 the inclusion of animal carcasses as a garbage type should be regulated under Annex V, with conditions for discharge being related to distance from shore, water depth, treatment before discharge and numbers of carcasses that may be discharged; it also noted a view that, in some cases, the number of animals dying and/or the cause of death might necessitate carcasses being dealt with under an alternative mechanism, such as the London Convention/London Protocol (LC/LP);

.2 ships must be *en route* during the discharge of all garbage types permitted for discharge in draft regulation 3 with the possible exception of food wastes;

.3 while the issue of categorization of environmental hazard and the treatment of solid cargo residues would be referred for consideration of the DSC Sub-Committee, the completion of any such categorization would take a considerable period of time. The working group was therefore requested to consider the wording of conditions for the discharge of cargo residues taking into account the need to provide an immediate solution that would also allow for possible amendments or incorporation of a new categorization scheme at a later time;

.4 the minimum length of vessels requiring placards or signage should remain as 12 metres;

.5 fishing gear lost in accordance with the provisions of draft regulation 6 should be reported to coastal States and flag States in addition to an entry being made in the ship's Garbage Record Book or log; and

.6 additives and cleaning agents contained in deck washing water should fall within the scope of Annex V.

7.19 The delegation of Japan highlighted that, in order to ensure compliance with the more stringent requirements expected in the revised Annex V, including a general prohibition for the discharge of garbage, it was necessary to tackle the still serious problem of lack, or inadequacy, of reception facilities. In the view of the delegation, MARPOL Annex V Parties should be urged to ensure the provision of adequate reception facilities; ships should be encouraged to notify any inadequacies of such facilities; and interim guidance could be developed for ships unable to deliver garbage to inadequate, or non-existing, reception facilities.

Establishment of the Working Group on review of MARPOL Annex V

7.20 The Committee agreed to establish the Working Group, under the chairmanship of Dr. Alison Lane (New Zealand), with the following Terms of Reference:

Taking into account all relevant documents as well as comments and decisions made in plenary, the Working Group was instructed to:

.1 further develop and finalize draft amendments to MARPOL Annex V (the revised Annex V), based upon the text prepared by the intersessional Correspondence Group (MEPC 61/7/2);

.2 taking into account discussion in plenary on the reporting of lost fishing gear, define which gear types should fall under these reporting requirements; and

.3 submit a written report to plenary on Thursday, 30 September 2010.

Outcome of the Working Group

7.21 The Committee considered and approved the report of the Working Group (MEPC 61/WP.12) in general and, in particular:

.1 noted that the group had been able to finalize draft amendments to MARPOL Annex V, albeit there were still unresolved issues (in square brackets in the text), that would need further consideration prior to adoption of the amendments;

.2 noted the group's requirement for amendments to the Guidelines for the implementation of MARPOL Annex V, and the proposed establishment of an intersessional Correspondence Group to commence work on these amendments;

.3 noted the other potential consequential amendments referred to in paragraph 10 of the report;

.4 noted the need for further consideration of the discharge conditions for animal carcasses, taking into account any information provided in the intersessional period by administrations on current practices; and

.5 noted the unresolved issue regarding the potential inclusion of fish dying during transport as live cargo.

7.22 Having noted the above issues, the Committee:

.1 approved draft amendments to MARPOL Annex V – Regulations for the prevention of pollution by garbage from ships (the Revised MARPOL Annex V), set out in annex 11, for circulation with a view to adoption at MEPC 62; and

.2 agreed to re-establish the Correspondence Group, under the co-ordination of the United Kingdom*, recognizing that the early establishment of such a group would take advantage of the recent collaborative work and the high degree of familiarity that many delegations have with the regulations, with the following Terms of Reference:

.2.1 to initiate a review of the Guidelines for the implementation of MARPOL Annex V, based on draft text of the Revised Annex V, taking into account the discussion, comments and decisions made in the Working Group, as reflected in its report;

2.2 if time permits, to initiate a review of the Guidelines for the development of garbage managements plans, based on draft text of the Revised Annex V; and

.2.3 to submit a progress report to MEPC 62.

7.23 In addition, the Committee noted the United States delegation's request that the expression "fishing gear", as used in the definition of garbage in the draft amendments, be refined to more precisely reflect that it means lost, discarded or abandoned gear; and agreed to include the questionnaire on characteristics of spoilt cargo and its disposal (annex to document MEPC 61/7/10) in annex 12 to this report whilst encouraging Member Governments and observers to disseminate it and to submit responses and other relevant information for consideration by MEPC 62.

7.24 The Committee, having noted the indication by the Chairperson of the Working Group that between now and MEPC 62 there would be room for additional refinement and aligning the text with existing Conventions, expressed appreciation to the Working Group for the excellent work done leading to the finalization of draft amendments to the Annex.

PROPOSED AMENDMENTS TO MARPOL ANNEX IV

7.25 The Committee recalled that, at MEPC 60, it had discussed the proposal of the Baltic Sea States to amend MARPOL Annex IV with the aim of incorporating the concept of Special Areas and establishing a ban on the discharge of sewage from passenger ships within those areas, except when complying with new strict standards for nutrient concentration in the effluent of sewage treatment plants on ships. Alternatively, ships could discharge sewage into port reception facilities in Baltic Sea ports. Finally, the Baltic Sea was proposed for designation as a Special Area under MARPOL Annex IV.

7.26 The Committee noted that a majority of the delegations that intervened in the debate at MEPC 60 had agreed to the proposal, however, some concerns should be addressed, such as the adequacy of port reception facilities for large quantities of sewage from passenger ships in all relevant ports in the area and availability of improved new type sewage treatment plants for installation on board ships.

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7.27 The Committee noted also that MEPC 60 had agreed that the best way forward was for the submitters to take into account those concerns and refine their proposal by submitting a supplementary document to MEPC 61 for approval and subsequent circulation with a view to adoption at MEPC 62.

7.28 The delegation of Finland, on behalf of all the Baltic Sea countries, introduced document MEPC 61/7 providing the additional information requested by the Committee at the previous session (adequacy of port reception facilities, the proposed standards for onboard treatment plants, applicability to passenger ships only, entry into force conditional on adequate port reception facilities). In respect of adequate port reception facilities, the delegation focused on the measures taken by the HELCOM countries in adopting a road map in 2010 for upgrading the facilities in the relevant ports and stated that the introduction of the new article 12*bis*, according to which the new area would take effect only after the adequate reception facilities are in place, shows the commitment of all the Baltic Sea countries to do their utmost to reduce the nutrient input to the sea and, in doing so, also meet the major concerns expressed by the industry. In respect of onboard treatment plants the delegation conveyed the information from manufacturers that they can meet the proposed requirements and that the standards in the proposal are equal to those applicable to land-based treatment plants in those cities the passenger and cruise vessels visit. The proposed measures focus on passenger ships due to the fact that these ships represent floating communities, with a capacity of more than 5,000 persons on board, representing almost two thirds of the nutrient input to the sea. The delegation emphasized that although the total amount of nutrient loading from shipping is not large, the point – source pollution is severe, along the shipping routes.

7.29 The observer delegation of CLIA introduced document MEPC 61/7/9 reiterating the concerns expressed by the industry, supported by several delegations at MEPC 60, including: current inadequacy of reception facilities for large quantities of sewage from passenger ships; lack of scientific evidence on the need to implement the proposed measures; inexistence of technology for new more stringent sewage treatment plants capable of dealing with nutrients; need to develop new specifications before manufacturers can produce the new plants; and perceived "unfairness" in targeting an industry that discharges less than 1% of all nutrient input to the Baltic Sea. In addition, the submitters contended that voluntary measures now in place provided an adequate solution to the problem.

7.30 The Committee noted document MEPC 61/7/9/Add.1 adding Liberia to the list of submitters of document MEPC 61/7/9.

7.31 The observer delegation of the World Wide Fund for Nature (WWF) introduced document MEPC 61/7/14 in support of the Baltic States' proposal stating, *inter alia*, that eutrophication, algal blooms and consequent oxygen-depleted areas (around 100,000 km^2), are a tangible threat to the Baltic Sea at present. Furthermore, discharges from passenger ships are on the increase while those from land-based sources are being addressed.

7.32 The Committee noted document MEPC 61/INF.23 (United States) describing a notice recently published pertaining to its domestic programme for the regulation of ship sewage discharges.

Discussion

7.33 The delegation of the United Kingdom suggested the Committee should be clear that there were two issues proposed and it was important that these two issues be handled separately. The first issue was the establishment of the possibility of designation of Special Areas under MARPOL Annex IV and the second issue was whether the information the submission contained would justify establishment of the Baltic Sea as such a Special Area.

The delegation, supported by others, suggested that much of the additional information in the proposal, such as amendment to MARPOL Annex IV and the suggestion of an additional MEPC circular to cover standards relating to sewage treatment plants of cruise vessels operating in Special Areas was too closely aligned to the specific case of the Baltic Sea to form an appropriate basis for a generic requirement applicable to future proposals for Special Areas under Annex IV for other sea areas which may have differing ecological and environmental conditions and requirements. The delegation of the United Kingdom, in particular, could not support generic Special Area requirements being applicable only to one type of ship. However, it might be possible to agree such a restriction in specific area proposals providing a strong justification was clearly demonstrated.

Additionally, they were concerned that there were outstanding issues on the detailed content of the specific proposal which needed further development and analysis, together with proven reception facility capabilities, before approval could be given to the establishment of the Baltic Sea as a Special Area under any generic Special Area provision in MARPOL Annex IV.

7.34 In the ensuing debate, the Committee recognized that, at MEPC 60, it had made the basic policy decisions to agree 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 of passenger ships within the Baltic Sea. It then followed that these matters should not be reopened for discussion as they constituted policy already determined by the Committee.

7.35 Having discussed the issue, the Committee approved draft amendments to MARPOL Annex IV – Regulations for the prevention by garbage from ships, set out in annex 13, for circulation with a view to adoption at MEPC 62.

7.36 The Committee, recognizing that the Revised guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.159(55)) would need updating in view of the new requirements, agreed to instruct the DE Sub-Committee to carry out the work and, in that respect, approved the inclusion of a new unplanned output in the Sub-Committee's work plan on "Revision of resolution MEPC.159(55)" and agenda for DE 55 with a target completion date of 2012.

MATTERS RELATED TO MARPOL ANNEX I

7.37 The delegation of Denmark, on behalf of the co-sponsors, introduced document MEPC 61/7/1 providing text for draft Guidance for recording of operations in the Oil Record Book. In this respect, the Committee recalled that a first draft had been submitted to MEPC 60 where some discussion took place as INTERTANKO suggested some technical adjustments to make the draft Guidelines, as they were then denominated, compatible with its own guidelines which had been issued long ago and are widely used by industry. MEPC 60 agreed to this approach but, given the lack of time, an amended text could not be produced in time. Interested delegations and observers had worked together in the intersessional period and the result of their work was now before the Committee.

7.38 Following a short discussion, the Committee approved the Guidance for recording of operations in the Oil Record Book, Part I, including some proposed amendments, and requested the Secretariat to issue MEPC.1/Circ.736 for dissemination of the said Guidance.

7.39 The delegation of the Republic of Korea introduced document MEPC 61/7/7 with a proposal to bring up to date existing unified interpretations for regulations 12.2, 12.3 and 12.4 of MARPOL Annex I, following adoption of amendments to that regulation (resolution MEPC.187(59)), which will enter into force on 1 January 2011.

7.40 Following discussion, the Committee approved with modifications the unified interpretation to regulation 12 of MARPOL Annex I, as set out in annex 14 to this report.

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

8.1 The Committee considered seven documents under this agenda item as follows: MEPC 61/8 (Secretariat), Background on the establishment the OPRC-HNS Technical Group and the requirements related to oil and HNS pollution preparedness and response; MEPC 61/8/1 (Nigeria), Manual on Oil Pollution, Section I – Prevention; MEPC 61/8/2 (Secretariat), Guidance document on the implementation of an incident management system; MEPC 61/8/3 (Secretariat), Support and assistance to Member States in response to the Gulf of Mexico platform incident; MEPC 61/8/4 (Sweden), High-priority work related to HNS and oil; MEPC 61/8/5 (Russian Federation), An international complex exercise on responding to maritime incidents and oil spills in the northern region of the Caspian Sea ("Caspiy 2010"); and MEPC 61/WP.1, Report of the eleventh meeting of the OPRC-HNS Technical Group.

Background on the establishment the OPRC-HNS Technical Group and the requirements related to oil and HNS pollution preparedness and response

8.2 The Committee recalled that MEPC 60, having considered the report of the tenth session of the Technical Group and further to the ensuing discussion, requested the Secretariat to prepare a document providing the background to the establishment of the OPRC-HNS Technical Group, its terms of reference and its modality of operation, to address concerns raised by some delegations over the past sessions of the Committee, that would serve as the basis for a more in-depth discussion at MEPC 61.

8.3 The Committee, having considered document MEPC 61/8 submitted by the Secretariat and noting the view of the majority of delegations present, agreed that the Technical Group should be retained in its current format, with its meetings held in the week prior to the MEPC.

8.4 The Committee also agreed that the Technical Group should continue to work under its current terms of reference, as set out in annex 1 to document MEPC 61/8.

Manual on Oil Pollution, Section I – Prevention

8.5 The Committee recalled that at MEPC 54 it had considered a proposal for the review and update of the Manual on Oil Pollution, Section I – Prevention, which was out of print.

8.6 The Committee also recalled that, following some debate as to whether such an update was required given the wide number of industry publications that updated the information contained within the Manual, it had agreed to the revision and referred the matter to the OPRC-HNS Technical Group for consideration at its fifth session (MEPC 54/21).

8.7 The Committee further recalled that at MEPC 60, it had noted 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, in particular the "Manual on Oil Pollution, Section I". MEPC 60 had subsequently agreed that until the final draft of the Manual was considered at MEPC 61, STS Operations Plans could, in the interim, be approved using the draft of the Manual set out at annex to document MEPC/OPRC-HNS/TG 10/3/1.

8.8 The Committee, in considering document MEPC 61/8/1 (Nigeria) containing the finalized draft of the Manual on Oil Pollution, Section I – Prevention, developed by the OPRC-HNS Technical Group, noted that it significantly updated the information included in the previous edition.

8.9 In considering the content of the draft text, a number of delegations, whilst supporting the text of the Manual in general, expressed the need to ensure that chapter 8 on oil tanker operations in ice-covered waters was harmonized with the mandatory Polar Code, once finalized, and that this chapter did not go beyond the provisions set out in the new chapter 8 of MARPOL Annex I, related to the transfer of oil cargo between oil tankers at sea.

8.10 The Committee subsequently recognized that any delay in the finalization of the Manual would present difficulties in developing the required STS Operations Plans for oil tankers, in order to comply with the provisions set out in resolution MEPC.186(59), which would come into force on 1 January 2011.

8.11 In reconciling the two requirements, the Committee:

.1 approved the draft text of the Manual, as set out in the annex to document MEPC 61/8/1, as amended, taking into account the comments received with regard to section 3.2;

.2 noted that it would need to be amended in the future, in view of developments with the mandatory Polar Code; and

.3 instructed the Secretariat to carry out any final editing, identify and include photographs and graphical content and prepare the document for publication through the IMO Publishing Service.

Guidance document on the implementation of an incident management system

8.12 The Committee recalled that at MEPC 56 it had approved a proposal for the development of an international guideline on the Incident Command System (ICS) during oil spill response and an accompanying document on ICS position responsibilities, based on two documents submitted by the United States, and subsequently referred the matter to the OPRC-HNS Technical Group (TG) (MEPC 56/7/2 and MEPC 56/7/4).

8.13 The Committee also recalled that, at MEPC 57, it had concurred with the recommendation of the Technical Group to consolidate these two submissions into a single manual.

8.14 Having considered document MEPC 61/8/2 (Secretariat), which set out the draft text of the Guidance document on the implementation of an Incident Management System (IMS), as finalized by the OPRC-HNS Technical Group, the Committee:

.1 approved the finalized draft text of the guidance document; and

.2 instructed the Secretariat to carry out any final editing, to identify and include photographs and graphical content and to prepare the document for publication through the IMO Publishing Service.

Support and assistance to Member States in response to the Gulf of Mexico platform incident

8.15 The Committee, having considered information submitted by the Secretariat on the Organization's support and assistance to Member States in response to the Gulf of Mexico platform incident (MEPC 61/8/3):

.1 noted the information provided; and

.2 endorsed the Secretariat's support to the respective countries in response to the incident.

8.16 The Committee expressed its appreciation to the Secretary-General, the Secretariat and, in particular, the Directors of the Marine Environment and Technical Co-operation Divisions for their support to the Bahamas, Cuba and the United States and, in this regard, noted the usefulness of the OPRC-HNS Technical Group network.

High-priority work related to HNS and oil

8.17 The Committee, having considered document MEPC 61/8/4 (Sweden), which set out the key requirements for the establishment of a response system for oil and HNS, noted that it included a gap analysis of available information resources and a list of priority action items to address these gaps, in particular for HNS.

8.18 The Committee, in discussing the content of the document, noted the concerns expressed by the delegation of the Netherlands, supported by other delegations, that the document did not follow the necessary procedure for unplanned work programme items under the Strategic and High-level Action Plans. Having received clarification from the delegation of Sweden on its intention and noting that it was not requesting any action other than to have the document analysed and prioritized, the Committee referred the document to the OPRC-HNS Technical Group instructing it to assess and prioritize the information and to submit the results of this analysis to MEPC 63 for further consideration.

An international complex exercise on responding to maritime incidents and oil spills in the northern region of the Caspian Sea ("Caspiy 2010")

8.19 The Committee, having considered document MEPC 61/8/5 (Russian Federation), noted the information submitted on the complex exercise on responding to maritime incidents and oil spills in the northern region of the Caspian Sea (Caspiy 2010) organized by the Russian Federation in June 2010.

Report of the eleventh meeting of the OPRC-HNS Technical Group

8.20 The Committee noted that the eleventh session of the OPRC-HNS Technical Group was held from 20 to 24 September 2010 under the chairmanship of Mr. Nick Quinn (New Zealand), and that the report of the Group was issued under the symbol MEPC 61/WP.1.

8.21 The Committee approved the report in general and, in particular:

.1 noted that the following work items had been finalized by the Technical Group at its eleventh session and would be submitted to MEPC 62 for approval:

.1 Operational guide on the use of sorbents;

.2 Oil spill waste management decision support tool;

.3 Guideline for oil spill response in fast currents; and

.4 joint IMO/IPIECA Guidance on sensitivity mapping for oil spill response;

.2 noted the status of progress on the Guidance on the safe operation and performance standards of oil pollution combating equipment (OPCE);

.3 noted the progress made on the finalization of the Manual on chemical pollution to address legal and administrative aspects of HNS, with a view to finalizing this work at TG 12 for subsequent approval at MEPC 62;

.4 concurred with the Group's view in developing Technical guidelines on sunken oil assessment and removal techniques;

.5 concurred with the Group's proposal for progressing the work related to the updating of the IMO dispersant guidelines, in light of recent experiences in response to the Deepwater Horizon and Montara wellhead incidents;

.6 noted the Group's progress with regard to oil spill response in ice and snow and offshore in situ burning;

.7 endorsed the Group's proposal regarding the development of tools for undertaking environmental risk and response benefit assessments, to complement the work already undertaken in this area;

.8 noted the Group's consideration of the progress made by ISCO in developing an accreditation scheme for the independent training and accreditation of inland spill response contractors;

.9 agreed to the Group's proposal to further define the criteria for collating and categorizing information on HNS pollution incidents and lessons learned;

.10 continued to urge delegations to submit information to further expand the inventory of information resources on OPRC/HNS-related matters;

.11 endorsed the Secretariat's ongoing support to the Triennial Oil Spill Conference Series;

.12 urged Member States and other interested stakeholders to share tools and products that could be internationalized for wider use, in particular by developing countries;

.13 approved the draft work programme and provisional agenda for the twelfth meeting of the OPRC-HNS Technical Group, set out in annexes 1 and 2 to document MEPC 61/WP.1, and the scheduling of the twelfth session of the OPRC-HNS Technical Group the week prior to MEPC 62; and

.14 welcomed the election of Mr. Alexander von Buxhoeveden (Sweden) as Chairman and the re-election of Mr. Suh Woo Rack (Republic of Korea) as Vice-Chairman of the Technical Group for the year 2011.

Note of appreciation

8.22 The Committee extended its thanks and appreciation to Mr. Nick Quinn of New Zealand for his outstanding leadership and vigorous support of the OPRC-HNS Technical Group throughout his tenure as Chairman and wished him well in his new career path.

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

Designation of the Strait of Bonifacio as a Particularly Sensitive Sea Area

9.1 The Committee considered a proposal submitted by France and Italy (MEPC 61/9 and MEPC 61/INF.26) to designate the Strait of Bonifacio as a Particularly Sensitive Sea Area (PSSA) in accordance with the Revised PSSA Guidelines (resolution A.982(24)).

9.2 The Committee noted that the main reasons given by the proponents for the proposal were as follows:

.1 the ecological, environmental, economic and cultural attributes of the area are seriously threatened by the international shipping that uses these waters;

.2 the richness and vulnerability of this region and its need of international protection had been recognized officially by the international community since 1989, when the IMO Assembly recommended to its Member States to prohibit or at least strongly discourage transit of the strait by shipping. Since 1993 the coastal States – France and Italy – had taken steps to ban the passage of ships carrying dangerous and toxic goods. In Italy, the Government concluded a voluntary agreement in 2001 with its shipping industry whereby the latter undertook to use only ships that did not pass through the strait; and

.3 despite these measures, the problem of the risk factor associated with international shipping in this area had not been resolved, and the threats to the area's rich resources from international maritime transport are even greater. As a result, in order to protect the area's environmental, cultural and economic attributes from the serious threats posed by international shipping, France and Italy requested that it be designated a PSSA covering the Strait of Bonifacio and adjacent areas. In the area covered by this request, the associated protective measures (APMs) envisaged include: adoption of a mandatory traffic separation scheme, promulgation of areas to be avoided, establishment of a vessel traffic system, and the introduction of a recommendatory pilotage system for ships passing through the Strait of Bonifacio while carrying dangerous and toxic goods.

9.3 In the process of consideration, the Committee noted the decision of France and Italy to withdraw their proposal for establishing a mandatory pilotage system as an associated protective measure (APM) for the proposed PSSA.

9.4 The delegation of the United States, while being supportive of the proposal in principle, also identified the need for additional information, especially as the proposal contains mandatory measures to be established in a strait used for international navigation. In particular, the United States indicated that the application must be assessed against the procedure set out in paragraph 8.3 of the Revised Guidelines on PSSAs by a technical group of the Committee. As requested, the statement of the United States is set out in annex 15.

9.5 The delegation of Singapore welcomed the decision of France and Italy to withdraw their proposal for establishing a mandatory pilotage system as a proposed APM. The delegation also stated its firm position that the imposition of a mandatory pilotage system in straits used for international navigation has no international legal basis, and would contravene Article 42(2) of the United Nations Convention on the Law of the Sea. The delegation was further of the view that it is imperative, as a principle, that all PSSA applications follow the guidelines which have been adopted by IMO and should be duly evaluated in accordance to paragraph 8.3 of the revised PSSA Guidelines. As requested, the statement of Singapore is set out in annex 15.

9.6 After an exchange of views, the Committee noted that the overwhelming majority of delegations that spoke agreed with the proposal to designate the Strait of Bonifacio as a PSSA, in principle, subject to a review by the PSSA Technical Group, which was unable to meet during the session due to time constraints but would be convened at MEPC 62. In the meantime, the proponents were invited to submit their proposals of APMs for the PSSA to NAV 57 (6 to 10 June 2011) for consideration, the outcome of which would be reported to the Committee.

10 INADEQUACY OF RECEPTION FACILITIES

10.1 The Committee recalled that MEPC 55 had approved the Action Plan to tackle the inadequacy of port reception facilities 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.

10.2 The Committee noted that MEPC 60, in discussing work item 5.1 "Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities", had recognized that several concerns should be addressed before amendments to MARPOL could be approved, and had 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, with a view to institutionalizing regional arrangements together with draft guidelines for establishing those arrangements (paragraph 6.25 of document MEPC 60/22). Having noted that no submissions had been received at this session on the matter, the Committee invited interested delegations and observers to submit documents addressing the outstanding issues to MEPC 62.

10.3 The Committee also noted that FSI 18 (July 2010) had completed its work on all remaining items of the Action Plan, the outcome of which was reported to the Committee under agenda item 11 (Reports of sub-committees) in document MEPC 61/11/2.

10.4 In this regard, the Committee noted further that FSI 18, as instructed by MEPC 60, had considered the submission by the Islamic Republic of Iran (MEPC 60/6/6) proposing amendments to the MARPOL Annexes for the provision of waste reception at ship recycling facilities, the outcome of which was considered under agenda item 11 (see paragraph 11.15.6).

11 REPORTS OF SUB-COMMITTEES

Outcome of BLG 14

11.1 The Committee noted that the Sub-Committee on Bulk Liquids and Gases (BLG 14) had held its fourteenth session from 8 to 12 February 2010 and its report on that session had been circulated under the symbol BLG 14/17. The matters of interest to the Committee's work were set out in document MEPC 61/11 (Secretariat).

11.2 The Committee also noted that, in line with normal practice, the outcome of BLG 14 on ballast water management issues (paragraphs 2.10 to 2.13 of document MEPC 61/11) had been considered under agenda item 2 and that, in a similar manner, those matters related to MARPOL Annex VI (paragraphs 2.15 to 2.18 of document MEPC 61/11) had been addressed under agenda item 4.

11.3 In respect to the remaining actions (reflected in paragraph 2 of document MEPC 61/11), which BLG 14 had requested the Committee to address, the Committee approved the report of BLG 14 in general and took action as indicated in the ensuing paragraphs.

Work related to the ESPH Working Group

11.4 The Committee noted, as requested, the various actions taken by BLG 14 and, in particular:

.1 endorsed the action taken by the Sub-Committee following consideration of the report of ESPH 15;

.2 approved the future work programme for an intersessional meeting of the ESPH Working Group in October 2010;

.3 approved, noting MSC 87's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group in 2011; and

.4 endorsed the action taken by BLG 14 following consideration of the issue of bio-fuels and bio-fuel blends by the ESPH Working Group.

Other issues

11.5 The Committee also:

.1 noted that BLG 14, having noted the progress made in the development of the Guidelines for the control and management of ships' bio-fouling to minimize the transfer of invasive aquatic species, had agreed to re-establish the intersessional correspondence group;

.2 approved the biennial and post-biennial agendas of the BLG Sub-Committee, noting that MSC 87 had approved the agendas with revisions, and approved the provisional agenda for BLG 15 (see also paragraph 20.1); and

.3 noted the report on the status of the planned outputs of the High-level Action Plan of the Organization relating to the BLG Sub-Committee's work.

Outcome of DE 53

11.6 The Committee noted that the fifty-third session of the Sub-Committee on Ship Design and Equipment (DE 53) had been held from 22 to 26 February 2010 and its report on that session had been circulated under the symbol DE 53/26. The matters of interest to the Committee's work were set out in document MEPC 61/11/1 (Secretariat).

11.7 The Committee approved the report of DE 53 concerning the work of the MEPC in general and took action as indicated in the ensuing paragraphs.

11.8 The Committee noted that DE 53, having considered a draft MSC-MEPC circular on Unified Interpretations on the application of SOLAS, MARPOL and Load Line requirements to conversions of single-hull to double-hull oil tankers or bulk carriers/ore carriers, agreed that further work was necessary and invited Member Governments and international organizations to submit their comments and proposals on the matter to DE 54.

11.9 On the issue of Manually operated alternatives in the event of pollution prevention equipment malfunctions, the Committee noted that DE 53 had agreed to establish an intersessional correspondence group on pollution prevention, under the co-ordination of the United States, and instructed it to prepare draft amendments to the Revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers (resolution MEPC.108(49)); and to report to DE 54.

11.10 The Committee also noted that DE 53, having considered proposals by the United States and Japan on test standards for add-on equipment improving existing equipment approved under resolution MEPC.60(33), agreed to instruct the correspondence group on pollution prevention referred to above to progress the issue.

11.11 As regards the development of guidelines for a shipboard oil waste pollution prevention plan, the Committee noted further that DE 53, recognizing that no documents on the issue had been submitted, agreed to task the correspondence group on pollution prevention referred to above to develop draft Guidelines for a shipboard oil waste pollution prevention plan.

Outcome of FSI 18

11.12 The Committee noted that the eighteenth session of the Sub-Committee on Flag State Implementation (FSI 18) had been held from 5 to 9 July 2010 and its report on that session had been circulated under the symbol FSI 18/20. The matters of interest to the Committee's work were set out in document MEPC 61/11/2 (Secretariat).

11.13 The Committee approved the report of FSI 18 in general and took action on the specific points listed for decision in paragraph 2 of document MEPC 61/11/2 as indicated in the ensuing paragraphs.

11.14 The Committee noted:

.1 the views of FSI 18 on the analysis of consolidated audit summary reports and the time frame to institutionalize the IMO Member State Audit Scheme;

.2 the progress made in the development of a Code for Recognized Organizations; and

.3 the report on the status of the planned outputs, relevant to the Sub-Committee, in the High-level Action Plan for the 2010-2011 biennium and the list of proposed outputs for the 2012-2013 biennium in SMART terms.

11.15 In addition, the Committee:

.1 urged all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318, noting that mandatory reports required under MARPOL are being submitted only by one quarter of the Parties;

.2 endorsed FSI 18's agreement that Member States should populate and maintain current information on their port reception facilities in the Port Reception Facilities Database (PRFD), and also enter, maintain and update their country contact information (both as flag and also as port State) into the GISIS PRFD; and for this purpose endorsed the continued monitoring of the GISIS PRFD, for both population levels and usage, on an as needed basis or on request from the MEPC or from the FSI Sub-Committee as appropriate;

.3 concurred, in connection with work item 5.2 "Revision of the IMO Comprehensive Manual on Port Reception Facilities", that the Manual remained a very useful tool and was in need of updating on the basis of the guidance contained in annex 2 to the correspondence group's report (FSI 18/5). In this respect, the Committee encouraged donations from Member States and NGOs and requested the Technical Co-operation Committee, at its sixty-first session, to include this as a priority item under a Global Programme of the Integrated Technical Co-operation Programme;

.4 in connection with work item 6.1 "Development of Assistance and Training Programme", approved the proposed plan for the strengthening of PRFs, as outlined in annex 3 to the correspondence group's report (FSI 18/5), and requested the Technical Co-operation Committee to include this as a priority theme for the next ITCP biennium 2012-2013;

.5 endorsed FSI 18's agreement that work items 2.1, 3.2, 4.1, 4.2, 4.3, 5.2, and 6.1 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities are completed and therefore that FSI's work on the Action Plan has been satisfactorily finalized;

.6 agreed with FSI 18's conclusion that the Hong Kong Convention already makes adequate provision for the environmentally sound management of all wastes removed from ships at ship recycling facilities, and that, therefore, there is no need to include in all Annexes of MARPOL provisions for waste reception arrangements at ship recycling facilities;

.7 adopted, by resolution MEPC.195(61), the 2010 Guidelines for Survey and Certification of Anti-Fouling Systems on Ships, set out in annex 16;

.8 concurred that the tacit acceptance procedure is the preferred way forward to amend instruments to give mandatory status to the Code for implementation of mandatory IMO instruments and auditing; instructed the Sub-Committee to proceed with the development of texts of amendments; and agreed that each MARPOL Annex should be amended by adding a new chapter to it;

.9 concurred with the view of FSI 18 on the areas of the Code which would need to be amended at this stage; and that any proposals to reduce or expand the scope of the Code should be first submitted by Member Governments to the Committees for consideration; and

.10 approved the Sub-Committee's biennial agenda and the provisional agenda for FSI 19 (see paragraph 20.3).

12 WORK OF OTHER BODIES

Outcome of MSC 87

12.1 The Committee noted that the eighty-seventh session of the Maritime Safety Committee (MSC 87) was held from 12 to 21 May 2010 and its report was circulated under the symbol MSC 87/26 and Adds.1, 2 and 3. The outcome of MSC 87, relevant to the work of the Committee, was summarized in document MEPC 61/12.

12.2 The Committee, recognizing that this document covered numerous issues which were relevant to its work, agreed to note, in general, the outcome of MSC 87 on all issues of relevance to the Committee and to take MSC's action into account, as appropriate, under the relevant items of its agenda.

12.3 The Committee noted that the outcome of MSC 87 on Formal Safety Assessment (FSA), work programmes and provisional agendas of subsidiary bodies together with the application of the Committees' Guidelines would be reported under agenda items 18, 20 and 21, respectively.

12.4 Regarding MSC 87's consideration of the report of the Chairmen's meeting that took place on 15 May 2010, the Committee agreed to take its outcome into account together with the consideration of the outcome of that meeting under agenda item 21 (MEPC 61/21/1).

12.5 The Committee noted also the action taken by MSC 87 on the following topics that relate to matters under its purview:

.1 adoption of the following amendments to mandatory instruments and other new instruments:

.1.1 amendments to chapter II-1 of the 1974 SOLAS Convention (resolution MSC.290(87)) incorporating by reference the International goal-based ship construction standards (GBS) for bulk carriers and oil tankers (resolution MSC.287(87));

.1.2 new SOLAS regulation II-1/3.11 on corrosion protection of cargo oil tanks of crude oil tankers (resolution MSC.291(87)) and the related Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.289(87)); and

.1.3 amendments to the existing mandatory ship reporting system "In the Western European PSSA" (resolution MSC.300(87));

.2 other relevant actions taken by MSC 87:

.2.1 approval, taking into account MEPC 59's concurrent decision, of MSC-MEPC.2/Circ.9 on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs; and

.2.2 approval of MSC.1/Circ.1370 on Guidelines for the design, construction and testing of fixed hydrocarbon gas detection systems required for oil tankers and referred to in the new chapter 16 of the FSS Code.

12.6 Concerning the Role of the Human Element, the Committee noted that MSC 87 had:

.1 approved the report of the Joint MSC/MEPC Working Group which met during MEPC 59;

.2 approved the convening of the Joint IMO/ILO *Ad Hoc* Working Group on Guidelines for medical examination of seafarers leading to the issue of medical certificates and revision of existing Recommendation No. 105 (No. 158) relating to ships' medicine sea chests, with the nomination of Germany, Japan, Liberia, the Marshall Islands, Panama, the Philippines, the United Kingdom and the United States to represent IMO at the first meeting to be held from 5 to 7 October 2010 in Geneva;

.3 agreed, as proposed by the Joint MSC/MEPC Working Group and LEG 96, that there was no need to alter the past practice of establishing *Ad Hoc* Joint IMO/ILO Working Groups when necessary; and

.4 as regards consideration of the human element in the rule-making process, agreed that an appropriate amendment to the Committees' Guidelines would need to be developed at the next session of the Joint MSC/MEPC Working Group to be convened during MSC 88.

12.7 The Committee noted that MSC 87 had approved MSC.1/Circ.1371 on List of Codes, recommendations and other non-mandatory instruments relating to safety and security.

12.8 On the matter of whether to issue a similar MEPC circular listing non-mandatory instruments related to the protection of the marine environment, the Committee, taking into account that the information on the subject is already available in hard copy or electronic format, decided that there was no need to issue such a circular.

Maritime emergencies involving radioactive materials

12.9 The Committee noted that MSC 87 had considered a request by IAEA inviting the Secretariat to collaborate in the preparation of Guidance for coastal States on how to respond to a maritime emergency involving radioactive materials. MSC 87, recognizing the environmental and safety considerations associated with this initiative, noted that the MSC and the MEPC should first agree with the need for the above guidance and, if agreed, involve various technical sub-committees.

12.10 The Committee noted also that MSC 87, having noted that the issue would be further considered at MEPC 61, agreed that the Secretariat should participate in the next IAEA meeting to be held on this matter.

12.11 In this respect, the Committee recalled that it has a history of collaboration with IAEA for the development of guidelines related to the safe carriage of radioactive material and, in particular, that MEPC 39 and MSC 68 had approved the Guidelines for developing shipboard emergency plans for ships carrying materials subject to the INF Code, through the OPRC Working Group and the BLG Sub-Committee; and that these were subsequently adopted by the Assembly at its twentieth session as resolution A.854(20).

12.12 The Committee, noting that the issue was first raised at MEPC 60 following a request by the IAEA Secretariat (MEPC 60/22, paragraphs 7.13 to 7.16), concurred, in principle, with MSC 87's view that the Secretariat should participate in this exercise and requested the Secretariat to ensure that both the safety and preparedness and response

aspects, as they pertain to the protection of the marine environment, are addressed in carrying out this work. The outcome of MSC 88 on the issue would then be considered by MEPC 62 in July 2011.

Outcome of C 104

12.13 The Committee noted that the 104th session of the Council (C 104) was held from 7 to 11 June 2010 and its summary of decisions was issued under the symbol C 104/D and Corr.1; and that matters of interest to the Committee were summarized in document MEPC 61/12/1, including the Council's decisions concerning the report of MEPC 60; Strategy and planning; Voluntary IMO Member State Audit Scheme; World Maritime Day; and report on the status of conventions and other multilateral instruments.

12.14 Regarding the consideration of the report of MEPC 60, the Committee noted that the Council had endorsed:

.1 the Committee's views regarding the definition of "harmful substances" for performance Indicator 8(a). Consequently, it had decided to amend the indicator to read "Tonnes of oil discharged into the sea accidentally from ships subject to IMO instruments" and had agreed that, when the data of NLS discharges becomes available, the Performance Indicator should be modified to address oil and NLS; and

.2 the Committee's approval of planned intersessional meetings in 2010.

12.15 The Committee noted also the decision of C 104 concerning Improving the conduct of IMO meetings with a view to increasing efficiency and effectiveness while also reducing the burden of work.

12.16 The Committee noted, finally, that the Council had decided to transmit the report of MEPC 60 to the twenty-seventh session of the Assembly with its comments and recommendations, in accordance with Article 21(b) of the IMO Convention.

Outcome of TC 60

12.17 The Committee noted that the sixtieth session of the Technical Co-operation Committee (TC 60) was held from 1 to 3 June 2010 and its report had been circulated as document TC 60/13. The main conclusions, decisions and recommendations of interest to the Committee were summarized in document MEPC 61/12/4.

12.18 The Committee noted the content of the document and agreed to take into account all issues related to marine environment protection in this report under agenda item 16 – Technical Co-operation Sub-programme for the Protection of the Marine Environment.

Outcome of the 2010 International Conference on the revision of the HNS Convention

12.19 The Committee noted the outcome of the Conference, as reported in document MEPC 61/12/2, in particular the adoption of the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the carriage of Hazardous and Noxious Substances by Sea, 1996.

12.20 The Committee noted that the Protocol will be open for signature at the Headquarters of the Organization from 1 November 2010 and will remain open for signature until 31 October 2011. Thereafter it will remain open for accession and will enter into

force 18 months after the date on which (1) at least 12 States, including four with not less than 2 million units of gross tonnage, have expressed their consent to be bound by it; and (2) the Secretary-General has received confirmation that those persons in such States who would be liable to contribute have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.

Outcome of the 2010 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

12.21 The Committee noted the outcome of the Conference, as reported in document MEPC 61/12/3, with the adoption of the Manila amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and the Seafarers' Training, Certification and Watchkeeping Code.

12.22 The Committee noted that the Manila amendments are expected to enter into force on 1 January 2012 upon their deemed acceptance on 1 July 2011 in accordance with the provisions of the STCW Convention.

13 STATUS OF CONVENTIONS

13.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection as at 18 June 2010 (MEPC 61/13) as follows:

.1 annex 1 showing the status of the IMO conventions and other instruments relating to marine environment protection;

.2 annex 2 showing the status of MARPOL;

.3 annex 3 showing the status of the amendments to MARPOL;

.4 annex 4 showing the status of the 1990 OPRC Convention;

.5 annex 5 showing the status of the 2000 OPRC-HNS Protocol;

.6 annex 6 showing the status of the 2001 AFS Convention; and

.7 annex 7 showing the status of the 2004 BWM Convention.

13.2 The Committee also noted the following information provided by the Secretariat since document MEPC 61/12 was issued on 18 June 2010:

.1 with regard to annex 2 on the status of the MARPOL Convention:

.1 The Republic of Serbia had deposited its instrument of accession to MARPOL Annex VI on 8 July 2010; and

.2 Malaysia had deposited its instrument of acceptance to MARPOL Annexes III and IV and its instrument of accession to MARPOL Annex VI on 27 September 2010;

.2 with regard to annex 6 on the status of the 2001 AFS Convention:

.1 The Republic of Serbia had deposited its instrument of accession on 8 July 2010;

.2 Finland had deposited its instrument of accession on 9 July 2010; and

.3 Malaysia had deposited its instrument of accession on 27 September 2010; and

.3 with regard to annex 7 on the status of the 2004 BWM Convention:

.1 Croatia had deposited its instrument of accession on 29 June 2010; and

.2 Malaysia had deposited its instrument of accession on 27 September 2010.

14 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS

14.1 The Committee noted that the International Convention on the Control of Harmful Anti-Fouling Systems on Ships had been in force since 17 September 2008 and that, to date, the Convention had 47 Parties, representing 74.40% of the world's gross tonnage. The Committee invited all those States which had not yet ratified this Convention to do so at the earliest opportunity.

14.2 In this connection, the Committee noted that, under agenda item 11 – "Reports of sub-committees", it had adopted the "2010 Guidelines for survey and certification of anti-fouling systems on ships" by resolution MEPC.195(61) (see paragraph 11.15.7).

14.3 The Committee noted the information provided by the observer from IPPIC (MEPC 61/14) in respect of its concerns over the type-approval schemes for anti-fouling paint products by recognized organizations. IPPIC was of the view that type approval for anti-fouling paint products is neither mandated within the AFS Convention nor in the associated Guidelines for survey and, in practice, such pre-qualification is causing confusion and unnecessary bureaucratic and costly burden on the marine industry.

14.4 The observer from IACS made a statement in connection with document MEPC 61/14 as follows:

> "IACS welcomes the opportunity for the Committee to clarify the position regarding the approval of individual systems that are compliant with the requirements of the AFS Convention.
>
> In this regard, IACS would like to confirm its understanding that the type approval of such systems is NOT required either by the provisions of the Convention or its associated Guidelines. Product approvals are only carried out by IACS Members at the EXPLICIT REQUEST of the manufacturers. Any such approvals are NOT carried out on behalf of Administrations. While such product approvals are not REQUIRED by the Convention, IACS does not see that the Convention or its associated guidelines PROHIBIT manufacturers from seeking such product approvals from IACS Members if they so desire."

15 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS

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

15.2 The Committee, noting that no documents had been submitted to the current session, invited Member States and observer organizations to provide information or table proposals under this item to future sessions of the Committee, recognizing its importance for the smooth and co-ordinated implementation of MARPOL and related instruments.

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

16.1 The Committee noted the information provided in document MEPC 61/12/4 on the outcome of TC 60 and documents MEPC 61/16, MEPC 61/16/1, MEPC 61/16/2, MEPC 61/16/3, MEPC 61/INF.15 and MEPC 61/INF.20 on the progress on activities related to protection of the marine environment.

16.2 The Committee noted the information provided by the Secretariat on technical co-operation activities which were implemented during the period from 1 January 2010 to 30 June 2010 under the Integrated Technical Co-operation (ITCP) for the 2010-2011 biennium as well as under the major projects which are financed through external sources. The Committee also noted that during the period under review, the Secretariat had continued to coordinate and manage the activities under the ITCP and major projects and a number of activities had taken place aimed at assisting Member States in the implementation of the provisions of the relevant IMO instruments, including AFS, Ballast Water Management, London Convention, MARPOL, OPRC, OPRC-HNS and Ship Recycling.

16.3 The Committee took note of the information provided in two other relevant documents, namely MEPC 61/INF.15 and MEPC 61/INF.20, submitted by the Commission on the Protection of the Black Sea against Pollution (BSC) and Honduras respectively under agenda item 2 – "Harmful Aquatic Organisms in Ballast Water", which provided the summary of the outcomes of two recently concluded Regional training courses on the implementation of the Ballast Water Management Convention in the respective regions.

16.4 The Committee noted the information provided in document MEPC 61/16/1 which gave a status report on the implementation of the GEF-UNDP-IMO GloBallast Partnerships Project as at 30 June 2010. The Committee took note of the significant progress achieved by the project. The objectives of the project were also supported through activities under the Global Industry Alliance for Marine Biosafety (GIA), which is a public-private sector partnership consisting of four industry members. The Committee noted the information provided in document MEPC 61/16/2 and that most of the activities planned under the GIA were implemented or in the process of being implemented.

16.5 The Committee noted the information provided in document MEPC 60/16/3 which gave a status report on the Organization's planned development of an IMO Model Course on Ship Energy Efficiency Management Plan in promoting the energy-efficient operation of ships through an MoU with the World Maritime University (WMU). This Course will contribute to the IMO's environmental protection goals set out in resolutions A.947(23) and A.998(25) by promulgating industry's "best practices", to reduce greenhouse gas emissions from international shipping.

16.6 The Committee also took note of the ongoing IMO-Oil Industry co-operation within the Global Initiative (GI) and noted the information, with appreciation, that the oil industry, through the Government of France, is providing the services of an Associate Professional Officer who is scheduled to take up the duties at IMO Headquarters in October 2010 to work on the GI-West and Central Africa regional initiative.

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

17 ROLE OF THE HUMAN ELEMENT

17.1 The Committee recalled that MEPC 59 (July 2009) had approved, in general, the report of the Joint MSC/MEPC Working Group on Human Element, which met during MEPC 59. That meeting of the Joint Working Group had finalized the Guidelines on the implementation of the ISM Code by Administrations, which was subsequently adopted by resolution A.1022(26).

17.2 The Committee noted that MSC 87 (May 2010), having noted the decisions taken by MEPC 59, had also approved the report of that meeting of the Joint Working Group (MSC 87/26, paragraph 17.2).

17.3 The Committee noted also that the Joint Working Group, which is scheduled to be reconvened during MSC 88 in December 2010, will consider appropriate amendments to the Committees' Guidelines (MSC-MEPC.1/Circ.2) to take into account the human element in the rule-making process (MSC 87/26, paragraph 17.4). The outcome on the matter, including the decision of MSC 88, will be brought to the attention of MEPC 62.

17.4 Regarding whether to hold the Joint Working Group at MEPC 62, the Committee, having noted that there were already five groups (the maximum number allowed by the Committees' Guidelines) to be established at MEPC 62, requested the MSC to hold the Joint Working Group in 2011. The Chairman of MSC indicated that MSC 88 would consider the request and decide as appropriate.

18 FORMAL SAFETY ASSESSMENT

18.1 The Committee recalled that MEPC 56 in July 2007 had noted that the one matter that needed consideration within the context of the Formal Safety Assessment Guidelines relevant to its work was the draft Environmental Risk Evaluation Criteria. The need was recognized 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 inclusion of such criteria in the IMO FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392, as consolidated in document MSC 83/INF.2).

18.2 The Committee further recalled that MEPC 56 had recognized that environmental risk evaluation criteria are still under development and there was limited experience in their practical application and subsequently had agreed to establish a correspondence group, under the coordination of Greece, to further the work.

18.3 The Committee also recalled that while progress had been made on this subject since MEPC 56 through work carried out by correspondence, MEPC 60, noting that further work was needed on the subject, had established a Working Group on Environmental Risk Evaluation Criteria within the framework of the FSA methodology. In approving the report of the Working Group, MEPC 60 (March 2010) had noted, in particular, the progress made in determining a CATS criterion and 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.

18.4 The Committee noted that six documents had been submitted under this agenda item: MEPC 61/18 (Secretariat), which summarized the progress made at MSC 87 within the context of FSA relevant to the work of the Committee; MEPC 61/18/1 and MEPC 61/INF.11 by the United States, which provided information on the costs of oil spills in the United States; MEPC 61/18/2 (Greece), which built on the analysis to derive the non-linear formulae presented in document MEPC 60/17 (annex 2); MEPC 61/18/3 and MEPC 61/18/4 by Japan, the former summarizing the status of the development of environmental FSA Guidelines, contains a proposal for the methodology of assessing cost-effectiveness of multiple RCOs when applied in combination, and presents Japan's view on the review of an FSA study on crude oil tankers, whilst the latter provides an updated oil spill cost function developed by using combined data of the IOPCF, Norway and the United States.

18.5 The delegation of Norway noted that the regression line in its document MEPC 60/17/1 was put forward as an argument in favour of a fixed value for CATS and not a proposal for a CATS value. It clarified that the regression line represents only the costs for oil that the response authorities managed to clean up and additional cost components are not included.

18.6 In deliberating the issue further, some delegations recalled that the Committee had agreed with the Working Group's proposal at MEPC 60 to use a non-linear volume-dependent function and that the discussion about a fixed unit cost should not be re-opened. In addition, it was noted that the development of global regulations for tanker and bunker spills should be based on reliable and transparent data and that the development of such regulations should be based on all such data to ensure that it reflects the global reality.

18.7 The Committee noted that much effort had been made over the last three years in an attempt to conclude the work and that this work should be retained on the Committee's agenda until it is finalized. On the other hand, the Committee also noted that, for the most part, contributions had originated from the same (four) Member States and that in order to make well founded decisions, data from other Administrations were needed. At the same time, the Committee recognized the urgent need for the work to be completed on environmental risk evaluation criteria for inclusion in the IMO FSA Guidelines.

18.8 The Committee, with a view to progressing the matter and noting the urgent need to complete this work, urged Member Governments/organizations to provide information particularly on the cost of oil spills to ensure that any derived oil spill cost function is representative of oil spill data and agreed to establish a working group at MEPC 62, with a view to concluding the work at that session. The Committee invited the MSC to note the progress to date and the timelines to finalize this work.

19 NOISE FROM COMMERCIAL SHIPPING AND ITS ADVERSE IMPACTS ON MARINE LIFE

19.1 The Committee had before it document MEPC 61/19 (Report of the Correspondence Group) and noted that the Correspondence Group, having conducted a thorough assessment of the existing design and operational modifications and possibilities potentially relevant in the reduction of incidental noise produced by large vessels, agreed that the propeller is the

main source for ship-generated underwater noise. In this regard, the Committee agreed that future research programmes should focus on the propeller and the relationship between cavitation and the cause of underwater sonic energy.

19.2 In this context, the Committee noted that coordinated measurements and applied research along shipping routes may lead to substantial progress in order to identify both the loudest ship types and the noisiest individual ships, as quieting a relatively few of the loudest ships is a potential way to efficiently reduce the overall contribution of shipping noise to the global ocean noise budget. This demand for reliable underwater noise data highlighted the need to develop a definition of an appropriate measuring method for underwater noise of ships (i.e. outcome of ISO/TC8/SC2 and/or new ANSI/ASA standard S12.64-2009/part1) to make sure that reproducible measuring results can be derived.

19.3 In considering the Correspondence Group's recommendations, the Committee agreed that non-binding, technical guidelines and consideration of solutions to reduce the incidental introduction of underwater noise from commercial shipping and, in turn, reduce potential adverse impacts to marine life. Accordingly, the most plausible design and/or retrofit options (propulsion, hull design, onboard machinery and operational modifications) should be assessed by naval architects and engineers. While recognizing that the recommendations are intended primarily for new ships, special consideration should be given to existing ships, depending on the practicality/cost of noise mitigation measures, possible operational modifications should be considered for both new and existing vessels.

19.4 The Committee noted that this assessment should include both the practicality and specific engineering considerations as well as, to the extent possible, economic considerations given these practical design and construction considerations. Given the relatively little attention paid to underwater radiated noise in ship design and construction to this point, the Committee agreed that the primary focus area should clearly be on various aspects of vessel propulsion, followed by hull design, onboard machinery, and (practically speaking) operational measures. It was noted, however, that the optimal quieting strategy for any ship should take into account all four of these subgroups.

19.5 The Committee also agreed that the Correspondence Group's recommendations should be noted by the following organizations:

.1 Governments of Member States (collection and evaluation of existing noise data along shipping routes);

.2 Scientific community (measurements of single ship noise profiles AND collective ship noise contributing to ambient noise levels in specified water bodies, e.g., large scale port based up to small scale ocean based);

.3 Environmental organizations interested in issues relating to underwater noise;

.4 International organizations concerned/interested in issues relating to underwater noise (e.g., the International Whaling Commission, Scientific Committee); and

.5 Marine engineers, naval architects, and vessel owners and operators.

19.6 The Committee, having noted that issues such as "propulsion", "hull design", "onboard machinery" and "operational modifications" relate to ship design and equipment, referred these technical matters to DE 54 under its work programme item concerning the "Protection against noise on board ships", for advice that would be reviewed by the

Correspondence Group. The Committee recognized that while the DE Sub-Committee addresses noise in relation to shipborne personnel, MEPC considers the adverse impact of ships' noise on marine life, the aim of which should be to develop a "guidance document" to be issued as an MEPC circular.

19.7 The Committee, having discussed relevant issues and with a view to making further progress on the matter, decided to re-establish the Correspondence Group, under the leadership of the United States*, and instructed it to:

.1 taking into account advice from DE 54, continue identifying and addressing ways to minimize the introduction of incidental noise into the marine environment from commercial shipping to reduce the potential adverse impact on marine life;

.2 develop, if possible, a first draft of a "Guidance document to reduce the adverse impact of ships' noise"; and

.3 provide a written report to MEPC 62.

20 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Biennial agenda of the BLG Sub-Committee

20.1 The Committee, having noted that MSC 87 (May 2010) had revised and approved the biennial agenda of the BLG Sub-Committee as well as the provisional agenda for BLG 15 (MEPC 61/20), also approved them and requested the Secretariat to inform the MSC accordingly. The biennial agenda of the BLG Sub-Committee and provisional agenda for BLG 15, as approved, are set out in annex 17.

Biennial agenda of the FSI Sub-Committee

20.2 The Committee noted that MSC 87 had approved the biennial agenda of the FSI Sub-Committee. The Committee noted further that, after MSC 87, FSI 18 (5 to 9 July 2010) revised its biennial and post-biennial agendas and the provisional agenda for FSI 19 with a view to their approval by MEPC 61 and MSC 88.

20.3 The Committee, having considered document MEPC 61/20/Add.1 (Secretariat), approved the biennial and post-biennial agendas of the FSI Sub-Committee and the provisional agenda for FSI 19, and requested the Secretariat to inform the MSC accordingly. The biennial and post-biennial agendas of the FSI Sub-Committee and the provisional agenda for FSI 19, as approved, are set out in annex 18.

Items in the biennial agendas of the DE, DSC and NAV Sub-Committees relating to environmental issues

20.4 The Committee noted that MSC 87 had revised and approved the biennial agendas of the DE, DSC and NAV Sub-Committees (MSC 87/26, paragraphs 24.12, 24.28, 24.32 and annex 37).

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20.5 Having considered document MEPC 61/WP.2 (Secretariat), the Committee approved the items related to environmental issues in the biennial agendas of the DE, DSC and NAV Sub-Committees and requested the Secretariat to inform the MSC accordingly. The items related to the work of the Committee on environmental issues in the revised work programme of the DE, DSC and NAV Sub-Committees are set out in annex 19.

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

20.6 The Committee noted that, in accordance with paragraph 9.1 of the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (resolution A.1013(26)), the reports on the status of planned outputs included in the High-level Action Plan and priorities for the 2010-2011 biennium should be prepared in the tabular format set out in annex 3 to the Guidelines and annexed to the report of each session of the sub-committees and the committees and to the biennial report of the Council to the Assembly. Such reports should separately identify unplanned outputs accepted for inclusion in the biennial agendas.

20.7 Having considered document MEPC 61/WP.4 on the status of the planned outputs of the Committee for the 2010-2011 biennium, containing the items related to the work of the Committee and relevant sub-committees listed in resolution A.1012(26), 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 MEPC 61, as set out in annex 20.

Activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies for 2012–2013 biennium

20.8 The Committee recalled that paragraph 2.6 of the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.2) requires that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering the activities, priorities and meeting requirements of their subsidiary bodies over the following two years.

20.9 The Committee recalled further that, in considering the "Outcome of the 2010 Chairmen's Meeting" (MEPC 61/21), it had endorsed the view that the Committee Chairmen should submit their respective joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium at the end of the first year of the biennium, for consideration by the Committee with a view to inclusion in the Secretary-General's relevant budget proposals.

20.10 The Committee noted that, in preparing the activities and priorities of the Committees, the Chairmen had taken into account resolution A.1012(26) on the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium including priorities for specific items, necessary to achieve the strategic objectives in the Strategic Plan for the Organization for the six-year period 2010-2015 (resolution A.1011(26)).

20.11 The Committee further noted that the Chairmen had taken into account the provisions of resolution A.900(21), which set the objectives of the Organization in the 2000s and provided specific directions as to the areas on which the Committees should focus their attention during the current decade as well as the provisions of resolution A.901(21) on IMO and technical co-operation in the 2000s.

20.12 The Committee recalled that MSC 87 had approved, subject to concurrent decision by MEPC 61, the biennial agendas of the sub-committees, including priorities for each output and target completion dates, as shown in annex 37 to the report of MSC 87 (MSC 87/26/Add.3).

20.13 Taking into account the technical workload of the Organization, the priorities assigned by the Assembly in resolution A.1012(26) to subjects for consideration by the MSC and the MEPC and the advice provided by the Chairmen of the sub-committees, the Committee approved, subject to the concurrent decision by MSC 88, the following plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the biennium 2012-2013 for inclusion in the Secretary-General's relevant budget proposals:

Year	MSC	MEPC	BLG	DSC	FP	FSI	COMSAR	NAV	DE	SLF	STW	Total
2012	3	2	1	1	1	1	1	1	1	1	1	14
2013	1.5	1	1	1	1	1	1	1	1	1	1	11.5
Grand total (weeks)												25.5

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

20.14 The Committee approved the items to be included in the agendas for MEPC 62, MEPC 63 and MEPC 64, as set out in annex 21.

Dates for MEPC 62, MEPC 63 and MEPC 64

20.15 The Committee noted that MEPC 62 would be held from 11 to 15 July 2011 and that MEPC 63 and MEPC 64 were tentatively scheduled to be held in March 2012 and October 2012, respectively.

Working/review/drafting groups at MEPC 62

20.16 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 62:

.1 Working Group on GHG Issues;

.2 Working Group on Guidelines for Ship Recycling;

.3 Working Group on Environmental Risk Evaluation Criteria;

.4 Drafting Group on Amendments to Mandatory Instruments; and

.5 Ballast Water Review Group.

Correspondence Groups

20.17 The Committee agreed to establish the following intersessional correspondence groups, which would report to MEPC 62, unless otherwise specified:

.1 Correspondence Group on Development of Ship Recycling Guidelines;

.2 Correspondence Group on Noise from Commercial Shipping and Adverse Impacts on Marine Life;

.3 Correspondence Group on Energy Efficiency Measures for Ships;

.4 Correspondence Group on the Assessment of Availability of Fuel Oil under MARPOL Annex VI; and

.5 Correspondence Group on the Review of Guidelines for the Implementation of MARPOL Annex V.

Intersessional meetings

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

.1 OPRC/HNS Technical Group, to be held in the week before MEPC 62 in July 2011, which should report to MEPC 62;

.2 ESPH Working Group to be held from 18 to 22 October 2010 and another intersessional meeting to be held in 2011; and

.3 Working Group on GHG Emissions from Ships (GHG-WG 3), to be held in the spring of 2011, which should report to MEPC 62.

21 APPLICATION OF THE COMMITTEES' GUIDELINES

21.1 The Committee recalled that MEPC 60, noting that the Secretariat in consultation with the MSC and MEPC Chairmen, had prepared the draft revised Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (hereinafter referred to as the "Committees' Guidelines") for consideration by MSC 87 (MSC 87/23), agreed to consider the matter at MEPC 61 with a view to approval, taking into account the decision of MSC 87 and the recommendations of the Chairmen's Meeting scheduled to take place during MSC 87.

21.2 The Committee noted that the 2010 Chairmen's Meeting was held on 15 May 2010 during MSC 87, which considered three main issues, namely, revision of the Committees' Guidelines; matters related to the Migration Plan for the implementation of the "Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization" (resolution A.1013(26)); and status of planned outputs for the 2010-2011 biennium.

Draft revised Committees' Guidelines

21.3 Having considered the outcome of the 2010 Chairmen's Meeting (MEPC 61/21) and the decision of MSC 87 on the revision of the Committees' Guidelines (MEPC 61/21/1), the Committee noted that MSC 87 had endorsed the recommendations emanating from the 2010 Chairmen's Meeting and took action as outlined in the subsequent paragraphs.

21.4 The Committee noted that the 2010 Chairmen's Meeting, having considered the draft revised Committees' Guidelines (MSC 87/23, annex 1), had agreed to a number of modifications, as set out in annex 3 to document MSC 87/WP.9 and reproduced in document MEPC 61/21/1. The Committee agreed to these modifications.

21.5 The Committee also endorsed the recommendations of the 2010 Chairmen's Meeting on the revised Committees' Guidelines (paragraphs 6.1 to 6.10 of document MEPC 61/21) and requested the Secretariat to take action accordingly.

21.6 The Committee noted that MSC 87, having considered document MSC 87/17/3 (INTERTANKO and ITF), which proposed to incorporate the human element principles into the Committees' Guidelines, agreed that an appropriate amendment to the Committees'

Guidelines would need to be developed at the next session of the Joint MSC/MEPC Working Group on the Human Element, scheduled to be convened during MSC 88. The Committee, having considered the proposed amendments also contained in document MEPC 61/21/2 (INTERTANKO and ITF), agreed with the proposal in principle, subject to further text adjustment and final decision at MSC 88.

21.7 In respect of the issue of new work items for the Committees and, in particular, for sub-committees (MEPC 59/21/1, annex 3), the Committee noted that MSC 87, having considered document MSC 87/23/2 (Cook Islands, *et al.*), which proposed an alternative text to introduce flexibility and to substantiate reference material with regard to the need or compelling need at the subsidiary body's level, had requested the Secretariat to prepare draft amendments to the Committees' Guidelines to capture the essence of the alternative text in document MSC 87/23/2, and to propose any other editorial improvements, for consideration at MEPC 61 and MSC 88.

21.8 The Committee, having considered the draft amendments to paragraphs 4.23 and 4.24 of the revised Committees' Guidelines, as shown in the annex to document MEPC 61/WP.6 (Secretariat), agreed to these amendments, subject to concurrent decision by MSC 88.

21.9 The Committee noted that the Council, at its 104th session in June 2010, approved the recommendations on improving the conduct of IMO meetings so as to increase efficiency and effectiveness, while also reducing the growing burden of work, made by the *Ad Hoc* Council Working Group on the Organization's Strategic Plan (CWGSP). In the context of the Committees' Guidelines, the Committee noted that the Council had adopted the following measures concerning IMO documentation:

.1 documents, other than information documents, which contain more than 20 pages, will, in future, not be translated into all working languages in their entirety. They should include, for translation purposes, a summary of the document not longer than four pages, with the remaining content submitted as an annex in one of the three working languages; and

.2 to save meeting time, information documents and documents requiring no action other than for their contents to be noted, will not be introduced in the plenary meetings of any IMO organ.

21.10 Having considered the draft amendments to paragraphs 6.3, 6.9 and 6.10 of the revised Committees' Guidelines in light of the above Council decisions (MEPC 61/WP.6, annex), the Committee agreed to these amendments, subject to concurrent decision by MSC 88.

21.11 Having taken the above decisions, the Committee considered and approved a revised text of the Committees' Guidelines, as set out in annex 22, subject to concurrent decision by MSC 88.

21.12 The Committee invited Member Governments to use the draft revised Committees' Guidelines when submitting proposals for new outputs, pending final approval of the Guidelines by MSC 88.

Sub-Committees' biennial agenda for the 2012-2013 biennium

21.13 The Committee agreed that subsidiary bodies should prepare their respective biennial agendas for the next biennium at their forthcoming sessions, in accordance with the revised Committees' Guidelines, taking into account that:

.1 outputs selected for the biennial agenda should be phrased in specific, measurable, achievable, realistic, time-bound (SMART) terms; and

.2 where the target completion year for a specific output goes beyond the 2012-2013 biennium, an interim output should be placed in the biennial agenda with a target completion year of 2012 or 2013, as appropriate, and a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year.

21.14 The Committee requested the Secretariat to prepare, in consultation with the Chairmen, the initial proposals for consideration by the sub-committees. Following a suggestion by the delegation of the Netherlands, the Committee agreed that the outputs selected for the biennial agenda of the Committee should also be phrased in SMART terms.

Committee's High-level Action Plan for the 2012-2013 biennium

21.15 The Committee, having noted that the *Ad Hoc* Council Working Group on the Organization's Strategic Plan had developed the Migration Plan relating to the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (C/ES.25/3, annex 3) with a view towards achieving full implementation of the aforementioned Guidelines by the beginning of the 2012-2013 biennium, agreed to prepare its proposals for the High-level Action Plan for the 2012-2013 biennium for submission to C.ES/26 and requested the Secretariat to take action accordingly.

New GISIS module on organizational planning

21.16 The Committee noted the information on the development of a new Global Integrated Shipping Information System (GISIS) module on organizational planning for use by the Secretariat, in consultation with all Chairmen and Vice-Chairmen, to support the new strategic planning process, in accordance with paragraph 2.2.4 of the Migration Plan. The new GISIS module would be fully operational by 1 January 2012.

22 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2011

22.1 In accordance with rule 17 of the Rules of Procedure, the Committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman, and Captain Manuel Nogueira (Spain) as Vice-Chairman, both for 2011.

23 ANY OTHER BUSINESS

23.1 The Committee noted that there were no submissions under this agenda item.

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ANNEX 1

RESOLUTION MEPC.192(61)

Adopted on 1 October 2010

2010 GUIDELINES FOR MONITORING THE WORLDWIDE AVERAGE SULPHUR CONTENT OF FUEL OILS SUPPLIED FOR USE ON BOARD SHIPS

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that revised MARPOL Annex VI entered into force on 1 July 2010,

RECALLING FURTHER resolution MEPC.183(59) by which the Committee adopted the 2009 Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use on board ships,

NOTING that regulation 14.2 of the revised MARPOL Annex VI requires monitoring of the worldwide average sulphur content of residual fuel oil supplied for use on board ships, taking into account guidelines developed by the Organization,

RECOGNIZING the need to revise the 2009 Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use on board ships, to expand the monitoring programme to all petroleum fuel types covered by the revised MARPOL Annex VI,

HAVING CONSIDERED the 2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships prepared by the Sub-Committee on Bulk Liquids and Gases at its fourteenth session,

1. ADOPTS the 2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships, as set out in the Annex to the present resolution;

2. URGES Member Governments and interested organizations to make available the resources and expertise necessary for the implementation of the Guidelines from 1 January 2011; and

3. REVOKES the Guidelines adopted by resolution MEPC.183(59), as from this date.

ANNEX

2010 GUIDELINES FOR MONITORING THE WORLDWIDE AVERAGE SULPHUR CONTENT OF FUEL OILS SUPPLIED FOR USE ON BOARD SHIPS

Preface

1 The primary objective of the Guidelines is to establish an agreed method to monitor the average sulphur content of fuel oils supplied for use on board ships taking into account the different sulphur limits as required by regulation 14 of the revised MARPOL Annex VI.

Introduction

2 The basis for these Guidelines is provided in regulation 14.2 of the revised Annex VI of MARPOL and in Conference Resolution 4 (in MP/CONF.3/35), on monitoring the worldwide average sulphur content of residual fuel supplied for use on board ships, and document MEPC 59/24. Among the emissions addressed by Annex VI are emissions resulting from the combustion of fuel oils containing sulphur. An upper limit for the sulphur content of fuel oils was set and it was further decided to monitor the average sulphur content of fuel oils. Monitoring of the worldwide average sulphur content of distillate fuel supplied for use on board ships is not specified in regulation 14.2 of the Annex VI. However, in the meantime, it was agreed to monitor the average sulphur content of distillate fuel.

3 The independent testing companies analyse over 100,000 samples annually, which cover between 25% and 35% of all deliveries. From the data gathered by these testing services, the current average figures for the sulphur content of residual fuels can be derived. These figures are publicized regularly and are currently in the order of 2.4% by mass[1].

Definitions

4 For the purpose of these Guidelines the following definitions should apply:

.1 *Residual fuel*:

Fuel oil for combustion purposes delivered to and used on board ships with a kinematic viscosity at 40˚C greater than 11.00 centistokes[2] (mm^2/s).

.2 *Distillate fuel*:

Fuel oil for combustion purposes delivered to and used on board ships with a kinematic viscosity at 40˚C lower than or equal to 11.00 centistokes[2] (mm^2/s).

.3 *Provider of sampling and testing services*:

A company that, on a commercial basis, provides testing and sampling services of bunker fuels delivered to ships for the purpose of assessing quality parameters of these fuels, including the sulphur content.

[1] See document MEPC 61/4.

[2] Reference is made to ISO Standard 8217, 2010.

.4 *Reference value A_{wr}*:

The value of the worldwide average sulphur content in residual fuels supplied for use on board ships, based on the first three years of data collected and as determined on the basis of paragraphs 5 to 11 of these Guidelines.

.5 *Reference value A_{wd}*:

The value of the worldwide average sulphur content in distillate fuels supplied for use on board ships, based on the first three years of data collected and as determined on the basis of paragraphs 5 to 11 of these Guidelines.

Monitoring and calculation of yearly and three-year rolling averages

Monitoring

5 Monitoring should be based on calculation of average sulphur content of residual and distillate fuels on the basis of sampling and testing by independent testing services. Every year the average sulphur content of residual and distillate fuels should be calculated. After three years the reference value for monitoring will be set as described in paragraph 11.

Calculation of yearly averages

6 At the basis of monitoring is the calculation, on an annual basis, of the average sulphur content of residual and distillate fuel.

7 The calculation of the average sulphur content is executed as follows:

For a certain calendar year, the sulphur contents of the samples analysed[3] (one sample for each delivery of which the sulphur content is determined by fuel oil analysis) are recorded. The sulphur contents of the samples analysed are multiplied by the corresponding mass of fuel oils added up and then divided by the total mass of bunker analysed. The outcome of that division is the average sulphur content of residual and distillate fuels for that year.

8 As a basis for well-informed decisions a graphical representation of the distribution of the global sulphur content plotted against the quantity of fuel oils associated with each incremental sulphur content range should be made available by 31 January of each year:

.1 residual fuels: in terms of the % sulphur in increments of 0.5% sulphur;

.2 distillate fuel for sulphur content below 0.5%: in terms of the % sulphur in increments of 0.1%; and

.3 distillate fuels for sulphur content above 0.5%: in terms of the % sulphur in increments of 0.5%.

9 The mathematical formula for the method of calculation described is given in the appendix to these Guidelines.

[3] Reference is made to ISO Standard 8754, 2003.

Three-year rolling average

10 A three-year rolling average should be calculated as follows:

$A_{cr} = (A_{c1} + A_{c2} + A_{c3})/3$

in which:

A_{cr} = rolling average S-content of all deliveries tested over a three-year period

A_{c1}, A_{c2}, A_{c3} = individual average S-contents of all deliveries tested for each year under consideration

A_{cr} is to be recalculated each year by adding the latest figure for A_c and deleting the oldest.

For the calculation of yearly average of distillate fuels, any fuel oils less than 0.05% of sulphur should be calculated as 0.03%.

Setting of the reference values

11 The reference value of the world wide average sulphur content of residual and distillate fuels supplied for use on board ships should be A_{wx}, where x=r, r_{ECA}, d, d_{ECA} and $A_{wx} = A_{cr}$ as calculated in January of the year following the first three years in which data were collected on the basis of these Guidelines. A_w should be expressed as a percentage.

Providers of sampling and testing services

12 There are presently three providers of sampling and testing services under these Guidelines.

13 Any additional providers of sampling and testing services will be approved by the MEPC in accordance with the following criteria:

.1 be subject to the approval of the Marine Environment Protection Committee, which should apply these criteria;

.2 be provided with a technical and managerial staff of qualified professionals providing adequate geographical coverage and local representation to ensure quality services in a timely manner;

.3 provide services governed by a documented Code of Ethics;

.4 be independent as regards commercial interest in the outcome of monitoring;

.5 implement and maintain an internationally recognized quality system, certified by an independent auditing body, which ensures reproducibility and repeatability of services which are internally audited, monitored and carried out under controlled conditions;

.6 take a significant number of samples on an annual basis for the purpose of globally monitoring average sulphur content of residual and distillate fuels.

Standardized method of calculation

14 Each of the providers of sampling and testing services should provide the necessary information for the calculation of the average sulphur content of the residual and distillate fuels to the Secretariat of IMO or another agreed third party on the basis of a mutually agreed format, approved by MEPC. This party will process the information and will provide the outcome in the agreed format to MEPC. From the viewpoint of competitive positions the information involved should be considered sensitive.

APPENDIX

CALCULATION OF AVERAGE SULPHUR CONTENT BASED ON QUANTITY

Note: wherever "all deliveries" are mentioned, this is meant to refer to all deliveries sampled and tested for sulphur and being taken into account for the purpose of monitoring.

Calculation weighted for quantity

$$Acj = \frac{\sum_{i=1}^{i=N_j} a_i \cdot m_i}{\sum_{i=1}^{i=N_j} m_i}$$

in which:

A_{cj} = the average sulphur content of all deliveries sampled worldwide in year j

a_i = the sulphur content of individual sample for delivery i

N_j = total number of samples taken in year j

m_i = the mass of fuel oils with a sulphur content of a_i.

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ANNEX 2

DRAFT AMENDMENTS TO REGULATIONS 13 AND 14 AND APPENDIX VII OF THE REVISED MARPOL ANNEX VI

1 Paragraph 6 of regulation 13 is amended as follows:

"6 For the purpose 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;

.2 the United States Caribbean* sea area, which means the area 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."

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(a)(f) of Annex V;

.2 the North American area as described by the coordinates provided in Appendix VII to this annex;

.3 the United States Caribbean sea area as described by the coordinates provided in Appendix VII to this annex; and

.4 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 Appendix VII is amended as follows:

"***Appendix VII***
Emission Control Areas
(regulation 13.6 and regulation 14.3)

.1 The boundaries of emission control areas designated under regulations 13.6 and 14.3, other than the Baltic Sea and the North Sea areas, are set forth in this appendix.

.2 (Existing text for the North American area)

* The term "U.S. Caribbean" includes only waters adjacent to the United States.

.3 The United States Caribbean sea area includes:

.1 the sea area located off the Atlantic and Caribbean coasts of the Commonwealth of Puerto Rico and the United States Virgin Islands, enclosed by geodesic lines connecting the following coordinates:

POINT	LATITUDE	LONGITUDE
1	17º 18′ 37″ N.	67º 32′ 14″ W.
2	19º 11′ 14″ N.	67º 26′ 45″ W.
3	19º 30′ 28″ N.	65º 16′ 48″ W.
4	19º 12′ 25″ N.	65º 6′ 8″ W.
5	18º 45′ 13″ N.	65º 0′ 22″ W.
6	18º 41′ 14″ N.	64º 59′ 33″ W.
7	18º 29′ 22″ N.	64º 53′ 51″ W.
8	18º 27′ 35″ N.	64º 53′ 22″ W.
9	18º 25′ 21″ N.	64º 52′ 39″ W.
10	18º 24′ 30″ N.	64º 52′ 19″ W.
11	18º 23′ 51″ N.	64º 51′ 50″ W.
12	18º 23′ 42″ N.	64º 51′ 23″ W.
13	18º 23′ 36″ N.	64º 50′ 17″ W.
14	18º 23′ 48″ N.	64º 49′ 41″ W.
15	18º 24′ 11″ N.	64º 49′ 0″ W.
16	18º 24′ 28″ N.	64º 47′ 57″ W.
17	18º 24′ 18″ N.	64º 47′ 1″ W.
18	18º 23′ 13″ N.	64º 46′ 37″ W.
19	18º 22′ 37″ N.	64º 45′ 20″ W.
20	18º 22′ 39″ N.	64º 44′ 42″ W.
21	18º 22′ 42″ N.	64º 44′ 36″ W.
22	18º 22′ 37″ N.	64º 44′ 24″ W.
23	18º 22′ 39″ N.	64º 43′ 42″ W.
24	18º 22′ 30″ N.	64º 43′ 36″ W.
25	18º 22′ 25″ N.	64º 42′ 58″ W.
26	18º 22′ 26″ N.	64º 42′ 28″ W.
27	18º 22′ 15″ N.	64º 42′ 3″ W.
28	18º 22′ 22″ N.	64º 40′ 60″ W.
29	18º 21′ 57″ N.	64º 40′ 15″ W.
30	18º 21′ 51″ N.	64º 38′ 23″ W.
31	18º 21′ 22″ N.	64º 38′ 16″ W.
32	18º 20′ 39″ N.	64º 38′ 33″ W.
33	18º 19′ 15″ N.	64º 38′ 14″ W.
34	18º 19′ 7″ N.	64º 38′ 16″ W.
35	18º 17′ 23″ N.	64º 39′ 38″ W.
36	18º 16′ 43″ N.	64º 39′ 41″ W.
37	18º 11′ 33″ N.	64º 38′ 58″ W.
38	18º 3′ 2″ N.	64º 38′ 3″ W.
39	18º 2′ 56″ N.	64º 29′ 35″ W.
40	18º 2′ 51″ N.	64º 27′ 2″ W.
41	18º 2′ 30″ N.	64º 21′ 8″ W.
42	18º 2′ 31″ N.	64º 20′ 8″ W.
43	18º 2′ 3″ N.	64º 15′ 57″ W.
44	18º 0′ 12″ N.	64º 2′ 29″ W.
45	17º 59′ 58″ N.	64º 1′ 4″ W.
46	17º 58′ 47″ N.	63º 57′ 1″ W.
47	17º 57′ 51″ N.	63º 53′ 54″ W.
48	17º 56′ 38″ N.	63º 53′ 21″ W.
49	17º 39′ 40″ N.	63º 54′ 53″ W.
50	17º 37′ 8″ N.	63º 55′ 10″ W.
51	17º 30′ 21″ N.	63º 55′ 56″ W.
52	17º 11′ 36″ N.	63º 57′ 57″ W.
53	17º 4′ 60″ N.	63º 58′ 41″ W.
54	16º 59′ 49″ N.	63º 59′ 18″ W.
55	17º 18′ 37″ N.	67º 32′ 14″ W.

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ANNEX 3

STATEMENTS BY DELEGATIONS ON MATTERS OF PRINCIPLE OR POLICY CONCERNING REDUCTION OF GHG EMISSIONS FROM SHIPS

(Listed in the order of interventions)

Statement by the Delegation of China

The Chinese delegation is glad to see Mr. Chairman continuing to chair this session. We believe that under your leadership and guidance, positive results are to be achieved from this session. The Chinese delegation will sincerely support your work and will participate in the discussion with positive and constructive attitude so that we can contribute our share to the meeting.

Before going into detailed discussion of the items in this agenda, please allow me to express our appreciation to IMO for its achievements in the field of GHG reduction. Ever since the inception of IMO, it has made great contribution to the sustainable development of world shipping, safety and technical progress. The Chinese government is satisfied with the progress in this regard.

However, IMO, a technical organization, is not a political organization. The issue of GHG emission is not a sheer technical or environmental issue. It is now a political agenda item that attracts great attention from all counties. Therefore, to solve this problem demands co-efforts from all the countries in the world; moreover, it requests the countries to show their political willingness to make a political decision. This is also the direction the United Nations Framework Convention in Climate Change (UNFCCC) is going.

Of course, in this respect, IMO can contribute through its active efforts via technical measures such as improving energy efficiency to reduce the emission of GHG from shipping. Nevertheless, we need to make it clear that the efforts by IMO in this regard should be constrained on providing technical standards and technical support. IMO's efforts should not go beyond its mandate and responsibility. To request Member States to make political commitment to cut GHG emission or make global economic policy are efforts that go beyond its mandate. Otherwise, a serious internal conflict and split will be caused inside IMO, jeopardizing the effective role IMO plays in relevant issues.

Mr. Chairman, by taking this opportunity, I would like to reiterate the Chinese government's principle position on this issue.

.1 Oppose IMO's application of "non-discrimination" principle on shipping GHG reduction for the following reasons:

- The principle of "common but differentiated responsibilities" is a corner stone of UNFCCC, and is also a consensus of the international community in dealing with GHG reduction. According to Article 2.2 of the Kyoto Protocol, the parties included in Annex 1 of UNFCCC shall pursue limitation or reduction of emission of GHG from international shipping by working through the IMO. The protocol set no responsibility for developing countries on shipping emission reduction.

- The principle of "non-discrimination", which directly denies the principle of "common by differentiated responsibilities", fails to mention

developed countries' responsibilities in terms of financial, technical and capacity building support and will weaken developing countries' capacity in addressing climate change and seriously constrain their development in international shipping, trade and economy.

- Emission reduction measures under the principle of "non-discrimination" will create a precedent of sector emission reduction in "no differentiated' mode and compulsory reduction for developing countries. This will severely threaten the main-channel position of UNFCCC and the Kyoto Protocol and ruin the atmosphere for the international negotiation and cooperation on climate change.

Therefore, China proposes:

- IMO should fully respect developing countries' right to development. In accordance with principles and regulations of UNFCCC and its Kyoto Protocol, IMO should strive for technical solutions which comply with the principle of "common but differentiated responsibilities".

.2 Oppose to include EEDI, EEOI and SEEMP into Annex VI of MARPOL for compulsory application for the following reasons:

- These technical measures are not mature. Some key technologies are still under development and verification. Besides, there are still tremendous differences between parties on some key issues.

- These technical measures do not embody the principle of "common but differentiated responsibilities", and will create a precedent of sector emission reduction and compulsory emission reduction for developing countries.

- CO_2 and other GHGs are not air pollutants. Therefore, including them in Annex VI of MARPOL is not consistent with MARPOL's purposes, objectives, and scope of application, which will also cause major difficulties for most parties in their domestic legislation.

- The present drafts set no clear provisions on developed countries' responsibility of providing financial, technical and capacity building support to developing countries.

Therefore, China suggests:

- At present, EEDI and other technical measures should remain under voluntary application or only be compulsory to developed countries. Discussions on compulsory application may proceed when the technical solutions are mature.

- If these measures are to be compulsory in the future, a new treaty or a new MARPOL protocol should be developed in order to solve the CO_2 issue. The new legal document should set clear provisions on developed countries' responsibility of providing financial, technical and capacity building support to developing countries.

.3 IMO should only study the methodology and operational feasibility on MBMs for the following reasons:

- MBMs will pose significant impacts on countries' economy, trade and social development and go far beyond the mandate of IMO as a sector technical organization.

- The Conference of Parties (COP) to the UNFCCC and its Kyoto Protocol are now discussing basic principles and key elements of MBMs and tremendous differences still exist among the parties. Before COP reaches consensus on the issues mentioned above, IMO should not hasten to make its decisions on this.

- At present, most of the proposal on MBMs are submitted by developed countries, and do not embody or reflect the principle of "common but differentiated responsibilities" and developing countries' interests and concerns. These proposals, to some extent, will have negative impacts on international competitiveness of export goods and foreign trade of developing countries, which will also constrain their development in international shipping, trade and economy.

Therefore, China proposes:

- The basic principles and key elements of the MBMs should be determined by the Conference of Parties of UNFCCC and the Kyoto Protocol. IMO, following the decision thus reached, should focus on the issue of methodology and operational feasibility.

- Whatever MBM is to be developed, it should bring no extra financial responsibility for developing countries and should aim at promoting technical progress and sustainable development in international shipping.

- Any funds gathered from any MBM should be used in the shipping sector and should be only provided to developing countries to support the development of their shipping industry.

Mr. Chairman, the Chinese delegation will attend the discussion with the aforementioned principles. We are also very willing to exert efforts with other countries to ensure a meaningful outcome from this session.

Statement by the Delegation of India

The delegation of India takes cognizance of the importance given by the International Maritime Organization (IMO) and the Secretary-General to identifying and developing the technical measures needed to achieve reduction of emissions from international shipping.

The issue of a long-term stabilization goal cannot be separated from the issue of sharing the carbon space and ensuring equitable burden sharing including taking into account historical cumulative emissions, per-capita emissions and the developmental needs of developing countries, and must also be guided by Article 2 of the UNFCCC in its entirety. In this context common and differentiated responsibilities is critical and needs to be respected both in letter and spirit.

India regularly faces extreme vagaries of climate and our Government spends annually around 2.63% of our GDP on the development of schemes and programmes with a strong adaptation context. We are therefore, very conscious that anthropogenic climate change on top of naturally variable and extreme conditions would have major consequences for us and that we need to take urgent action to cope with these adverse impacts.

Sir, the entire structure of the UNFCCC and Kyoto Protocol is driven by a need to equitably address climate change given the non-level sharing of the available environmental space by the developed and developing countries. Thus, it is not compatible to now use the argument of "no more favourable treatment" to detract from specific commitments necessary for Annex I countries to address the challenge of climate change.

Our specific comments with GHG related issues are as follows:

.1 Technical and Operational Measures:

- We are supportive of any initiative for energy efficiency measures as long as it is voluntary at this stage, for developing countries.

- As a developing country, India would not like to have any agreement which will impact on our basic principle of CBDR and have an adverse impact on our developmental need and which varies from the policy of common but differentiated responsibility with respect to GHG Emissions.

.2 We can support the idea of Energy Efficiency Design Index as long as it is voluntary. It is felt that the development of a CO_2 design index at MEPC 61 is being done in a undue haste. It is feared that the formula for how a ship's design is optimized to reduce CO_2 emission could end up missing key elements. We are lacking past data to assess the design index as such the prescriptive design may not be well founded.

- We would support Energy Efficiency Management Plan for all ships on a voluntary basis to achieve lower fuel consumption and economic benefit.

.3 With respect to the specific proposal to include legislative measures as a part of MARPOL Convention, we are of the view that it is not the correct legal instrument.

Mr. Chairman, we have gone through this process earlier also in this Committee while formulating legislations for controlling transfer of harmful aquatic organisms and pathogens through ships' ballast water. We finally decided to make stand alone Convention since we realized the purpose and structure of MARPOL Convention were not suitable. Similar deliberation has taken place while developing legislation for Ship Recycling and most recently bio-fouling.

The purpose and structure of MARPOL Convention is unsuitable for enhancing energy efficiency measures of ships, i.e. EEDI and SEEMP.

.1 We shall give some examples by quoting from MARPOL Convention and its Articles:

- The Convention begins by stating that The Parties to the Convention "Recognizing that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution" and again goes on to state "Desiring to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances". Such statements do not fit with energy efficiency measures that the proponents are desirous of making mandatory like EEDI and SEEMP.

- Article 1 – General obligations under the convention at paragraph 1 states as follows:

  "The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention." This statement also does not fit with energy efficiency measures that we wish to mandate like EEDI and SEEMP.

Mr. Chairman, we are afraid that this undue haste to bring in mandatory legal requirement for EEDI and SEEMP as a part of MARPOL Convention, would cause potential complication and confusion.

We must be careful in ensuring fitness of MARPOL Convention for the purpose and are of the strong view that it is not the appropriate one for addressing the GHG issue.

Statement by the Delegation of Brazil

This delegation fully supports the views just expressed by the distinguished delegate of China.

As stated on prior occasions, Brazil cannot accept the inclusion of energy efficiency measures in MARPOL Annex VI, as the Annex addresses air pollution, and not all gases responsible for global warming can be considered as such.

Besides, even if Annex VI were the appropriate Annex for regulating these emissions, decisions on applicability should be subordinate to UNFCCC results.

If these measures are to become mandatory, we would agree with the Chinese position, which states that a new instrument should be developed in order to solve the GHG issue. Said new instrument should clearly establish the responsibility on the part of developed countries to provide financial, technical, and capacity-building support to developing countries.

We also agree that IMO should, for the time being, concentrate on further researching methodologies and operational feasibility relating to MBMs.

It is our position that the basic principles of MBMs must fully uphold the principles and provisions of the UNFCCC and its Kyoto Protocol, particularly the principle of "common but differentiated responsibilities".

As you know, Mr. Chairman, IMO is part of the UN System, as is the UNFCCC. When dealing with issues that fall within the sphere of more than one UN body, all their principles must be fully respected and followed. Otherwise, we would be inflicting a serious breach onto international law.

Statement by the Delegation of the Bolivarian Republic of Venezuela

Once again, the Bolivarian Republic of Venezuela reiterates its firm willingness to work with others in support of any initiative attempting to find a solution to a critical matter that affects us all, namely climate change. We are fully aware of our responsibility in relation to the Herculean task of finding solutions that will enable us to ensure an environment fit for future generations, just as we are also conscious of the considerable work that IMO has done to promote this cause.

However, we are seriously concerned that IMO is advancing with measures which, in addition to technical approval, also require political consensus, and thus we fully support the position expressed by the delegation of China, for the following reasons:

.1 Firstly, we agree that whatever measure is adopted by this Committee, and ultimately by the Organization, it must comply with the principle of "common but differentiated responsibilities", a key principle of the UNFCCC and of the Kyoto Protocol. None of the proposed measures would permit compliance with this principle. On the contrary, they would be mandatory worldwide, a factor which, in our opinion, would affect the negotiations now taking place in the context of applying the above-mentioned Convention and Protocol; these measures are potentially contrary to the spirit and purpose of those instruments.

.2 Secondly, regarding energy efficiency measures, we subscribe to the opinion that they are not yet fully mature. We also agree that using MARPOL Annex VI is not the most appropriate way to implement these measures because, once fully developed, they would have to be implemented through a new instrument.

.3 Finally, concerning what has been said about market-based measures, we agree that the basic principles and key elements for their application must be determined in the first instance by the Conference of the Parties to the UNFCCC and the Kyoto Protocol, after which IMO would decide how to apply them from the methodological and operational viewpoints in the context of the global shipping industry.

Statement by the Delegation of Saudi Arabia

The delegation of Saudi Arabia fully supports the view of the delegation of China and endorsed by India, Brazil and Venezuela, and other countries that associated themselves with that delegation.

Statement by the Delegation of Malaysia

Malaysia would like to thank all the parties involved in the Expert Group, for their tremendous effort shown within the limited time given. The Malaysian delegation has given full consideration to the proposal. We remain firm that it is unnecessary to have another instrument/measure to reduce GHG other than through the technical and operational measures. The Malaysian delegation is committed to support any technical and operational initiative to be mandatory, when the standard is clear and implementation is practical.

Further, none of the market based instrument provides proficient deliberation or address over the fund mechanism or even the common but differentiated responsibility (CBDR) issue.

We reaffirm our position, that those MBM initiatives should not be discussed within IMO. Contrary to the arguments of some countries, we cannot agree that any discussion on MBM be kept separate from UNFCCC or the Kyoto Protocol.

In regards to the submission by the delegation of the Bahamas (MEPC 60/4/10) we share the same concern as the Bahamas.

MBM should be deliberated/implemented through IMO as they should be discussed in totality, involving all sectors.

We are concerned about environment and there is a continuous plan that concerns all sectors.

This delegation would also like to express their concern regarding the technical and operational measures.

On one hand the technical and operational measures are considered the most effective/ practical way to reduce GHG, but on the other hand these measures involve a big investment.

Regarding the technical and operational measures being mooted by IMO, we are prepared to go along with the development of technical and operational measures within the auspices of IMO. We are even prepared to explore making these mandatory once the standards are clear and the implementation plan is reasonable and realistic. Any implementation plan should provide support where there are huge financial implications. We agree with China. These should not be placed under MARPOL Annex VI and there should preferably be a new instrument as we cannot equate CO_2 as pollutants. We may consider a new MARPOL Protocol as suggested by some countries.

Lastly, we would like to associate ourselves with the statements from the distinguished delegates of China, India, Brazil, Venezuela, Saudi Arabia and the long list of other States.

Statement by the Delegation of Qatar

Qatar, as a developing country, fully understands and supports the position of China, Saudi Arabia, India, Venezuela, Brazil and other delegations on the same line, due to the following reasons:

Qatar believes that IMO should have more focus on:

.1 the issue of methodology, operational issues (such as: design, ship operations, and others); and

.2 providing technical progress and sustainable development in international shipping mechanism (how it works, what needs to be done).

Statement by the Delegation of Argentina

Climate change calls for a collective effort. Argentina highly appreciates the role of IMO in reducing greenhouse gases from shipping. Notwithstanding the particular characteristics of maritime transport we believe, however, that it is vital in this context to preserve the principle of "joint but differentiated responsibility" enshrined in the Kyoto Protocol, in matters concerning the responsibility of developing countries.

We consider that the outcome of the discussions on climate change within the UNFCCC are and must continue to be the supreme reference point for progress in other areas.

Accordingly, we do not believe that it is yet time to proceed to discuss mandatory provisions. The way forward should be to continue perfecting the measures, but always on the basis of voluntary application until such time as our governments agree on the issues of great importance that still remain open.

IMO has made progress on various technical and operational measures, as well as market-based measures. While it is clear that the technical and operational measures have reached a mature stage of development, we trust that consensus will decide how those measures are implemented, as well as their extent, timing and scope.

With market-based measures, the situation is different: here we cannot speak of maturity. The expert group was unable – and it is reasonable that this should be so – to come to conclusions that at least enable lasting solutions to be considered: there is a lack of mature reflection about the basis and form of these measures, and neither has there been sufficient evaluation of the impact they will have in the different regions of the world, among the various countries engaged in maritime trade.

Although we concur with the evaluation done in respect of capacity-building, it does not wholly dispel our doubts, since its scope is limited to evaluating the impact of implementing these measures in a strict sense.

Argentina considers that all possible options for reducing GHG emissions should be examined with appropriate care, since these are measures that profoundly affect not only the existing system of maritime trade but, *inter alia*, the technology applied, access to markets and equality of opportunity. Of particular concern are the effects that such measures may have on the shipping industry and the possible imposition of burdens that will result in increased costs for the end-user.

As well as all these factors, it should be borne in mind that the principles of capacity and of "joint but differentiated responsibilities" must be applied.

Statement by the Delegation of the Islamic Republic of Iran

Needless to repeat the concerns expressed so far, for the interest of time, we also believe that, at this stage it is premature to make it mandatory in particular for developing countries. More time, study and researches are needed for all aspects of the GHG policy for shipping industry including removal of the barriers and difficulties associated therein.

Statement by the Delegation of the Republic of South Africa

At MEPC 60 we made a statement. One of the things we said in that statement reflecting on the outcome of COP 15, was: "for us here, the fundamental question is whether the outcome of COP 15 had 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". In making a possible option we further advised that: "to us the first and third options were two extremes unworthy of consideration." and we suggested: "Under the circumstances, pursuing option two, i.e. Accelerate with caution, seemed to have been the most sensible decision." In the hope that our suggestion were favourable, we said: "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.

The issue before us is whether the work undertaken intersessionally has matured enough or in another words, whether all the concerns we expressed as developing countries had been answered satisfactorily by the process. Just to recap, one of the concerns we had was that:

.1 We did not believe that it was wise for IMO to move at a faster pace to that of the UNFCCC process. The reason for this fear was based on two (2) possible risks, i.e. compromise to the position of developing countries negotiations and as well as putting the long term sustainability of maritime industry at risk by adopting measures that were potentially far above its current contribution to climate change; and

.2 The principle that although we were the same but different in capacity and competence, for this, some had to do more in order to allow those that lacked capacity and competence to at least develop to acceptable levels allowing them to contribute significantly in the reduction of greenhouse gas emissions over an agreed timeframe.

The statements of China, India, Brazil, Saudi Arabia and other developing countries who spoke before me which we support fully is a reflection that, to-date, there has been no significant demonstration that the issues raised by the developing countries, since we begun with these negotiations, have been considered. We are concerned by this situation.

South Africa believes therefore, that the process of moving forward should include, to the extent possible for all countries', the concerns being embraced. It will be sad if the process were to proceed without ensuring that the whole of the Membership were fully behind the process. Like the Secretary-General, we share his hope that decisions under this agenda items were resolved through consensus rather than through other means. South Africa is of the view that we should go back to the drawing board to consider the possible advantages of creating a new legal instrument rather than amend MARPOL Annex VI to deal with climate change from international shipping. There is already consensus at international level that developing countries must be assisted and therefore it is our considered view that a legal instrument that does not take into account the financial, technical and technological needs of developing countries will be flawed. Therefore, it is our view that we accelerate with caution.

Statement by the Delegation of Ecuador

The delegation of Ecuador endorses and agrees with the statement by the delegation of China and with the comments by the delegations of India, Brazil, Venezuela and others that have preceded us.

We believe that more time is needed for analysis and application of the planned measures, bearing in mind the strong impact they would have on maritime trade and related activities. Moreover, as several delegations have stated, they must also meet and comply with the principles previously accepted by our countries in very high-level forums.

Statement by the Delegation of Colombia

The delegation of Colombia is grateful to all those countries that have submitted documents and made efforts to establish operational, technical and market-based measures with the aim of reducing GHG emissions.

Climate change is a matter of great importance to our country. According to the latest information, more than 800,000 Colombians have been affected by the rains that have struck our country, and around 100 have been killed by the serious flooding. For this reason and because this is a question of international commitments, we realize the importance of reducing GHG emissions and tackling this global problem as rapidly and effectively as possible and with maximum joint effort.

Our delegation welcomes the document circulated by the People's Republic of China and agrees with its content, in particular the importance of preserving the principle of "common but differentiated responsibilities", as agreed at the UNFCCC.

In this context my delegation considers that we are not competent to alter the meaning of what was agreed in the framework of that international instrument. We believe that success will depend largely on the actions of the developing countries and on the compliance and support that the developed countries offer for mitigating climate change. We therefore hope that, in a constructive and harmonious spirit, we can reach agreement on this important matter, and offer our cooperation to that end.

Statement by the Delegation of Bolivia

The delegation of Bolivia fully subscribes to and supports the sound arguments on this matter put forward by the delegation of China and endorsed by India, Brazil, Venezuela and other countries that associated themselves with that delegation.

Statement by the Delegation of Bangladesh

As proposed by India, the delegation of Bangladesh believes that in consideration to the importance of the issues under discussion, a standalone IMO instrument is feasible.

In this regard, Bangladesh, in line with the views expressed by China, would like to state that whatever Market-based Measures is to be developed, it should not bring any financial responsibility for developing countries.

Statement by the Delegation of the Republic of Ethiopia

Background

The global shipping sector is one of the fastest growing sources of greenhouse gas emissions (GHG). CO_2 emissions from shipping increased approximately 28% from 1990 to 2005 and annual CO_2 emissions from the sector are greater than those of most industrialized countries. While dangerous emissions continue to rise, the global shipping and aviation sectors are not covered under the Kyoto Protocol.

A key pillar of the UN global climate change negotiations is to establish new and additional sources of finance to support mitigation and adaptation actions in developing countries. The Bali Action Plan, which is the mandate for international negotiations on a new climate deal, calls for "improved access to new and additional financial resources" and "innovative mechanism" as a primary building block of the new agreement. The Copenhagen Accord, a political declaration with which 138 countries are associated, agrees to mobilize $100 billion annually by 2020 for adaptation and mitigation in developing countries.

Article 2.2 of the UNFCCC directs "Annex 1 parties", or industrialized nations, to pursue limitations or reductions of GHGs from international aviation and marine bunker fuels through their respective global agencies: the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO). In recent years, country delegations and observers to the UNFCCC process and UN governing agencies have suggested that the international maritime and aviation sectors could become significant sources of revenue for adaptation financing. A High-Level Advisory Group on Climate Change Financing, established by the UN Secretary-General in the wake of the Copenhagen Accord, is currently reviewing international transport as an innovative source of finance to meet the $100 billion per year long-term finance goal.

We believe that a fair market-based mechanism addressing GHG emissions from international shipping can play an important role – as part of a broad package of innovative measures – in raising the new climate finance poor countries desperately need.

In a 2008 report, Turning Carbon into Gold, we found that a market-based mechanism could be implemented by IMO in ways consistent with the UNFCCC principle of Common but Differentiated Responsibilities (CBDR). Consistency with the principle of CBDR will ensure that only those countries with historic responsibility for GHG emissions and the capacity to pay are penalized. In the report, we propose an approach to reduce emissions limited to routes among Annex I countries only. But while differentiated schemes of this nature are theoretical feasible, they do pose administrative burdens that may be difficult to overcome.

If a global uniform ETS is established for the shipping sector, in line with the principle of No more Favourable Treatment, it can be made consistent with the principle of CBDR by:

.1 compensating developing countries for any negative economic impacts including rebates to developing countries based on the financial impacts of a global maritime scheme or levies;

.2 allocating the vast majority of remaining revenues to support mitigation and adaptation activities in developing countries (e.g., through the Kyoto Protocol Adaptation Fund, or a new global climate fund under the UNFCCC); and

.3 creating a *de minimis* threshold to exempt ships under a certain size and to exempt shipping routes involving LDC and SIDS.

What is needed at MEPC 61?

Proposals for establishing a fair market-based mechanism to reduce shipping emissions and raise new additional climate funds for developing countries must be recommended for adoption in 2011.

This will send a positive signal ahead of the publication of the final report of the High-Level Advisory Group on Climate Change Financing (AGF) in October and the meetings of the UNFCCC in Tianjin, China in October and Cancún, Mexico at the end of the year and keep open the possibility of raising a portion of the new resources needed to tackle climate change from international shipping.

Shipping cannot be sole solution to the need to raise climate finance, but it can play a vital part.

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ANNEX 4

**STATEMENT BY
THE DELEGATION OF CUBA SUPPORTING THE DELEGATION OF CHINA AND
RELATING TO FINANCIAL AND TECHNICAL MEASURES**

The topic being discussed has been on the agenda of the Marine Environment Protection Committee since its fifty-eighth session in 2007, when it was introduced in response to the mandate handed to the Committee by the United Nations Framework Convention on Climate Change (UNFCCC). While there is consensus among the parties that an environmentally friendly policy, in line with the policy of that body, must be implemented by the maritime community to reduce the greenhouse gases (GHG) emitted into the atmosphere from ships' exhaust fumes, the main obstacle to its unanimous adoption has been the lack of flexibility shown by developed countries in relation to control parameters and responsibility for reduction quotas, and to date the principle of "non-discrimination" has taken precedence.

To apply the above-mentioned policy would be to deny directly the principle of "common but differentiated responsibilities", the cornerstone of both the UNFCCC and the Kyoto Protocol, with consequences for the development of the fleets of developing countries. The latter would suffer the most, faced with the need to introduce costly new technologies beyond their means and the risk of sustaining drastic reductions in the tonnage of their fleets, leading in turn to a slowdown in their economic growth.

The principle of "joint but differentiated responsibility" has gradually gained support in the maritime community. At MEPC 59 in 2008, the majority of Latin American countries, represented by GRULAC, insisted on the vital role to be played by developing countries in GHG reduction, given the causes of greenhouse effect which, by its very nature, is more intrinsic to development than to the environment.

In this context the document submitted to MEPC 61 by China, supported by Cuba, calls on the developed countries to provide the developing countries with the financial and technical resources that would enable them to improve their capacity to tackle the issue of greenhouse gas emissions from ships, with the aim of limiting or reducing such emissions, not applying mandatory measures that would interfere with the market, and placing emphasis on attaching priority to the overall impact on the maritime sectors of developing countries, leaving no doubt about the prime importance of the principle of "common but differentiated responsibilities".

Taking into account the foregoing we support China's new proposal, after careful consideration, on the basis of both the above-mentioned principle and the fact that, to date, the available technical solutions are extremely expensive and some are not yet fully developed, with the result that the conditions are not in place to make those solutions mandatory under the provisions of MARPOL Annex VI; should those solutions be approved, they should be mandatory only for developed countries, at least until viable technical solutions are found.

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ANNEX 5

PROPOSED AMENDMENTS BY DELEGATIONS ON THE ENERGY EFFICIENCY MEASURES FOR SHIPS AS CONTAINED IN MEPC 61/WP.10

(Listed in the order of interventions)

Statement by the Delegation of China

Regulation 4*bis* – Promotion of technical assistance and capacity building:

In order to promote the GHG reduction in global maritime industry and finalize the technical measures of EEDI, transparency of technology should be increased in the implementation of EEDI. All new design and technology which reduce the attained EEDI value should be opened to public. Developed countries should transfer their technology and provide financial support to developing countries for their capacity building so as to enhance their ability to satisfy these new requirements.

Text from MARPOL Convention:

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and coordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

(a) the training of scientific and technical personnel;

(b) the supply of necessary equipment and facilities for reception and monitoring;

(c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and

(d) the encouragement of research; preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

Statement by the Delegation of Brazil

Amendments to Regulation 2 – Application:

.1*bis* these regulations will be phased in over a period of [8 years] for developing countries

Statement by the Delegation of Ghana

Some form of compromise between the two sides would be preferable. The proposal by Brazil should also be considered but the time for all to catch up with technology should be agreed upon by this Committee instead of their proposed 8 years.

Statement by the Delegation of the United Kingdom

In line with previous speakers I am afraid we cannot agree with the proposed text. The application of EEDI must provide a level playing field for all vessels regardless of flag.

Statement by the Delegation of India

On the issue of circulating the draft text as amendments, the Indian delegation wishes to state that the provision in the Articles is with respect to the amendments to the Convention. At present MARPOL Annex VI deals with SO_x and NO_x, whereas the "draft regulations on Energy Efficiency for ships" are entirely new regulations and cannot be construed as amendments. The legal aspect is required to be seen, prior to any conclusion.

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ANNEX 6

INTERVENTION BY THE UNFCCC SECRETARIAT

This is an important moment in time when MEPC may take key decisions on how to strengthen international shipping's contribution to meet the full challenge of climate change and help governments deliver the next essential step towards that goal.

International shipping contributed 2.7% of the global emissions of CO_2 in 2007, and this contribution is expected to increase significantly in the future due to projected growth in world trade and the demand for seaborne transport.

Even though international shipping has been recognized to be the most efficient method of transporting goods, if left unchecked, shipping's current and projected growth rates will have a negative effect on global efforts to reduce emissions. So much is clear.

Thirteen years ago, IMO was entrusted by governments to work on limiting and reducing the greenhouse gas emissions from international shipping.

Ever since, IMO, through its Marine Environment Protection Committee, has led the development of a comprehensive basket of technical and operational measures and market-based mechanisms to deal with the sector's greenhouse gas emissions on a global basis and minimize the impact of shipping on the environment.

It is also clear that cost effective technical and operational emission reduction measures are available to the shipping sector.

The Committee will consider, at this session, making mandatory, the technical and operational measures that were agreed as voluntary at its fifty-ninth session, taking into account the work done intersessionally by its Working Group on Energy Efficiency Measures for Ships.

With regard to market-based mechanisms (MBM) for international maritime transport, the Committee has before it the report of the Expert Group that assessed the feasibility of ten possible MBMs, including their reduction potential on GHG emissions from international shipping.

This represents good progress, but we need to move towards implementation.

As such, we encourage IMO Member States and the maritime community together to finalize the selection of the most appropriate market-based mechanisms for this sector and to start implementing it and to assist countries that need support for its implementation.

Given the unique characteristics of the shipping sector IMO, as the specialized UN agency, needs to continue its leading role to develop a comprehensive global approach for climate change actions in this sector.

It is vital to synergize the capabilities and expertise of IMO and the UNFCCC, and be cognizant of the progress under both processes, which are independent, Party driven, and distinct treaty regimes with their own Parties and sovereign decision-making bodies.

Under the UNFCCC, the principle of common but differentiated responsibilities is paramount.

Under IMO, the principle of "no more favourable treatment" is the guiding light. Reconciling those different principles requires political leadership, but also innovative thinking from IMO and the shipping community.

We have to commit ourselves to work on a solution which respects both principles, and allows each treaty regime to retain the integrity of its principles and practices.

Market-based measures may have a role to play in finding a solution. Assistance through financial, technical and capacity building support and experience from other multilateral agreements may also provide options.

This year, there has been much discussion on the shipping sector's contribution of revenue to help developing countries adapt and mitigate.

Governments and other stakeholders hold differing views on this issue, but the transparent provision and allocation of short and long-term finance is going to be a major factor in a successful outcome in Cancún.

Now is the time to advance work on defining and agreeing on the fair share of such a contribution, the mechanisms needed to collect and make revenues available, and the set of criteria for their allocation.

Now is the time to feed expectations with assessed data that will help governments take informed decisions on these most important issues.

I look forward to see the Committee finalizing successfully its work programme and to take bold action to tackle climate change in the shipping sector.

Informing the Conference of the Parties on practical actions for regulating emissions from international shipping would be a significant contribution towards a global strategy for the sector and a successful outcome in Cancún.

This is all the more so because Governments are increasingly keen on Cancún initiating practical action in all key climate change-related areas, including: adaptation, mitigation, reducing emissions from deforestation, technology cooperation, finance and capacity-building.

Far from hampering development, such action will support sustainable development across the globe. A modern shipping industry needs to aspire to the same: meeting economic needs going into the future without harming the planet's health.

At this Committee, you can take a major step forward for the sector and the world.

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ANNEX 7

TERMS OF REFERENCE FOR THE THIRD INTERSESSIONAL MEETING OF THE WORKING GROUP ON GHG EMISSIONS FROM SHIPS (GHG-WG 3)

Based on comments and decisions made by the Committee and building on work already undertaken, as well as new submissions, the third intersessional meeting of the Working Group on GHG Emissions from Ships (GHG-WG 3), under the Chairmanship of Mr. Andreas Chrysostomou (Cyprus), is instructed to:

1 examine and provide the Groups' opinion on the compelling need and purpose of Market-based Measures (MBM) as a possible mechanism to reduce greenhouse gas emissions from international shipping;

2 group the proposed MBMs in accordance with the reduction mechanism they use (e.g., in-sector/out-of-sector, etc.) and other relevant features; and identify and list strengths and weaknesses for each of the MBM groups;

3 examine the MBM proposals relation to the principles and provisions of relevant conventions such as the UNFCCC and its Kyoto Protocol, as well as their compatibility with the WTO Rules and customary international law, as depicted in UNCLOS;

4 having in mind the discussion in paragraph 3 and building on the work of the Expert Group on Feasibility Study and Impact Assessment of Possible Market-Based Measures (MBM-EG), further assess each of the MBM groups mentioned above against the same criteria as used by the MBM-EG (paragraph 5 of annex 8 to MEPC 60/22, reproduced at annex), using the analyses already undertaken by the MBM-EG to avoid duplication, for a more clear input to the Committee in relation to the policy issues;

5 continue the analysis of the MBM-EG Study (MEPC 61/INF.2), evaluate the impact of the proposed MBMs on international trade, and the maritime sector of developing countries, least developed countries (LDCs) and small island developing states (SIDS), and the corresponding environmental benefits; and

6 submit a written report to MEPC 62.

APPENDIX

Criteria agreed by MEPC 60 for use by the MBM-EG

"Giving priority to the overall impact on the maritime sectors of developing countries, (the MBM-EG)[1] 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."

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[1] "(the MBM-EG)" inserted by the Secretariat.

ANNEX 8

STATEMENTS BY THE DELEGATIONS OF INDIA AND CHINA ON THE REPORT OF THE EXPERT GROUP ON MARKET-BASED MEASURES TO REDUCE GHG EMISSIONS FROM THE MARITIME SECTOR

(Listed in the order of interventions)

Statement by the Delegation of India

1 With respect to the Market-based Measures (MBM) issues including the report of the Expert Group, the Indian delegation, apart from the principle of UNFCCC, made a statement on matters of WTO compatibility of the various proposals and said they would be required to be examined before any conclusion could be drawn. Further, non -discrimination principle of Article 1 of GATT, 1994 and various other Articles of GATT, 1994 have to be examined.

2 None of the Market-based Measures in its current form is acceptable to India and India, as such, cannot agree to their introduction without further study and analysis. The reasons for this view are summarized below.

3 The proposal to levy an additional charge on ship's bunkers to provide funds to mitigate climate change is not a sound one. In effect, it amounts to putting a tax on international trade, a sector that is least responsible for global warming. There has been no authoritative work to show as to whether the trade is detrimental to the environment or for that matter, if it contributes to global warming in a big way. It is true, emissions during cross-border movement of goods add to greenhouse gases. But, the carbon footprint of international transportation is not a significant factor contributing to global warming. Marine transport is by far the most carbon efficient mode of transport, with only 14 grams of carbon dioxide emissions per ton kilometre. Carrying over 90% of world trade, the shipping sector contributes to only 2.7% of global anthropogenic carbon dioxide emissions. Further, only about 25% of the world production is exported and 75% is consumed domestically.

3.1 International trade/shipping is thus not the root cause of global warming and the resulting climate change. Looking for a climate change solution through the international trade regime/shipping is therefore suspect. This is not to say that international trade/shipping cannot be a part of the solution, but just to underline the point that the role of international trade/shipping in finding solutions to the problem of global warming is rather limited.

3.2 A basic fundamental shortcoming of the proposal to levy an additional charge on ship's bunkers is that it is trying to put a tax burden on developing countries that are least responsible for global warming and consequent climate change. Climate change is taking place not due to current level of greenhouse gas emissions, but as a result of the cumulative impact of accumulated greenhouse gases in the planetary atmosphere. Current emissions are, of course, adding to the problem. The accumulated stock of greenhouse gases in the atmosphere is mainly the result of carbon-based industrial activity by developed countries over the past two centuries or so. It is for this reason that the UNFCCC stipulates deep and significant cuts in the emissions of the industrialized countries as fulfilment of their historic responsibility. Given this position, to ask developing countries to pay an additional charge on ship's bunkers to provide funds for fighting climate change is not equitable and fair.

3.3 In their interventions, delegates of South Africa, China, Brazil and South Arabia have explained how MBMs would adversely affect the export opportunities of developing countries. India fully shares their concerns. In fact, in its report, the Expert Group on Feasibility Study and Impact Assessment of Possible Market-based Measures itself has

recorded that "the implementation of the proposed measures would affect some countries and products more than others. In some cases even small increases in costs could have relatively significant consequences".

3.4 Trade generates wealth and offers the possibility to developing countries of investing this wealth in renewable energy and energy conservation measures. Any charge on trade will therefore hurt developing countries. India shares the concerns raised by the delegate of Saudi Arabia in this regard and agrees to his suggestion that some quantitative analysis is needed to find out the true impact of MBMs on the trading opportunities of developing countries.

4 The effectiveness of ETS in a global context is untried and not known. Only the EU has implemented one such system for the manufacturing sector in a big scale. The system is in operation since 2005. The US House of Representatives has recently passed a similar legislation to limit greenhouse gas emissions. The legislation is yet to be passed by the Senate.

4.1 The experience gained from the working of the ETS is limited. It has been reported that in the EU ETS, verified emissions decreased by around 3% in 2008. Analysis conducted by New Carbon Finance shows that 40% of this reduction could be attributed to incentives created by the EU ETS, whereas only 30% could be attributed to the economic downturn. From this, a definite conclusion cannot be drawn as to whether the ETS is a success story insofar as the effectiveness of the system to reduce greenhouse gas emissions is concerned. In fact, the system is not without pitfalls. There are reports which suggest that the ETS has created multi-billion windfalls for some of the continent's biggest polluters. Given this limited experience, it is not very clear as to whether this system would work in the shipping sector.

4.2 It has been argued that the ETS would encourage and reward both carbon efficiency improvements on existing ships and the introduction of low carbon technology on new ships. Secondly, the ETS would provide a financial incentive for the operation of ships to become more energy efficient. While these arguments are true to some extent, the system is expected to favour only those countries which are in a position to invest in low carbon ships. Ship operators able to afford newer ships can gain a competitive advantage. The developing countries will need to find more money to buy allowances in order to be able to continue their trade. Arguments against introduction of MBMs have been clearly spelt out in a joint submission MEPC 61/5/24 dated 5 August 2010 filed by India and China and in India's submission MEPC 61/5/19 dated 2 August 2010, and these are not repeated here.

5 The Vessel Efficiency System (VES) focuses on improved fuel and carbon efficiency across the fleet. The proposal seeks to establish, *inter alia*, efficiency design standards or targets for both new and existing vessels. Under this proposal, fuel charges would apply only if a vessel fails to meet the applicable efficiency standard and the specific charge would vary depending upon how far the vessel's efficiency falls short of the applicable standard. This is stand to reward efficiency by fully eliminating the charge for vessels meeting the efficiency standard and setting a variable charge for those ships failing to meet the standard.

5.1 This proposal however violates the very basis of UNFCCC and is contrary to the principle of equity that underlies the historic Rio compact. There are wide differences in the efficiency standards of ships and such standards cannot be reduced to a single benchmark.

5.2 Under the UNFCCC, the scope of sectoral cooperation does not extend beyond cooperation in the "development, application and diffusion, including transfer" of mitigation technologies in relevant sectors, including energy, transport, industry, agriculture, forestry and waste management. Harmonization of standards, benchmarking, etc., falls outside its scope. Moreover, harmonization of sectoral standards (in this case, shipping sector) would

violate Principle 11 of the Rio Declaration on Environment and Development (1992), which states: "environmental standards, management objectives and priorities should reflect the environmental and development context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social costs to other countries, in particular developing countries".

5.3 Developing countries would find it difficult to comply with the carbon efficiency norms. Implementation of this proposal would put developing countries at a disadvantageous position. The proposal is therefore, not supportable.

6 The proposals on MBMs violate of the principle of common but differentiated responsibilities and respective capabilities, a principle that the entire international community has, by consensus, enshrined in the UN Framework Convention on Climate Change (UNFCCC), concluded in 1992 at the historic Rio Summit. The Copenhagen Accord that emerged at the end of the Climate Change Conference in Copenhagen in December 2009 also emphasizes the political will to combat climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities. The Accord also envisages deep cuts in global emissions and long-term co-operative action to combat climate change on the basis of equity. As of March 2010, about 100 countries accounting for around 90% of global GHG emissions have inscribed their commitments under the Accord.

6.1 It is thus a settled question that developing countries would contribute to mitigation efforts in accordance with the principle of common but differentiated responsibilities and respective capabilities and on the basis of equity. The proposals on MBMs negate these principles. Most of the MBMs require developing countries to assume the same responsibilities in emission reduction as the developed countries in accordance with the principle of "no more favourable treatment". The proposals are not supportable.

7 The Expert Group has concluded that all of the MBMs could be implemented in a practical and feasible manner notwithstanding the challenges associated with their introduction. India cannot accept this conclusion. The WTO compatibility of the proposals would have to be examined before any definite conclusion could be drawn. As for instance, one of the MBM proposals on the table is for countries to levy a globally uniform emissions charge on all vessels calling on at their ports. It has been stated that the amount of pollution produced by the ship during the voyage would be used as the basis to levy an emissions charge. But, the moot question is how to quantify the amount of pollution in exact terms. Depending upon the type, size and tonnage of ships, their technical features, the source of energy, the speed of vessels, etc., the carbon dioxide emissions in travelling a certain distance would vary across ships and countries. Given these intricacies, levying a uniform emissions charge on all vessels on a non-discriminatory basis would be administratively cumbersome and most likely contravene the non–discrimination principle of Article I of GATT, 1994.

7.1 Article I of GATT, 1994 explicitly states that any trade advantage granted must immediately and unconditionally be offered to all WTO Members. The WTO practice shows that not only actions, but also omissions, to the extent that they confer an advantage are covered by the discipline laid down in GATT Article I. The GATT Panel, in its report on US-Customs User Fee held that an exemption from the imposition of a customs fee should be considered to be an advantage in the sense of Article I, paragraph 1 of GATT.

7.2 Further, Article VIII of the GATT, 1994, states that fees and charges on imports "shall be limited in amount to the approximate cost of the services rendered". The MBM proposals therefore can potentially violate Article VIII. Further, this Article states that the fees and charges on imports shall not represent an "indirect protection to domestic products or a taxation of imports for fiscal purposes". An argument can be made that imposition of

any charge on imports based on MBM proposals is a measure that represents both an indirect protection to domestic products and also a taxation of imports for fiscal purposes. Further, such a measure will substantially increase the transaction cost of imports.

7.3 The proposed measures will raise the prices of imports, which could affect their sales. The measures will be viewed as imposing quantitative restrictions on imports which is prohibited under Article XI of the GATT, 1994.

8 Climate change is a global problem and therefore requires a global and cooperative effort to tackle. There will be massive costs involved in stabilizing and eventually reducing greenhouse gas emissions through adoption of climate-friendly and low-carbon technologies. These costs are required to be shared among countries in accordance with the principles already agreed upon. These principles have been reiterated in the Copenhagen Accord. It is our belief and faith that the Accord would be elaborated and turned into a legally binding treaty in the near future. In view of this, it is perhaps not useful to discuss, let alone implement market-based border measures in the shipping sector. These measures would not help promote international trade–already beset with so many problems. Discussion on market based border measures to fight climate change distracts attention, when the need of the hour is to fight jointly the common enemy.

8.1 Therefore, all efforts to reduce GHG emissions from the maritime sector including market based measures, should be implemented on the basis of principles of existing multilateral agreement on climate change through multilateral discussions and negotiations. Any such measures should be fair and equitable. The burden sharing should take into account where the primary responsibility for the present levels of greenhouse gas concentration rests. The Expert Group in its own wisdom decided not to take the advice of outside experts in their deliberations. However, from the above narration, it is easily discernible that complex legal issues are involved, particularly the WTO compatible issues, and it would be to our peril if such issues were ignored. India would therefore caution that MEPC should not do things in haste and that IMO must not revisit matters on climate change which would go against the decisions already taken by our leaders, thereby creating further complications.

Statement by the Delegation of China

The MBMs put forward by some members at MEPC are brand-new, of which China has nil understanding. And I believe, for many member countries, especially developing countries, their understanding of these measures would also be very limited. Nonetheless, the Chinese delegation listened with patience to various proposals and ideas on the MBMs, striving to understand this new concept, and is also willing to keep pace with this concept that transcends the present. Therefore, we have carefully studied all the documents on MBMs submitted to MEPC. However, our study proves the following two points:

.1 The carbon market *per se* has uncertainty;

.2 The proposals on MBMs have some fundamental inadequacies both in theory and in principle.

These two points are reflected in the joint submission by China and India (document MEPC 61/5/24).

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ANNEX 9

RESOLUTION MEPC.193(61)

Adopted on 1 October 2010

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

(Revised MARPOL Annex III)

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 III of MARPOL 73/78,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex III of MARPOL 73/78, the text of which is set out at annex to the present resolution;

2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2013 unless, prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2014 upon their acceptance in accordance with paragraph 2 above;

4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the Annex;

5. REQUESTS FURTHER the Secretary-General to transmit 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 III

The existing 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.

[*] 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.

[*] 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.

2 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, the Party shall take such steps, including carrying out detailed inspection and, if required, will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Annex.

3 Procedures relating to the port State control prescribed in article 5 of the present Convention shall apply to this regulation.

4 Nothing in this regulation shall be construed to limit the rights and obligations of a Party carrying out control over operational requirements specifically provided for in the present Convention.

[*] Refer to the Procedures for port State control adopted by the Organization by resolution A.787(19) and amended by 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_{50} (for fish)	≤ 1 mg/l and/or
48 hr EC_{50} (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC_{50} (for algae or other aquatic plants)	≤ 1 mg/l

(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_x (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (for algae or other aquatic plants)	≤ 0.1 mg/l
Category Chronic 2:	
Chronic NOEC or EC_x (for fish)	≤ 1 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 1 mg/l and/or
Chronic NOEC or EC_x (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_x (for fish)	≤ 0.01 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 0.01 mg/l and/or
Chronic NOEC or EC_x (for algae or other aquatic plants)	≤ 0.01 mg/l
Category Chronic 2:	
Chronic NOEC or EC_x (for fish)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (for crustacea)	≤ 0.1 mg/l and/or
Chronic NOEC or EC_x (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_{50} (for fish)	≤ 1 mg/l and/or
48 hr EC_{50} (for crustacea)	≤ 1 mg/l and/or
72 or 96 hr ErC_{50} (for algae or other aquatic plants)	≤ 1 mg/l
and the substance is not rapidly degradable and/or the experimentally determined BCF is ≥ 500 (or, if absent the log K_{ow} ≥ 4).	
Category Chronic 2:	
96 hr LC_{50} (for fish)	>1 mg/l but ≤ 10 mg/l and/or
48 hr EC_{50} (for crustacea)	>1 mg/l but ≤ 10 mg/l and/or
72 or 96 hr ErC_{50} (for algae or other aquatic plants)	>1 mg/l but ≤ 10 mg/l
and the substance is not rapidly degradable and/or the experimentally determined BCF is ≥ 500 (or, if absent, the log K_{ow} ≥ 4).	

Additional guidance on the classification process for substances and mixtures is included in the IMDG Code.

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ANNEX 10

RESOLUTION MEPC.194(61)

Adopted on 1 October 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

(Revised form of Supplement to the IAPP Certificate)

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 entered 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 August 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 February 2012 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;

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 APPENDIX I OF THE REVISED MARPOL ANNEX VI

(REVISED FORM OF SUPPLEMENT TO THE INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE)

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

"2.3 Sulphur oxides (SO_x) and particulate matter (regulation 14)

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

.1 fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the limit value of:

- 4.50% m/m (not applicable on or after 1 January 2012); or ·· ☐
- 3.50% m/m (not applicable on or after 1 January 2020); or ·· ☐
- 0.50% m/m, and/or ····· ☐

.2 an equivalent arrangement approved in accordance with regulation 4.1 as listed in 2.6 that is at least as effective in terms of SO_x emission reductions as compared to using a fuel oil with a sulphur content limit value of:

- 4.50% m/m (not applicable on or after 1 January 2012); or ·· ☐
- 3.50% m/m (not applicable on or after 1 January 2020); or ·· ☐
- 0.50% m/m ····· ☐

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

.1 fuel oil with a sulphur content as documented by bunker delivery notes that does not exceed the limit value of:

- 1.00% m/m (not applicable on or after 1 January 2015); or ·· ☐
- 0.10% m/m, and/or ····· ☐

.2 an equivalent arrangement approved in accordance with regulation 4.1 as listed in 2.6 that is at least as effective in terms of SO_x emission reductions as compared to using a fuel oil with a sulphur content limit value of:

- 1.00% m/m (not applicable on or after 1 January 2015); or ·· ☐
- 0.10% m/m ····· ☐

"

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ANNEX 11

DRAFT AMENDMENTS TO MARPOL ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

(Revised MARPOL Annex V)

Regulation 1
Definitions

For the purposes of this Annex:

1 *Animal carcasses* means the bodies of any animals that have died or been euthanized on board during the voyage where the animals have been carried on board as cargo.

2 *Cargo residues* means the remnants of any cargo not covered by other annexes remaining on the deck or in holds following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship.

3 *Cooking oil* means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food itself that is prepared using these oils.

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

5 *Fishing gear* means any physical device or part thereof or combination of items that may be placed on or in the water or on the sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or freshwater organisms.

6 *Fixed and floating platforms* means such platforms as engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources.

7 *Food wastes* means any spoiled or unspoiled food substances, such as fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard ship.

8 *Garbage* means all kinds of food, domestic and operational wastes, all plastics cargo residues, cooking oil, fishing gear and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention. Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage.

9 *The nearest land.* The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of the present Convention, "from the nearest land" off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in:

latitude 11°00´ S, longitude 142°08´ E
to a point in latitude 10°35´ S, longitude 141°55´ E,
thence to a point latitude 10°00´ S, longitude 142°00´ E,
thence to a point latitude 09°10´ S, longitude 143°52´ E,
thence to a point latitude 09°00´ S, longitude 144°30´ E,
thence to a point latitude 10°41´ S, longitude 145°00´ E,
thence to a point latitude 13°00´ S, longitude 145°00´ E,
thence to a point latitude 15°00´ S, longitude 146°00´ E,
thence to a point latitude 17°30´ S, longitude 147°00´ E,
thence to a point latitude 21°00´ S, longitude 152°55´ E,
thence to a point latitude 24°30´ S, longitude 154°00´ E,
thence to a point on the coast of Australia in
latitude 24°42´ S, longitude 153°15´ E.

10 *Operational wastes* means all wastes not covered by other Annexes that are collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling. Operational waste also includes cleaning agents and additives contained in external wash water. Operational waste does not include grey water, bilge water, or other similar discharges essential to the operation of a ship.

11 *Plastic* means a solid material which contains as an essential ingredient one or more synthetic organic high polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and/or pressure. Plastics have material properties ranging from hard and brittle to soft and elastic.

12 *Special area* means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required.

For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows:

.1 The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41º N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36´ W.

.2 The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57º 44.8´ N.

.3 The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41º N.

.4 The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12º 28.5´ N, 43º 19.6´ E) and Husn Murad (12º 40.4´ N, 43º 30.2´ E).

.5 The Gulfs area means the sea area located north-west of the rhumb line between Ras al Hadd (22º 30´ N, 59º 48´ E) and Ras al Fasteh (25º 04´ N, 61º 25´ E).

.6 The North Sea area means the North Sea proper including seas therein with the boundary between:

.1 the North Sea southwards of latitude 62º N and eastwards of longitude 4º W;

.2 the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57º 44.8´ N; and

.3 the English Channel and its approaches eastwards of longitude 5º W and northwards of latitude 48º 30´ N.

.7 The Antarctic area means the sea area south of latitude 60º S.

.8 The Wider Caribbean Region, as defined in article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30´ W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.

Regulation 2
Application

Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.

Regulation 3
General prohibition on discharge of garbage into the sea

1 Discharge of all garbage into the sea is prohibited, except as expressly provided otherwise in regulations 4, 5, 6 and 7 of this Annex.

2 Except as provided in regulation 7 of this Annex, discharge into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products is prohibited.

3 Except as provided in regulation 7 of this Annex, the discharge into the sea of cooking oil is prohibited.

Regulation 4
Discharge of garbage outside special areas

1 Subject to the provisions of regulations 5 and 7 of this Annex, discharge of the following garbage into the sea outside special areas shall only be made while the ship is *en route* and as far as practicable from the nearest land, but in any case not less than:

.1 3 nautical miles from the nearest land for food wastes which have been passed through a comminuter or grinder. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

.2 12 nautical miles from the nearest land for food wastes that have not been treated in accordance with subparagraph .1 above.

.3 12 nautical miles from the nearest land for cargo residues that cannot be recovered using commonly available methods for unloading. Cargo residues must not contain any substances classified as harmful to the marine environment, taking into account guidelines developed by the Organization.

.4 [100 nautical miles from the nearest land and in the maximum water depth possible for animal carcasses. Carcasses must be split or otherwise treated to ensure that the carcass will sink immediately upon discharge. Where the cargo mortality exceeds 2%, the master of the vessel must report to the flag State and nearest coastal State, in accordance with the guidelines of the Organization, prior to discharge.]

2 Cleaning agents or additives contained in deck and external surfaces washing water may be discharged into the sea but these substances must not be harmful to the marine environment taking into account guidelines developed by the Organization.

3 When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements the more stringent requirements shall apply.

Regulation 5
Special requirements for discharge of garbage from fixed or floating platforms

1 Subject to the provisions of paragraph 2 of this regulation, the discharge into the sea of any garbage regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 m of such platforms.

2 The discharge into the sea of food wastes may only be permitted when they have been passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from the nearest land and all other ships when alongside or within 500 m of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

Regulation 6
Discharge of garbage within special areas

1 Discharge of the following garbage into the sea within special areas shall only be permitted while the ship is *en route* and as follows:

.1 Discharge into the sea of food wastes as far as practicable from the nearest land, but not less than 12 nautical miles from the nearest land or the nearest ice shelf. Food wastes must be comminuted or ground and shall be capable of passing through a screen with openings no greater than 25 mm. Food wastes must be uncontaminated by any other garbage type. Discharge of introduced avian products, including poultry and poultry parts, is not permitted in the Antarctic area unless it has been treated to be made sterile.

.2 Discharge of cargo residues that cannot be recovered using commonly available methods for unloading where the following conditions are satisfied:

.1 Cargo residues contained in hold washing water must not include any substances classified as harmful to the marine environment taking into account guidelines developed by the Organization;

.2 Both the port of departure and the next port of destination are within the special area and the ship will not transit outside the special area between those ports;

.3 No adequate reception facilities are available at those ports taking into account guidelines developed by the Organization; and

.4 Where the conditions of subparagraphs 2.1, 2.2 and 2.3 of this paragraph have been fulfilled, discharge of cargo hold washing water containing residues shall be made as far as practicable from the nearest land and not less than 12 nautical miles from the nearest land or the nearest ice shelf.

.3 Cleaning agents or additives contained in deck and external surfaces washing water may be discharged into the sea but these substances must not be harmful to the marine environment taking into account guidelines developed by the Organization.

2 The following rules apply to the Antarctic area:

.1 The Government of each Party to the Convention at whose ports ships depart *en route* to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from all ships, without causing undue delay, and according to the needs of the ships using them.

.2 The Government of each Party to the Convention shall ensure that all ships entitled to fly its flag, before entering the Antarctic area, have sufficient capacity on board for the retention of garbage prohibited for discharge, while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.

3 When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements the more stringent requirements shall apply.

Regulation 7
Exceptions

Regulations 3, 4, 5 and 6 of this Annex shall not apply to:

.1 The discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

.2 The accidental loss of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the accidental loss; or

.3 The accidental loss of fishing gear provided that all reasonable precautions have been taken to prevent such loss, or the discharge of fishing gear for the protection of the marine environment or for the safety of the ship or its crew; or

.4 The discharge of food waste from a ship as necessary where the retention presents a health risk to those on board.

Regulation 8
Reception facilities

1 The Government of each Party to the Convention undertakes to ensure the provision of adequate facilities at ports and terminals for the reception of garbage without causing undue delay to ships, and according to the needs of the ships using them.

2 The Government of each Party shall notify the Organization for transmission to the Contracting Parties concerned of all cases where the facilities provided under this regulation are alleged to be inadequate.

3 Reception facilities within special areas

.1 The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area adequate reception facilities are provided, taking into account the special needs of ships operating in these areas.

.2 The Government of each Party concerned shall notify the Organization of the measures taken pursuant to subparagraph 3.1 of this regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of regulation 6 in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

Regulation 9
Port State control on operational requirements[1]

1 A ship when in a port or 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 garbage.

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.

Regulation 10
Placards, garbage management plans[2] *and garbage record-keeping*

1 .1 Every ship of 12 m or more in length overall and fixed and floating platforms engaged in exploration and exploitation of the sea-bed shall display placards which notify the crew and passengers of the discharge requirements of regulations 3, 4, 5 and 6 of this Annex, as applicable.

.2 The placards shall be written in the working language of the ship's crew and, for ships engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, shall also be in English, French or Spanish.

2 Every ship of 100 gross tonnage and above, and every ship which is certified to carry 15 persons or more, and fixed and floating platforms engaged in exploration and exploitation of the sea-bed shall carry a garbage management plan which the crew shall follow. This plan shall provide written procedures for minimizing, collecting, storing, processing and disposing of garbage, including the use of the equipment on board. It shall also designate the person/s in charge of carrying out the plan. Such a plan shall be in accordance with the guidelines developed by the Organization[2] and written in the working language of the crew.

3 Every ship of 400 gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention and every fixed and floating platform engaged in exploration and exploitation of the sea-bed shall be provided with a Garbage Record Book. The Garbage Record Book, whether as a part of the ship's official log-book or otherwise, shall be in the form specified in the appendix to this Annex:

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1 Refer to the Procedures for port State control adopted by the Organization by resolution A.787(19) and amended by A.882(21); see IMO sales publication IA650E.

2 Refer to the Guidelines for the development of garbage management plans adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.71(38); see MEPC/Circ.317 and IMO sales publication IA656E.

.1 Each discharge operation to sea or to a reception facility, or completed incineration, shall be recorded in the Garbage Record Book and signed for on the date of the discharge or incineration by the officer in charge. Each completed page of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be at least in English, French or Spanish. Where the entries are also made in an official language of the State whose flag the ship is entitled to fly, the entries in that language shall prevail in case of a dispute or discrepancy;

.2 The entry for each discharge or incineration shall include date and time, position of the ship, description of the garbage and the estimated amount discharged or incinerated;

.3 The Garbage Record Book shall be kept on board the ship and in such a place as to be available for inspection in a reasonable time. This document shall be preserved for a period of two years after the last entry is made on the record;

.4 In the event of discharge or accidental loss referred to in regulation 7 of this Annex an entry shall be made in the Garbage Record Book, or in the case of ships of less than 400 gross tonnage, an entry shall be made in the Ship's Log, of the location, circumstances of, and the reasons for, the discharge or loss and details of the items discharged or lost.

4 The Administration may waive the requirements for Garbage Record Books for:

.1 Any ship engaged on voyages of 1 hour or less in duration which is certified to carry 15 persons or more; or

.2 Fixed or floating platforms while engaged in exploration and exploitation of the sea-bed.

5 The competent authority of the Government of a Party to the Convention may inspect the Garbage Record Books or Ship's Log on board any ship to which this regulation applies while the ship is in its ports or offshore terminals and may make a copy of any entry in those books, and may require the master of the ship to certify that the copy is a true copy of such an entry. Any copy so made, which has been certified by the master of the ship as a true copy of an entry in the ship's Garbage Record Book or Ship's Log, shall be admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Garbage Record Book or Ship's Log and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

6 The accidental loss or discharge of fishing gear as provided for in regulation 7.3 which poses a significant threat to the marine environment or navigation shall be reported to the State whose flag the ship is entitled to fly and to the coastal State where the loss has occurred within that State's jurisdiction.

APPENDIX

FORM OF GARBAGE RECORD BOOK

Name of ship: _____

Distinctive number or letters: _____

IMO No.: _____

Period:_____ From: _____ To: _____

1 Introduction

In accordance with regulations 7 and 10 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL), a record is to be kept of each discharge operation or completed incineration. This includes discharges into the sea, to reception facilities, or to other ships, as well as the accidental loss of garbage.

2 Garbage and garbage management

Garbage includes all kinds of food, domestic and operational waste, all plastics, cargo residues, cooking oil, fishing gear and animal carcasses generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL (such as oil, sewage or noxious liquid substances). Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage.

The Guidelines for the Implementation of Annex V of MARPOL[3] should also be referred to for relevant information.

3 Description of the garbage

The garbage is to be grouped into categories for the purposes of this record book as follows:

A Plastics

B Food waste

C Domestic Waste

(e.g., paper products, rags, glass, metal, bottles, crockery, etc.)

D Cooking Oil

E Incinerator ash

F Operational waste

G Cargo residues

[3] Refer to the Guidelines for the Implementation of Annex V of MARPOL 73/78, as amended by resolutions MEPC.59(33) and MEPC.92(45).

H Animal Carcass(es)

I Fishing Gear

Ia Nets – surface

Ib Nets – midwater or bottom

Ic Longline

Id Synthetic line and netting scraps

Ie Pots and traps

If Dredges

Ig Miscellaneous gear

4 Entries in the Garbage Record Book

4.1 Entries in the Garbage Record Book shall be made on each of the following occasions:

4.1.1 When garbage is discharged to a reception facility ashore or to other ships:

.1 Date and time of discharge
.2 Port or facility, or name of ship
.3 Category of garbage discharged
.4 Estimated amount discharged for each category in cubic metres
.5 Signature of officer in charge of the operation.

4.1.2 When garbage is incinerated:

.1 Date and time of start and stop of incineration
.2 Position of the ship (latitude and longitude) at the start and stop of incineration
.3 Categories of garbage incineration
.4 Estimated amount incinerated in cubic metres
.5 Signature of the officer in charge of the operation.

4.1.3 When garbage is discharged into the sea:

.1 Date and time of discharge
.2 Position of the ship (latitude and longitude). Note: for cargo residue discharges, include discharge start and stop positions.
.3 Category of garbage discharged
.4 Estimated amount discharged for each category in cubic metres
.5 Signature of the officer in charge of the operation.

4.1.4 Accidental or other exceptional discharges or loss of garbage

.1 Date and time of occurrence
.2 Port or position of the ship at time of occurrence (latitude, longitude and water depth if known)
.3 Estimated amount and categories of garbage
.4 Circumstances of discharge or loss, the reason therefore and general remarks.

4.2 Receipts

The master should obtain from the operator of the reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for two years.

4.3 Amount of garbage

The amount of garbage on board should be estimated in cubic metres, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognized that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g., the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

RECORD OF GARBAGE DISCHARGES

Ship's name: _____

Distinctive No., or letters: _____

IMO No.: _____

Date/ Time	Position of the Ship/Remarks (e.g., accidental loss)	Category	Amount Discharged or Incinerated	To Sea	To Reception Facility	Incineration	Certification/ Signature

Master's signature:_____ Date: _____

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ANNEX 12

QUESTIONNAIRE ON CHARACTERISTICS OF SPOILT CARGO AND ITS DISPOSAL

QUESTION 1: Provide Name of Country or Organization Responding to Questionnaire
Please also provide a Point of Contact and contact information in the event clarification of responses is sought.

QUESTION 2: Types of Spoilt Cargo
(a) What types of cargo spoilage onboard vessels are routine and predictable?
Please include the underlying causes for such routine and predictable spoilage and indicate whether the spoilage typically occurs while in port or while at sea. For example, is there a typical number or percentage of livestock that will routinely die on an average voyage? Please indicate length of voyage for any examples.
(b) What types of spoilage are non-routine and non-predictable?
Please describe the underlying causes for such non-routine spoilage (e.g., collision damage; equipment failure; infectious disease in livestock, etc).

Note – in responding to the further questions below, please clearly indicate whether the information being provided relates to routine or non-routine spoilage.

QUESTION 3: What are the typical characteristics of spoilt cargo disposed of at sea from vessels?
Please provide specific examples of actual spoilt cargoes discharged at sea and describe their basic characteristics (e.g., whether the material is organic, inorganic, livestock, whether it may float or sink, whether it may include chemical contamination, etc.).

QUESTION 4: What quantities are typical of spoilt cargo disposal at sea from vessels?
Please indicate (on a per voyage basis for routine spoilage or a per event basis for non-routine spoilage) the typical number of individual units disposed of at sea (for example, 5 livestock) or typical tonnage (for example, 30 metric tonnes of grain) and how often such disposal occurs per year.

QUESTION 5: What are the means by which crew typically becomes aware of spoilt cargo? Are there scenarios or management practices that increase (or decrease) the likelihood of crew discovering spoilt cargo?
In responding, please indicate whether discovery of spoilt cargo typically occurs at sea or when the vessel is docked in port and preparing to offload the cargo, or is refused for offloading by port State officials.

QUESTION 6: What are the typical reasons for disposing of spoilt cargo at sea? What are the risks of disposal at sea to both the environment and to coastal communities, and how are these risks assessed before disposal?
In discussing reasons for disposal at sea, please indicate whether such reasons include lack of onboard storage capacity and/or lack of adequate port reception facilities and what risks to vessel safety or crew health might result from retention on board.

QUESTION 7: Where does disposal of spoilt cargo at sea typically occur?
Please indicate whether such disposal typically takes place within the jurisdiction (e.g., EEZ) of the vessel's flag State, of the State where the cargo was loaded, of another coastal State, or on the high seas. Be as descriptive as possible, such as providing information on average distance from shore, typical depth of water, and names of waterbodies involved.

QUESTION 8: What are the current management practices and technologies used to minimize the need for disposal of spoilt cargo at sea? Are there additional management practices and technologies not currently being used that may be transferrable to spoilt cargo management onboard vessels?
Please describe methods to avoid or minimize the disposal of spoilt cargo at sea, including methods currently in use and any other methods that might be practicable for use in the future. As relevant, please discuss any practical difficulties encountered with use of current technologies and/or any impediments or constraints to development or adoption of new technologies for shipboard use.

QUESTION 9: What are the current management practices and technologies used to control environmental or health impacts from spoilt cargo disposal at sea or retaining spoilt cargo onboard? Are there additional management practices and technologies not currently being used that may be transferrable to spoilt cargo management onboard vessels?
Please describe methods to avoid or reduce impacts to the environment or human health associated with disposal at sea and retention onboard of spoilt cargo, including methods currently in use and any other methods that might be practicable for use in the future. As relevant, please discuss any practical difficulties encountered with use of current technologies and/or any impediments or constraints to development or adoption of new technologies for shipboard use. For example, are current shipboard incinerators adequate or appropriate for treatment?

QUESTION 10: What legal regimes are being used to ensure disposal of spoilt cargo at sea is being controlled and reported to the appropriate authorities?
For Members who are also Parties to the LC/LP, please provide any additional or clarifying information that may not already be contained in your reports to the LC/LP on permits issued. For Members that are not Parties to the LC/LP, please describe what legal controls (domestic or international) are being applied to control disposal of spoilt cargoes at sea. For Coastal States, please also indicate and describe if your competent authorities have been informed of intended spoilt cargo disposal within your EEZ in order to obtain permission for such disposal, and the form of such permission, if granted. In describing relevant legal regimes, please describe what, if any recordkeeping practices apply with respect to disposal of spoilt cargo at sea and/or experience with shipboard practices as to such records.

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ANNEX 13

DRAFT AMENDMENTS TO MARPOL ANNEX IV

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

1 *New paragraphs 5bis, 7bis, and 7ter are added to regulation 1*:

"5*bis* *Special area* means 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 sea pollution by sewage is required.

For the purposes of this Annex, the special areas shall include:

.1 the Baltic Sea area as defined in regulation 1.11.2 of Annex I; and

.2 any other sea area designated by the Organization in accordance with criteria and procedures for designation of special areas with respect to prevention of pollution from sewage from ships[1].

7*bis* A *passenger* is every person other than:

.1 the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and

.2 a child under one year of age.

7*ter* A *passenger ship* is a ship which carries more than twelve passengers.

For the application of regulation 11.3, a *new passenger ship* is a passenger ship:

.1 for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is in a similar stage of construction, on or after [1 January 2013]; or

.2 the delivery of which is three years or more after [1 January 2013].

An *existing passenger ship* is a passenger ship which is not a new passenger ship."

2 *New paragraph 2 is added to regulation 9*:

"2 Every passenger ship which, in accordance with regulation 2, is required to comply with the provisions of this Annex, and for which regulation 11.3 applies while in a special area, shall be equipped with one of the following sewage systems:

[1] Refer to Assembly resolution A.927(22), Guidelines for the designation of special areas under MARPOL 73/78 and guidelines for the identification and designation of particularly sensitive sea areas.

.1 a sewage treatment plant which shall be of a type approved by the Administration, taking into account the standards and test methods developed by the Organization,[2] or

.2 a holding tank of the capacity to the satisfaction of the Administration for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall be constructed to the satisfaction of the Administration and shall have a means to indicate visually the amount of its contents."

3 *Regulation 11 is divided into three sub-sections A, B and C, as follows*:

Regulation 11
Discharge of sewage

"*A Discharge of sewage from ships other than passenger ships in all areas and discharge of sewage from passenger ships outside special areas*

1 Subject to the provisions of regulation 3 of this Annex, the discharge of sewage into the sea is prohibited, except when:

.1 the ship is discharging comminuted and disinfected sewage using a system approved by the Administration in accordance with regulation 9.1.2 of this Annex at a distance of more than 3 nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that, in any case, the sewage that has been stored in holding tanks, or sewage originating from spaces containing living animals, shall not be discharged instantaneously but at a moderate rate when the ship is *en route* and proceeding at not less than 4 knots; the rate of discharge shall be approved by the Administration based upon standards developed by the Organization[3]; or

.2 the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 9.1.1 of this Annex, and

.2.1 the test results of the plant are laid down in the ship's International Sewage Pollution Prevention Certificate; and

.2.2 additionally, the effluent shall not produce visible floating solids nor cause discoloration of the surrounding water.

2 The provisions of paragraph 1 shall not apply to ships operating in the waters under the jurisdiction of a State and visiting ships from other States while they are in these waters and are discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

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2 Reference is made to draft MEPC resolution, Revised Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants for Passenger Ships, see annex 3 to this document.

3 Refer to the Recommendation on standards for the rate of discharge of untreated sewage from ships adopted by the Marine Environmental Protection Committee of the Organization by resolution MEPC.157(55).

B Discharge of sewage from passenger ships within a special area

3 Any discharge into the sea of sewage from a passenger ship shall be prohibited:

a) for new passenger ships on, or after [1 January 2013],
b) for existing passenger ships on, or after [1 January 2018],

except when the following conditions are satisfied:

the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 9.2 of this Annex, and

.1 the test results of the plant are laid down in the ship's International Sewage Pollution Prevention Certificate; and

.2 additionally, the effluent shall not produce visible floating solids nor cause discoloration of the surrounding water.

C General requirements

4 When the sewage is mixed with wastes or waste water covered by other Annexes of MARPOL, the requirements of those Annexes shall be complied with in addition to the requirements of this Annex."

4 *New regulation 12bis is added as follows*:

"**12*bis* Reception facilities for passenger ships in Special Areas**

.1 The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that within a special area reception facilities in all relevant ports and terminals are provided for the reception of sewage, without causing delay to ships, adequate to meet the needs of the passenger ships using them.

.2 The Government of each Party concerned shall notify the Organization of the measures taken pursuant to subparagraph (.1) of this regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date."

**DRAFT AMENDMENTS TO THE
FORM OF INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE**

1 *The following text is added under the heading "Particulars of ship"*:

Type of ship for the application of regulation 11.3:*

New/Existing passenger ship

Ship other than a passenger ship

2 *Amend paragraph *1.1. to read as follows*:

*1.1. Description of the sewage treatment plant:

Type of sewage treatment plant .....

Name of manufacturer .....

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in resolution MEPC.2(VI).

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in resolution MEPC.159(55).

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in [new MEPC resolution, *see annex 3*].

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* Delete as appropriate.

ANNEX 14

UNIFIED INTERPRETATIONS TO REGULATIONS 12.2, 3 AND 4 OF MARPOL ANNEX I

Regulation 12.2 – Designated pump for disposal

A designated pump should be interpreted as any pump used for the disposal of oil residue (sludge) through the standard discharge connection referred to in regulation 13, or any pump used to transfer oil residue (sludge) to any other approved means of disposal such as an incinerator, auxiliary boiler suitable for burning oil residues (sludge) or other acceptable means which are prescribed in paragraph 3.2 of the Supplement to IOPP Certificate Form A or B.

Regulation 12.3 – Overboard connection of oil residue (sludge) tanks

Ships having piping to and from oil residue (sludge) tanks to overboard discharge outlets, other than the standard discharge connection referred to in regulation 13 installed prior to 4 April 1993 may comply with regulation 12.3 by the installation of blanks in this piping.

Regulation 12.4 – Cleaning of oil residue (sludge) tanks and discharge of residues

To assist Administrations in determining the adequacy of the design and construction of oil residue (sludge) tanks to facilitate their cleaning and the discharge of residues to reception facilities, the following guidance is provided, having effect on ships the keel of which is laid or which is at a similar stage of construction on or after 31 December 1990:

.1 sufficient man-holes should be provided such that, taking into consideration the internal structure of the oil residue (sludge) tanks, all parts of the tank can be reached to facilitate cleaning;

.2 oil residue (sludge) tanks in ships operating with heavy oil, that needs to be purified for use, should be fitted with adequate heating arrangements or other suitable means to facilitate the pump ability and discharge of the tank content;

.3 the oil residue (sludge) tank should be provided with a designated pump for the discharge of the tank content to reception facilities. The pump should be of a suitable type, capacity and discharge head, having regard to the characteristics of the liquid being pumped and the size and position of tank(s) and the overall discharge time.

.4 where any oil residue (sludge) tank (i.e. oil residue (sludge) service tank[*]) that directly supplies oil residue (sludge) to the means of the disposal of oil residues (sludge) prescribed in paragraph 3.2 of the Supplement to IOPP Certificate Form A or B is equipped with suitable means for drainage, the requirements in subparagraph .3 above may not be applied to the oil residue (sludge) tank.

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[*] "Oil residue (Sludge) Service tank" means a tank for preparation of oil residue (sludge) for incineration as defined in paragraph 5.3.3 of the appendix to the annex to MEPC.1/Circ.642.

ANNEX 15

STATEMENTS BY THE DELEGATIONS OF THE UNITED STATES AND SINGAPORE ON THE PROPOSAL TO DESIGNATE THE STRAIT OF BONIFACIO AS A PSSA

(Listed in the order of interventions)

Statement by the Delegation of the United States

The United States is sympathetic to the objectives outlined in document MEPC 61/9 and commends France and Italy for their continued efforts to enhance the safety of navigation and the protection of the marine environment in the area of the Strait of Bonifacio. At this point, we are supportive of the proposal, in principle, however, our review of the proposal to the Revised PSSA Guidelines indicates that perhaps more information is needed; especially as the proposal contains mandatory measures to be established in a strait used for international navigation.

We are grateful to France and Italy for revising their proposed measure concerning pilotage for ships navigating through the Strait. We had concerns that the original proposal for mandatory pilotage did not identify the legal basis for that measure. We were unsure if the intention was to rely on the Committee's resolution that may be adopted to establish a PSSA in the Strait of Bonifacio as the legal basis for mandatory pilotage. An MEPC resolution does not provide an international legal basis for mandatory pilotage for ships in transit in any strait used for international navigation. In this regard and as a point of reference, the United States understands that the international legal basis for enforcing the system of pilotage in the Torres Strait is as a condition of entry into an Australian port, and that compliance with this system is as recommended by the IMO. We appreciate the revisions that France and Italy have made to their proposal by replacing their proposed measure for mandatory pilotage with a scheme for recommended pilotage.

Again, I reiterate that we are supportive of this proposal in principle and it is not our desire to slow the process for designation of the PSSA. However, we also wish to see a principled application of the Revised Guidelines through a rigorous assessment of the elements of this proposal against the Guidelines. Therefore, we believe it would be appropriate for the Committee to establish a technical group as set out in paragraph 8.3.1 of the Revised PSSA Guidelines to conduct the assessment as set forth in the Guidelines.

Statement by the Delegation of Singapore

Let me first reiterate that Singapore, as a littoral State situated along a busy waterway for international shipping as well as a major hub port, recognizes and understands the need to protect the marine environment and biodiversity. At the same time, it is important that all proposed measures to protect the marine environment are consistent with international law, including the United Nations Convention on the Law of the Seas, and in accordance with the regulations and guidelines adopted by the IMO.

We note that France and Italy have submitted a proposal to designate the Strait of Bonifacio as a PSSA for consideration at this meeting. We also note that an additional information paper was submitted past the original deadline, which did not allow us sufficient time to give due consideration to the paper.

It is imperative, as a principle, that all PSSA applications, as well as those for other maritime issues, follow the guidelines which have been adopted by the IMO and should be duly evaluated in accordance to paragraph 8.3 of the "Revised Guidelines for the Identification and Designation of Particular Sensitive Sea Areas".

Further, the Committee has at its 55th session approved the PSSA Review Form to be used by the Technical Group for a thorough discussion and assessment of PSSA proposals. It is clear that the intention of the Committee was to ensure that all elements within the Revised Guidelines are met and that a robust review of proposals be conducted.

Hence, it would be more appropriate for the Committee to only consider the proposal at the next MEPC in order that a thorough study is undertaken of it. This delegation is also of the strong view that the Committee should establish a Technical Group to evaluate the proposal. The establishment of the Technical Group would also provide our environmental experts an opportunity to study the proposal in detail and have questions clarified at the TG.

This delegation also welcomes the decision of France and Italy to withdraw their proposal for establishing a mandatory pilotage system as a proposed Associated Protective Measure (APM). Singapore's firm position has always been that the imposition of a mandatory pilotage system in straits used for international navigation has no international legal basis, and would contravene Article 42(2) of the United Nations Convention on the Law of the Sea.

We also wish to highlight that the mere designation of an area as a PSSA cannot in itself be legal grounds for mandatory pilotage. The UNCLOS provisions are clear, and States cannot use the IMO to circumvent or amend provisions in UNCLOS.

Further, we would like to reiterate that the basis of our objection to the original proposal to impose mandatory pilotage in the Strait of Bonifacio was no different from the position we had taken towards Australia's proposal to implement mandatory pilotage in the Torres Strait, which is also a strait used for international navigation. This position was reinforced by the IMO having re-affirmed at various occasions, including the 25th session of the IMO Assembly in November 2007, the recommendatory nature of the resolution MEPC.133(53).

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ANNEX 16

RESOLUTION MEPC.195(61)

Adopted on 1 October 2010

2010 GUIDELINES FOR SURVEY AND CERTIFICATION OF ANTI-FOULING SYSTEMS ON SHIPS

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that the International Conference on the Control of Harmful Anti-fouling Systems for Ships, 2001, held in October 2001, adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (the AFS Convention) together with four Conference resolutions,

NOTING that Article 10 of the AFS Convention prescribes that ships shall be surveyed and certified in accordance with the regulations of annex 4 of the Convention,

NOTING ALSO that regulation 1(4)(a) of annex 4 of the AFS Convention refers to the guidelines to be developed by the Organization and Conference resolution 2 urges the Organization to develop these guidelines as a matter of urgency for them to be adopted before the entry into force of the Convention,

NOTING FURTHER that, by resolution MEPC.102(48), it adopted on 11 October 2002 the Guidelines for Survey and Certification of Anti-fouling Systems on Ships,

RECOGNIZING the need to revise the 2002 Guidelines,

HAVING CONSIDERED a revised text of the Guidelines for Survey and Certification of Anti-fouling Systems on Ships prepared by the Sub-Committee on Flag State Implementation at its eighteenth session,

1. ADOPTS the 2010 Guidelines for Survey and Certification of Anti-fouling Systems on Ships, as set out in the Annex to this resolution;

2. INVITES Governments to apply the 2010 Guidelines;

3. RECOMMENDS that the Guidelines be reviewed on a regular basis; and

4. REVOKES resolution MEPC.102(48).

ANNEX

2010 GUIDELINES FOR SURVEY AND CERTIFICATION OF ANTI-FOULING SYSTEMS ON SHIPS

1 General

1.1 Article 10 of the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, hereinafter referred to as "the Convention", prescribes that ships shall be surveyed and certified in accordance with the regulations of annex 4 of the Convention. The purpose of this document is to provide the Guidelines for Surveys and Certification of Anti-fouling Systems on Ships referred to in regulation 1(4)(a) of annex 4, hereinafter referred to as the "Guidelines", that will assist the Administrations and recognized organizations, in the uniform application of the provisions of the Convention and assist companies, shipbuilders, manufacturers of anti-fouling systems, as well as other interested parties to understand the process of the surveys and issuance and endorsement of the certificates.

1.2 These Guidelines provide the procedures for survey to ensure that a ship's anti-fouling system complies with the Convention, and those necessary for issuance and endorsement of an International Anti-fouling System Certificate. A guidance for compliant anti-fouling systems is given in the Appendix I to this annex.

1.3 These Guidelines apply to surveys of ships of 400 gross tonnage and above engaged in international voyages, excluding fixed or floating platforms, floating storage units (FSUs), and floating production storage and off-loading units (FPSOs), as specified in regulation 1(1) of annex 4 to the Convention.

1.4 The sole purpose of the survey activities described in these Guidelines is to verify compliance with the provisions of the Convention. Consequently, such surveys do not relate to any aspect not regulated by the Convention even if such aspects relate to the performance of an anti-fouling system on the hull of a ship, including the quality of workmanship during the application process.

1.5 In the event that a new survey method is developed, or in the event that the use of a certain anti-fouling system is prohibited and/or restricted, or in the light of experience gained, these Guidelines may need to be revised in the future.

2 Definitions

For the purposes of these Guidelines:

2.1 "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

2.2 "Anti-fouling system" means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.

2.3 "Company" means the owner of the ship or any other organization or person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities imposed by the International Safety Management (ISM) Code.

2.4 "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention.

2.5 "International voyage" means a voyage by a ship entitled to fly the flag of one State to or from a port, shipyard, or offshore terminal under the jurisdiction of another State.

2.6 "Length" means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor convention.

2.7 "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).

3 General requirements for surveys

3.1 An initial survey covering at least the scope as in paragraph 1 of appendix II of these Guidelines should be held before the ship is put into service and the International Anti-fouling System Certificate required under regulation 2 or 3 of annex 4 to the Convention is issued for the first time.

3.2 A survey should be carried out whenever an anti-fouling system is changed or replaced. Such surveys should cover the scope as in paragraph 2 of appendix II to these Guidelines.

3.3 A major conversion affecting the anti-fouling system of a ship may be considered as a newbuilding as determined by the Administration.

3.4 Repairs generally do not require a survey. However, repairs affecting approximately twenty-five (25) per cent or more of the anti-fouling system, should be considered as a change or replacement of the anti-fouling system.

3.5 A non-compliant anti-fouling system controlled under annex 1 of the Convention, that undergoes repair must be repaired, or replaced with a compliant anti-fouling system.

4 Request for survey

4.1 Prior to any survey, a request for survey should be submitted by the Company to the Administration, or to a recognized organization along with the ship's data required in the International Anti-fouling System Certificate as listed:

.1 Name of ship

.2 Distinctive number or letters

.3 Port of registry

.4 Gross tonnage

.5 IMO number.

4.2 A request for survey should be supplemented by a declaration and supporting information from the anti-fouling system manufacturer, confirming that the anti-fouling system applied, or intended to be applied to the ship is in compliance with the requirements of the Convention (with an identification of the version of the Convention referred to). Such declaration should provide the following information contained in the Record of Anti-fouling System, as can be found in appendix 1 to annex 4 to the Convention:

.1 Type of anti-fouling system*

.2 Name of anti-fouling system manufacturer

.3 Name and colour of anti-fouling system

.4 Active ingredient(s) and their Chemical Abstract Service Registry Number (CAS number(s)).

Information required by the surveyor regarding compliance of product with the Convention should be found in a declaration from the anti-fouling system manufacturer which may be provided on the anti-fouling system container and/or on supportive documentation (such as Material Safety Data Sheets (MSDSs), or similar). A link between the supportive documentation and the relevant container should exist.

5 Conduct of surveys

5.1 **Initial Surveys** (Surveys in accordance with regulation 1(1)(a) of annex 4 to the Convention)

.1 The initial survey should verify that all applicable requirements of the Convention are complied with.

.2 As part of the survey, it should be verified that the anti-fouling system specified by the documentation submitted with the request for survey complies with the Convention. The survey should include verification that the anti-fouling system applied is identical to the system specified in the request for survey.

.3 Taking into account experience gained and the prevailing circumstances, the initial survey should include the tasks as listed in paragraph 1 of appendix II to these Guidelines.

.4 The verification tasks set out in paragraph 5.1.2 should be conducted at any time, either before, during, or after the anti-fouling system has been applied to the ship, as deemed necessary to verify compliance. No checks or tests must affect the integrity, structure or operation of the anti-fouling system.

* *Examples of suitable wording could be: Organotin-free self polishing type, Organotin-free ablative type, Organotin-free conventional, Biocide-free silicon type paint, others. In the case of an anti-fouling system containing no active ingredients, the words "biocide-free" should be used.*

5.2 **Surveys when the anti-fouling systems are changed or replaced** (Surveys in accordance with regulation 1(1)(b) of Annex 4 to the Convention)

.1 If the existing anti-fouling system is confirmed by an International Anti-fouling System Certificate not to be controlled under annex 1 of the Convention, the provisions described in paragraph 5.1 apply.

.2 If the existing anti-fouling system is declared not to be controlled under annex 1 of the Convention, without being documented by an International Anti-fouling System Certificate, a verification should be carried out to confirm that the anti-fouling system complies with the requirements of the Convention. This verification may be based on sampling and/or testing and/or reliable documentation, as deemed necessary based on experience gained and the existing circumstances. Documentation for verification could, e.g., be MSDSs, or similar, a declaration of compliance from the anti-fouling system manufacturer, invoices from the shipyard and/or the anti-fouling system manufacturer. To verify the new anti-fouling system, the provisions described in paragraph 5.1 apply.

.3 If the existing anti-fouling system has been removed, the removal should be verified in addition to the provisions described in paragraph 5.1.

.4 If a sealer coat has been applied, a verification should be carried out to confirm that the name, type and colour of the sealer coat applied to the ship match those specified in the request for survey, and that the existing anti-fouling system has been covered with that sealer coat. Additionally the provisions described in paragraph 5.1 apply.

.5 An existing anti-fouling system controlled under annex 1 of the Convention:

.1 applied on/after 1 January 2003 or a later date if specified by the Administration, should be removed according to subparagraph 5.2.3;

.2 applied before 1 January 2003 or a later date if specified by the Administration, should be removed or covered by a sealer coat according to subparagraph 5.2.4.

.6 The survey should include the tasks as listed in paragraph 2 of Appendix II to these Guidelines.

5.3 **Surveys of existing ships requesting only an International Anti-fouling System Certificate**

.1 If the existing anti-fouling system is declared not to be controlled under annex 1 of the Convention, a verification should be carried out to confirm that the anti-fouling system complies with the requirements of the Convention. This verification may be based on sampling and/or testing and/or reliable documentation, as deemed necessary based on experience gained and the existing circumstances. Such documentation could be MSDSs or similar, a declaration of compliance from the anti-fouling system manufacturer, invoices from the shipyard and/or the anti-fouling system manufacturer. If this information raises no reasonable doubt that the system applied is compliant with annex 1 of the Convention, the International Anti-fouling System Certificate may be issued on this basis.

6 Issuing or endorsing the International Anti-fouling System Certificate

6.1 The International Anti-fouling System Certificate along with the Record of Anti-fouling Systems should be:

.1 issued upon satisfactory completion of the initial survey;

.2 issued upon acceptance of another Party's International Anti-fouling System Certificate; or

.3 endorsed upon satisfactory completion of a survey for change or replacement of an anti-fouling system.

* * *

Appendix I

Guidance for compliant anti-fouling systems

For the purpose of compliance with annex 1 of the Convention, small quantities of organotin compounds acting as a chemical catalyst (such as mono- and di- substituted organotin compounds) are allowed, provided that they are present at a level which does not provide a biocidal effect to the coating. On a practical level, when used as a catalyst, an organotin compound should not be present above 2,500 mg total tin per kilogram of dry paint.

* * *

Appendix II

Guidance for surveys under the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS 2001)

(FI) 1 **Initial survey** (AFS 2001, annex 4, regulation 1(1)(a))

(FI) 1.1 confirming that a Declaration and supporting information from the anti-fouling system manufacturer, specifying that the anti-fouling system and, where applicable, the sealer coat intended to be applied to the ship are in compliance with the requirements of the Convention, is provided (AFS 2001);

(FI) 1.2 verifying that the relevant containers of the anti-fouling system show same data as the supporting information (AFS 2001);

(FI) 1.3 confirming that the existing anti-fouling system, controlled under annex 1 of the Convention has been removed or that a sealer coat has been applied (AFS 2001);

(FI) 1.4 verifying, where applicable, that the relevant containers of the sealer coat applied show same data as the supporting information (AFS 2001);

(FI) 1.5 where supporting information from the anti-fouling system manufacturer is not available or does not provide sufficient information, sampling or testing or other checks conducted on site, of the anti-fouling system;

(FI) 1.6 for ship of 24 m or more in length but less than 400 GT and engaged in international voyages, confirming that the owner or owner's authorized agent has completed a Declaration on Anti-fouling System (AFS 2001).

(FR) 2 **Surveys when anti-fouling systems are changed or replaced** (AFS 2001, annex 4, regulation 1(1)(b))

(FR) 2.1 confirming that a Declaration and supporting information from the anti-fouling system manufacturer, specifying that the anti-fouling system and, where applicable, the sealer coat intended to be applied to the ship are in compliance with the requirements of the Convention, is provided (AFS 2001);

(FR) 2.2 verifying that the relevant containers of the anti-fouling system show same data as the supporting information (AFS 2001);

(FR) 2.3 confirming that the existing anti-fouling system, controlled under annex 1 of the Convention has been removed or that a sealer coat has been applied (AFS 2001);

(FR) 2.4 verifying, where applicable, that the relevant containers of the sealer coat applied show same data as the supporting information (AFS 2001);

(FR) 2.5 for ship of 24 m or more in length but less than 400 GT, confirming that the owner or owner's authorized agent has completed a Declaration on Anti-fouling System (AFS 2001);

(FR) 2.6 endorsement of the Record of Anti-fouling Systems.

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ANNEX 17

BIENNIAL AGENDA OF THE SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)[1] AND PROVISIONAL AGENDA FOR BLG 15					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))*		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
	Description				
1.1.2.2	**Consideration of IACS unified interpretations**	MSC/MEPC		BLG	Ongoing
2.0.1.13	**Development of guidelines and other documents for uniform implementation of the 2004 BWM Convention**	MEPC	BLG		2012
5.2.1*	**Review of proposed amendments to chapter 14 of the FSS Code related to ships carrying liquid substances listed in the IBC Code**	MSC	BLG	FP	2011
5.2.1.3	**Development of provisions for gas-fuelled ships**	MSC	BLG	FP and DE	2012
5.2.1.4	**Revision of the IGC Code**	MSC	BLG	FP, DE, SLF and STW	2014
5.2.1.25	**Revision of the Recommendations for entering enclosed spaces aboard ships**	MSC	DSC	BLG and FP	2011
5.2.2*	**Amendment to SOLAS to mandate enclosed space entry and rescue drills**	MSC	DSC	BLG	2012
7.1.2.14	**Development of international measures for minimizing the transfer of invasive aquatic species through bio-fouling of ships**	MEPC	BLG		2012

[1] Outputs printed in bold letters have been selected for the provisional agenda for BLG 15.

* Unplanned output subject to endorsement by the Council. A new output number will be assigned by the Council, as appropriate.

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)[2]					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
7.2.2.4	**Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments**	MEPC	BLG		Ongoing
7.2.2.5	**Application of the requirements for the carriage of bio-fuels and bio-fuel blends**	MEPC	BLG		2011
7.3.1.1	**Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NO_x Technical Code**	MEPC	BLG		2012
12.3.1 12.1.2.2	**Casualty analysis**	MSC	FSI	BLG	Ongoing

[2] Outputs printed in bold letters have been selected for the provisional agenda for BLG 15.

PROVISIONAL AGENDA FOR BLG 15

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG) – FIFTEENTH SESSION

Opening of the session

1 Adoption of the agenda

2 Decisions of other IMO bodies

3 Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments

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

5 Development of guidelines and other documents for uniform implementation of the 2004 BWM Convention

6 Development of provisions for gas-fuelled ships

7 Casualty analysis

8 Consideration of IACS unified interpretations

9 Development of international measures for minimizing the transfer of invasive aquatic species through bio-fouling of ships

10 Revision of the IGC Code

11 Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NO_x Technical Code

12 Development of a Code for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk in offshore support vessels

13 Revision of the Recommendations for entering enclosed spaces aboard ships

14 Amendment to SOLAS to mandate enclosed space entry and rescue drills

15 Review of proposed amendments to chapter 14 of the FSS Code related to ships carrying liquid substances listed in the IBC Code

16 Work programme and provisional agenda for BLG 16

17 Election of Chairman and Vice-Chairman for 2012

18 Any other business

19 Report to the Committees

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ANNEX 18

BIENNIAL AGENDA* OF THE SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI) AND PROVISIONAL AGENDA FOR FSI 19					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
1.1.2.2	**Consideration of IACS unified interpretations**	MSC		FSI	Ongoing
1.1.2.4	**PSC guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006**	MSC	FSI		~~2010~~ 2011
2.0.1.13 5.2.2.2	**Development of guidelines on port State control under the 2004 BWM Convention**	MEPC	FSI		~~2010~~ 2013
2.0.1.18	**Development of a Code for Recognized Organizations**	MSC	FSI		~~2010~~ 2011
2.0.1.25 2.0.2.7/8	**Comprehensive analysis of difficulties encountered in the implementation of IMO instruments**	MSC/MEPC	FSI		Ongoing
2.0.1.25 5.3.1.8	**Responsibilities of Governments and measures to encourage flag State compliance**	MSC/MEPC	FSI		Ongoing
2.0.1.27	**Mandatory reports under MARPOL**	MEPC	FSI		Ongoing

* Outputs printed in bold letters have been selected for the provisional agenda for FSI 19. Struck-out text indicates completed outputs and shaded text indicates proposed additions and/or changes.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
2.0.2.2	**Review of the Code for the Implementation of Mandatory IMO Instruments**	MSC/MEPC	FSI		Ongoing
5.1.2.3	**Measures to protect the safety of persons rescued at sea**	MSC	FSI		~~2010~~ 2011
5.2.1.22	**Non-mandatory instruments: regulations for non-convention ships**	MSC		FSI	In progress
5.2.1.23	**Review of the Survey Guidelines under the HSSC**	MSC	FSI		Ongoing
7.1.2.10	**Review of the Guidelines for inspection of anti-fouling systems on ships**	MEPC	FSI		~~2010~~ 2011
5.3.1.6 5.3.1.7 12.3.1.2	**Harmonization of port State control activities**	MSC	FSI		Ongoing
~~7.1.3.1 7.1.3.2~~	~~**Port reception facilities-related issues**~~	~~MEPC~~	~~FSI~~		2010 Completed
12.1.2.1/2 12.3.1.1/3	**Casualty statistics and investigations**	MSC	FSI		Ongoing

POST-BIENNIAL AGENDA

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)								
PROPOSED POST-BIENNIAL OUTPUT				Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Timescale (sessions)	Remarks
Number	Reference to Strategic Directions*	Reference to High-level Actions*	Description					
FSI 1	1.1.2	1.1.2.1	Cooperation with FAO: preparation and holding of the third session of the IMO/FAO Working Group on IUU fishing and related matters, including safety regulations for fishing vessels and fishers, the entry into force of the 1993 Torremolinos Protocol, port State measures to fight against IUU fishing and development of a Global record for fishing vessels	MSC/MEPC	FSI	SLF	2	

* Numbers refer to the planned outputs for the 2010-2011 biennium.

PROVISIONAL AGENDA FOR FSI 19

	Opening of the session
1	Adoption of the agenda
2	Decisions of other IMO bodies
3	Responsibilities of Governments and measures to encourage flag State compliance
4	Mandatory reports under MARPOL
5	Casualty statistics and investigations
6	Harmonization of port State control activities
7	PSC Guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006
8	Development of guidelines on port State control under the 2004 BWM Convention
9	Review of the Guidelines for inspection of anti-fouling systems on ships
10	Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
11	Review of the Survey Guidelines under the HSSC
12	Consideration of IACS Unified Interpretations
13	Review of the Code for the Implementation of Mandatory IMO Instruments
14	Development of a Code for Recognized Organizations
15	Measures to protect the safety of persons rescued at sea
16	Biennial agenda and provisional agenda for FSI 20
17	Election of Chairman and Vice-Chairman for 2012
18	Any other business
19	Report to the Committees

***

ANNEX 19

ITEMS IN BIENNIAL AGENDAS OF THE DE, DSC AND NAV SUB-COMMITTEES RELATING TO ENVIRONMENTAL ISSUES

SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
2.0.1.29	**Interpretation of application of SOLAS, MARPOL and Load Line requirements for major conversions of oil tankers**	MSC/MEPC	DE		2010
5.2.1.1 5.3.1.1	**Amendments to resolution A.744(18)**	MSC/MEPC	DE		2010
5.2.1.19	**Development of a mandatory Code for ships operating in polar waters**	MSC/MEPC	DE		2012
7.1.2.27	**Test standards for type approval of add-on equipment**	MEPC	DE		2011
7.1.2.28	**Measures to promote integrated bilge water treatment systems**	MEPC	DE		2011
7.1.2.29	**Guidelines for a shipboard oil waste pollution prevention plan**	MEPC	DE		2011
7.1.2.30	**Manually operated alternatives in the event of pollution prevention equipment malfunctions**	MEPC	DE		2011
*	Revision of resolution MEPC.159(55)	MEPC	DE		2012

NOTES:

* Unplanned output subject to endorsement by the Council. A new output number will be assigned by the Council, as appropriate.

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
5.2.3.3	**Amendments to the IMSBC Code, including evaluation of properties of solid bulk cargoes**	MSC/MEPC	DSC		Ongoing
5.2.3.4	**Amendment (36-12) to the IMDG Code and supplements**	MSC/MEPC	DSC		2011
5.2.3.5	**Harmonization of the IMDG Code with the UN Recommendations on the Transport of Dangerous Goods**	MSC/MEPC	DSC		Ongoing
12.3.1.3	**Reports on incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas**	MEPC	DSC		Ongoing

SUB-COMMITTEE ON SAFETY OF NAVIGATION (NAV)					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
5.2.4.1	**Routeing of ships, ship reporting and related matters**	MSC/MEPC	NAV		Ongoing

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ANNEX 20

REPORT ON THE STATUS OF PLANNED OUTPUTS OF THE MEPC FOR THE 2010-2011 BIENNIUM

Planned output number in the High-level Action Plan for 2010-2011 [a]	Description	Target completion year [b]	Status of output for Year 1 [c]	Status of output for Year 2 [c]	References [d]
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		
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		

Planned output number in the High-level Action Plan for 2010-2011 [a]	Description	Target completion year [b]	Status of output for Year 1 [c]	Status of output for Year 2 [c]	References [d]
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_x 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		
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		

Planned output number in the High-level Action Plan for 2010-2011 [a]	Description	Target completion year [b]	Status of output for Year 1 [c]	Status of output for Year 2 [c]	References [d]
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	completed		Revised Guidelines approved, subject to concurrent decision of MSC 88
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		

Planned output number in the High-level Action Plan for 2010-2011 [a]	Description	Target completion year [b]	Status of output for Year 1 [c]	Status of output for Year 2 [c]	References [d]
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	2011	completed		Revised MARPOL Annex III adopted through resolution MEPC.193(61)
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		
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_2 indexing scheme; CO_2 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		

Planned output number in the High-level Action Plan for 2010-2011 [a]	Description	Target completion year [b]	Status of output for Year 1 [c]	Status of output for Year 2 [c]	References [d]
7.1.2.12	Revised Manual on oil pollution, Section 1 – Prevention	2011	completed		To be published through the IMO Publishing Service
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	completed		To be published through the IMO Publishing Service
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 *in situ* 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		
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		

Planned output number in the High-level Action Plan for 2010-2011 [a]	Description	Target completion year [b]	Status of output for Year 1 [c]	Status of output for Year 2 [c]	References [d]
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_2 emissions from international shipping	continuous	ongoing		
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		

Planned output number in the High-level Action Plan for 2010-2011 [a]	Description	Target completion year [b]	Status of output for Year 1 [c]	Status of output for Year 2 [c]	References [d]
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.

STATUS OF UNPLANNED OUTPUTS FOR THE MEPC

UNPLANNED OUTPUTS 2010-2011		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	**Description**				
1*	Development of a Code for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk in offshore support vessels	MEPC	BLG	DE	2012
2*	Development of guidance on the safe operation and performance standards of oil pollution combating equipment	MEPC	OPRC-HNS Technical Group	DE	2011
3*	Revision of resolution MEPC.159(55)	MEPC	DE		2012

NOTES:

* Unplanned output subject to endorsement by the Council. A new output number will be assigned by the Council, as appropriate.

POST-BIENNIAL AGENDA OF THE MEPC

MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC)								
ACCEPTED POST-BIENNIAL OUTPUTS				Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Timescale (sessions)	Remarks
Number	Reference to Strategic Direction	Reference to High-level Actions	Description					
1	7.2.2	7.2.2.2	Safety aspects of alternative tanker designs assessed	MSC MEPC	BLG		Ongoing*	BLG 3/18, paragraph 15.7
2	1.1.2	1.1.2.1	Cooperation with FAO: preparation and holding of the third session of the IMO/FAO Working Group on IUU fishing and related matters, including safety regulations for fishing vessels and fishers, the entry into force of the 1993 Torremolinos Protocol, port State measures to fight against IUU fishing and development of a Global record for fishing vessels	MSC MEPC	FSI	SLF	2013	

NOTES:

* BLG 4 agreed that work on this output is to be carried out when a proposal for an alternative tanker design is submitted to the Organization.

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ANNEX 21

ITEMS TO BE INCLUDED IN THE AGENDAS FOR MEPC 62, MEPC 63 AND MEPC 64

No.	Item	MEPC 62 July 2011	MEPC 63 March 2012	MEPC 64 October 2012
1	Harmful aquatic organisms in ballast water	RG X	[RG] X	X
2	Recycling of ships	WG X	[WG] X	[WG] X
3	Prevention of air pollution from ships	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	DG 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
11	Work of other bodies	X	X	X

No.	Item	MEPC 62 July 2011	MEPC 63 March 2012	MEPC 64 October 2012
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	X	[WG] 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 22

DRAFT MSC/MEPC CIRCULAR

GUIDELINES ON THE ORGANIZATION AND METHOD OF WORK OF THE MARITIME SAFETY COMMITTEE AND THE MARINE ENVIRONMENT PROTECTION COMMITTEE AND THEIR SUBSIDIARY BODIES

1 The Maritime Safety Committee, at its [eighty-eighth session (24 November to 3 December 2010)], and the Marine Environment Protection Committee, at its sixty-first session (27 September to 1 October 2010), having reviewed the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.2, as amended), with a view to their harmonization with the provisions of the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization, adopted by resolution A.1013(26), and further rationalizing the work of the Committees and their subsidiary bodies, approved the revised Guidelines as set out in the annex.

2 Members are invited to apply the annexed revised Guidelines, as appropriate, and to bring them to the attention of their representatives at relevant IMO meetings, advising them to strictly observe the Guidelines.

3 This circular supersedes MSC-MEPC.1/Circ.2.

ANNEX

GUIDELINES ON THE ORGANIZATION AND METHOD OF WORK OF THE MARITIME SAFETY COMMITTEE AND THE MARINE ENVIRONMENT PROTECTION COMMITTEE AND THEIR SUBSIDIARY BODIES

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1 INTRODUCTION

Purpose and application

1.1 The purpose of these Guidelines is to provide a uniform basis for the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC) and their subsidiary bodies to conduct their work in an efficient and effective manner and to strengthen the linkage between the Organization's strategy, the work of the Committees and the biennial budget with a view to achieving IMO's objectives and the priorities over a biennium. This will enable the Committees to respond successfully to the needs for enhanced maritime safety and protection of the marine environment, thus providing an efficient mechanism towards achieving the desired goals of the Organization.

1.2 Proper application of the Guidelines will also enhance the ability of Committee members and delegations to subsidiary bodies of the Committees to cover the full spectrum of IMO activities relevant to their work and thus provide for their effective participation in the rule-making process of the Organization. It is also expected that the Guidelines will enable the Committees to further improve their decision-making functions.

1.3 The Guidelines are applicable to the work of the Committees and their subsidiary bodies as well as to working groups, drafting groups and correspondence groups set up by these bodies. The Chairmen of the Committees, subsidiary bodies, working groups, drafting groups and correspondence groups should make all efforts to ensure strict compliance with the Guidelines.

1.4 The Guidelines will be kept under review and they will be updated as necessary in the light of experience gained in their application, taking into account the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (resolution A.1013(26)), as may be amended.

Objectives

1.5 The provisions of these Guidelines are aimed at achieving the following objectives:

.1 to align and strengthen the planning and reporting processes by more clearly linking agenda setting and reporting to the Strategic Plan and High-level Action Plan;

.2 to strengthen the linkage between the planned outputs and the resources required to deliver the outputs;

.3 to facilitate the efforts of the Committees in controlling and monitoring the Organization's work; and

.4 to promote a greater understanding and assimilation of the interconnections between the Strategic Plan and High-level Action Plan and the planned outputs;

.5 to promote a new culture and discipline in adherence to the planning procedures and Guidelines;

.6 to promote objectivity, clarity and realistic timeframes in the establishment of biennial agendas by the Committees and their subsidiary bodies;

.7 to ensure maximum possible participation of all Member States and organizations with observer status in the work of the Committees and their subsidiary bodies; and

.8 to establish responsibilities and promote involvement in the planning and reporting processes of the Organization.

2 DEFINITIONS

2.1 For the purposes of the Guidelines, as appropriate, the following definitions will apply:

.1 *Strategic Plan* is the Strategic Plan for the Organization for the six-year period adopted by the Assembly, which includes key strategic directions to enable IMO to achieve its mission objectives.

.2 *High-level Action Plan* is the High-level Action Plan of the Organization and the biennium's priorities, as adopted by the Assembly, which enables the Organization to effectively address strategic directives, identifies high-level actions necessary to achieve the IMO objectives and priorities over a biennium; and provides the linkage between the Organization's strategy, the work of the various IMO organs and the biennial budget.

.3 *Planned output* is a product planned in the High-level Action Plan to be delivered by the Organization during a biennium.

.4 *Unplanned output* is a product that may be agreed by the Committees to be delivered during a biennium after the adoption of that biennium's High-level Action Plan.

.5 *Provisional agenda* is a list of outputs for discussion at a particular meeting.

.6 *Biennial agenda* is a list of planned outputs to be delivered during a biennium by a Committee or subsidiary body.

.7 *Post-biennial agenda* is a list of accepted outputs to be delivered or initiated beyond a current biennium.

3 COORDINATION OF WORK

3.1 The Committees should function as policy-making bodies and their subsidiary bodies as purely technical bodies.

3.2 The Committees should routinely examine their planned and accepted outputs, allocate work to their subsidiary bodies, review the allocation of meeting weeks to each body and approve their respective biennial and provisional agendas, taking into account any recommendations made by meetings of the Committees' and subsidiary bodies' Chairmen convened as provided in paragraph 3.4.

3.3 The Committees should regularly review the status of all conventions, protocols and other major instruments under their purview.

3.4 The Committee Chairmen may convene a meeting of Chairmen of the Committees' subsidiary bodies, at least once a year. This meeting should preferably take place at the spring session of the MSC or MEPC, to advise the Committees on subjects such as those referred to in paragraph 3.2, to ensure coordination of the work and examine other matters pertinent to the effective conduct of business and management of the work of the Committees and their subsidiary bodies.

3.5 The Committee Chairmen should, at the end of the first year of the biennium, submit to their respective Committees a joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium, for consideration in the subsequent year.

3.6 When both Committees have been charged by the Council, Assembly or a conference with the consideration of a specific item and one Committee has finalized its consideration, the other Committee should consider it at its first subsequent session.

3.7 When an issue is transferred to the Committee by another Committee of the Organization for specific action, the Committee, before including the subject in question in the biennial agenda, must decide that the provisions of section 4, as appropriate, are fully satisfied, even if the issue, in accordance with the criteria of the referring Committee, satisfies the requirements of resolutions A.500(XII), A.777(18) and A.900(21).

4 WORK PLANNING AND DELIVERY PROCESS

Planned outputs

4.1 The Committees should identify, in a timely manner, the products to be included as planned outputs in the High-level Action Plan for the coming biennium, as such identification provides a basis for making an estimate of the budget required for that biennium.

4.2 In the process of making a proposal for planned outputs for inclusion in the High-level Action Plan, due account should be taken, *inter alia*, of:

.1 planned outputs the delivery of which have been postponed from a prior biennium;

.2 final outputs that may need to be produced following the delivery of related interim outputs in a prior biennium;

.3 any specific requirement to review the effectiveness of planned outputs delivered in a prior biennium;

.4 accepted outputs on the post-biennial agendas; and

.5 new planned outputs.

4.3 Decisions on the inclusion of planned outputs in the High-level Action Plan for the coming biennium should be guided by the strategic directions and high-level actions established in the Strategic Plan and the High-level Action Plan, and should take due account of:

.1 the anticipated workload of the Committees and their subsidiary bodies involved in the delivery of the output;

.2 the demonstrated urgency to deliver the output;

.3 the personnel and budgetary resources available; and

.4 the potential adverse impact of a decision as to whether or not to include an output on the ability of the Organization to meet its objectives.

4.4 Such planned outputs may be revised during the biennium by the Committees, taking into account the provisions of paragraph 4.3, if subsequently endorsed by the Council.

4.5 An overview of the Organization's strategic planning process and its steering and reporting flows are shown in diagrams 1 and 2 contained in annex 1 to the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (resolution A.1013(26)).

Unplanned outputs

General

4.6 The Committees, in determining inclusion of unplanned outputs, should at all times be guided by the strategic directions and high-level actions established in the Strategic Plan and the High-level Action Plan, as shown in diagram 3 contained in annex 1 to the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (resolution A.1013(26)), and should, in particular, take due account of:

.1 the potential impact inclusion of an unplanned output may have on the timely delivery of outputs planned in the current High-level Action Plan;

.2 the potential impact inclusion of an unplanned output may have on the workload of the Committees and the subsidiary bodies involved;

.3 the personnel and budgetary resources available; and

.4 the potential adverse impact of a decision as to whether or not to accept a proposal for inclusion of an unplanned output on the ability of the Organization to meet its objectives.*

Submission of proposals for unplanned outputs

4.7 To enable the Committees to carry out a proper assessment of proposals for inclusion of unplanned outputs, submissions containing such proposals should, at a minimum, contain the information, including demonstration and documentation, as follows:

.1 **IMO's objectives**: Provide evidence whether and how the proposal:

.1 is within the scope of IMO's objective; and

.2 is strictly related to the scope of the Strategic Plan and contributes to the implementation of the high-level actions established in the Strategic Plan.

* Refer to the IMO Risk Management Framework (C 100/3(b), Appendix 1).

.2 **(Compelling) need**: Demonstrate and document:

.1 the need for a proposed measure; and

.2 the compelling need for a proposal for a new convention or an amendment to an existing convention.

.3 **Analysis of the issue**: Provide an analysis of the proposed measure, including a plausible demonstration of its practicability, feasibility and proportionality.

.4 **Analysis of implications**: Provide an analysis of the implications of the proposal, addressing the cost to the maritime industry as well as the relevant legislative and administrative burdens.

.5 **Benefits**: Provide evidence that the benefits *vis-à-vis* enhanced maritime safety, maritime security or protection of the marine environment expected to be derived from the inclusion of the new item justify the proposed action.

.6 **Industry standards**: Provide information on whether adequate industry standards exist or are being developed.

.7 **Output**: Specify the intended output in SMART terms (specific, measurable, achievable, realistic, time-bound). If a final output cannot be specified in the submission for a proposal for inclusion of an unplanned output, an interim output to be produced before the end of the current biennium should be specified in SMART terms.

.8 **Priority/urgency**: Provide, with reference to the current Strategic Plan and High-level Action Plan, evidence on:

.1 the urgency of the proposed unplanned output;

.2 the date that the proposed unplanned output should be completed; and

.3 timescale needed for the IMO organ to complete the work.

.9 **Action required**: Specify the action required by the IMO organ.

4.8 Member Governments should refrain from submitting to the Committee(s) proposals for unplanned outputs under specific agenda items and the Secretariat should not accept such submissions and advise the submitting Administrations accordingly.

4.9 Proposals for the inclusion of unplanned outputs should never be submitted to a sub-committee. A sub-committee should not undertake work on unplanned outputs or expand planned outputs unless directed or authorized to do so by the Committees.

4.10 Proposals for the inclusion of unplanned outputs submitted by non-governmental organizations should be co-sponsored by Governments. Notwithstanding the above, such organizations should not be restrained from submitting comments and recommendations on outputs on the provisional agenda of any Committees or subsidiary bodies, thus providing expert advice, contributing to the discussion and enabling the organs concerned to reach optimal decisions.

4.11 Follow-up action in response to specific requests for action emanating from the Assembly and diplomatic conferences convened by IMO, UN conferences and bodies, regional intergovernmental conferences and other international and intergovernmental organizations, etc., should be evaluated in the light of paragraph 4.3 of these Guidelines, unless they are specifically identified as, and demonstrated to be, urgent matters.

Preliminary assessment by the Committees' Chairmen of proposals for unplanned outputs

4.12 In order to facilitate consideration of proposals for inclusion of an unplanned output by the Committee, the Chairman should undertake a preliminary assessment of such proposals. The Chairman should, for that purpose, be supported by the Vice-Chairman and the Secretariat and should consult the Chairman of any subsidiary body concerned.

4.13 The outcome of the preliminary assessment should be submitted to the Committee for consideration and approval, and should include the Chairman's appraisal of:

.1 whether the proposal complies with the requirements for the submission of proposals for unplanned outputs, as specified in paragraph 4.7;

.2 whether the proposal complies with the criteria specified in paragraph 4.14;

.3 whether the demonstrated urgency of the proposal requires its inclusion in the biennial agenda; and, if so,

.4 to what extent the general criteria specified in paragraph 4.6 should be taken into account.

Assessment of proposals for unplanned outputs

4.14 Before deciding to include an unplanned output in its biennial agenda, the Committees should carry out a comprehensive and thorough assessment of such proposals, taking into account resolutions A.500(XII), A.777(18) and A.900(21). The assessment should at least include a test against the following criteria:

.1 Is the subject addressed by the proposal considered to be within the scope of IMO's objectives and the Strategic Plan for the Organization?

.2 Does the proposal contribute to the high-level actions established in the High-level Action Plan?

.3 Does the proposal involve the exercising of functions conferred upon the Committees by or under any international convention or related instrument?

.4 Has a need – or, in the case of proposals calling for new conventions or amendments to existing conventions, a *compelling* need – for the measure been demonstrated and documented?

.5 Has an analysis been provided that demonstrates and documents the practicality, feasibility and proportionality of the proposed measure?

.6 Has the analysis of the issue sufficiently addressed the cost to the maritime industry as well as the relevant legislative and administrative burdens?

.7 Do the benefits *vis-à-vis* enhanced maritime safety, maritime security or protection of the marine environment expected to be derived from the inclusion of the proposed unplanned output justify such action?

.8 Do adequate industry standards exist or are they being developed, thereby reducing the need for action within IMO?

.9 Has the intended output been properly specified in SMART terms (specific, measurable, achievable, realistic, time-bound)?

.10 Does the proposal properly demonstrate the urgency of the action proposed, and does it plausibly demonstrate that and why the unplanned output should be included in the biennial agenda?

.11 Would a decision not to accept the proposal pose an unreasonable risk to the Organization's overall objectives?

Nothing in these Guidelines should prohibit the Committees from taking immediate action on urgent matters if the risk of not acting will adversely impact on the Organization's ability to meet its objectives.*

Acceptance and inclusion of unplanned outputs in the biennial or post-biennial agendas of the Committees

4.15 Based on their assessment in accordance with paragraph 4.14, having taken due account of the Chairmen's appraisal of the proposal, the Committees may decide:

.1 to include the proposed unplanned output, together with a target date for completion, in their biennial agendas, if and after it has been satisfied that the implications for the present workload and planning may be considered acceptable; or

.2 to include the proposed unplanned output, together with the timescale for completion, in its post-biennial agendas, if the implications for the present workload and planning are considered to be unacceptable; or

.3 upon their conclusion that the proposal is *not* within the scope of the current Strategic Plan and should, therefore, not be accepted for inclusion, to invite the proponent(s) to submit the proposal to the Council, including a substantiated proposal for adjustment of the Strategic Plan.

* Refer to the IMO Risk Management Framework (C 100/3(b), Appendix 1).

4.16 Upon a decision by a Committee to include a proposed unplanned output in its post-biennial agenda, the Committee should include the accepted output and the timescale for completion in its proposals for the High-level Action Plan of the next biennium.

4.17 In order to maintain a balance between effective control and the need for flexibility in addressing emerging trends, developments and challenges within the Organization's mandate, any decision to include unplanned outputs in the current High-level Action Plan should be endorsed by the Council (see also paragraph 4.18).

4.18 The Committees should report on their decisions on proposals for inclusion of unplanned outputs in their regular reports to the Council, for its endorsement and in order to facilitate the monitoring by the Council of the delivery of the current biennial agendas and the planning of future work.

4.19 In pursuance of resolution A.998(25), Committee(s) should assess the implication for capacity-building and technical co-operation and assistance, initiated at the acceptance of a proposal for the unplanned output concerning new, or amendments to existing, mandatory instruments, against the criteria for identification of capacity-building implications, set out in annex 1.

Acceptance and inclusion of unplanned outputs in the biennial agenda of subsidiary bodies

4.20 Upon consideration of a proposal for inclusion of an unplanned output in the biennial agenda of a subsidiary body and based on the assessment in accordance with paragraph 4.14, having taken due account of the Chairman's appraisal of the proposal, the Committee may decide:

.1 to agree, in principle, with the proposal and its inclusion in the biennial agenda, and to leave the detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and/or recommendations to the subsidiary body or other bodies concerned; or

.2 to agree, in principle, with the proposal, but request the subsidiary body or other bodies concerned to consider the proportionality and feasibility of the proposal on a preliminary basis, and to advise the parent organ as to whether, in its opinion, the unplanned output should or should not be included in the subsidiary body's biennial agenda; or

.3 to agree, in principle, with the proposal, but request the subsidiary body or other bodies concerned to prepare a comprehensive plan of work in accordance with paragraph 4.25, and to advise the Committee(s) on the efficient organization of the work to be undertaken.

4.21 A decision by the Committee(s) to include an unplanned output in the biennial agenda of a subsidiary body should include clear and detailed instructions for the work to be undertaken by, and the final output expected from, the subsidiary body or bodies concerned, preferably by establishing the terms of reference under which such work should be undertaken. Such instructions or terms of reference should also specify the output expected at the end of the current biennium.

4.22 Sub-Committees should focus their efforts to carry out the entrusted technical work and should not without good reason normally reopen the discussion on the need or the compelling need for the work programme item, whether it is on the agenda or not.

4.23 With the aim of facilitating the technical work being carried out in an effective and efficient manner, the proponent(s) of proposals referred to in paragraph 4.7 should ensure that sufficient and relevant information, in line with the need or compelling need as determined by the Committee, is made available for the subsidiary body when embarking on its technical work.

4.24 In deciding to include an unplanned output in the biennial agenda of more than one subsidiary body, the Committee should:

.1 designate the subsidiary body that is to co-ordinate the work so as to avoid duplication, maintain consistency in the standards being developed and ensure effective communication between the subsidiary bodies concerned;

.2 ensure that the coordinating subsidiary body can complete the work by the date decided;

.3 ensure that only those subsidiary bodies essential for the completion of the work will be involved, in order to avoid superfluous work and documentation; and

.4 ensure that the work is included in the biennial agendas of all the subsidiary bodies concerned.

4.25 For unplanned outputs involving more than one subsidiary body and for which extensive work is required, such as the revision of conventions or the preparation of codes, the Chairman of the coordinating subsidiary body, in consultation with the Chairmen of the other subsidiary bodies involved, and with the support of the Secretariat, may be invited to prepare a comprehensive and coherent plan of work in order to advise the Committee(s) on the efficient organization of the work to be undertaken.

Additional considerations

4.26 The High-level Action Plan may specify certain IMO activities that are dictated by the need to take action on specific areas of maritime safety, maritime security, environmental protection and maritime law, irrespective of any order of priority.

4.27 Submissions to the Committee(s) or subsidiary bodies highlighting problems or shortcomings identified in a particular area(s) of maritime safety, maritime security or protection of the marine environment should, in general and where possible, also suggest appropriate solutions thereto.

4.28 When new constructional requirements have been proposed for new ships, the Committee(s) and its subsidiary bodies should, in order to minimize the unavoidable gaps in safety standards between new and existing ships, consider applying the proposed new requirements, or any modification of same, to existing ships using the Interim guidelines for the systematic application of the grandfather clauses (MSC/Circ.765-MEPC/Circ.315).

4.29 Recognizing the human factor as an integral part of any effort to enhance maritime safety, maritime security or protection of the marine environment, the subsidiary bodies should consider the involvement of the human factor whenever new requirements are developed and existing requirements are reviewed, taking into account the human element principles addressed in MSC/Circ.763-MEPC/Circ.313, particularly when:

.1 reviewing the adequacy of requirements and recommendations for equipment and operating manuals on board ships, including the simplification and standardization of terminology. In this respect, when developing new or amending existing performance standards, careful consideration should be given to including recommendations on:

.1.1 user-friendliness;

.1.2 safety of use of the equipment;

.1.3 harmonization of essential safety features of the equipment; and

.1.4 the need for clear, easily understandable and updated operating and technical manuals and drawings;

.2 reviewing the adequacy of requirements and recommendations for operational guidelines on board ships, in particular with respect to them being easily understandable;

.3 continuing the simplification and standardization of symbols and signs used on board ships; and

.4 identifying words and phrases used in IMO instruments such as "adequate", "sufficient", "to the satisfaction of the Administration", etc., and determine the extent to which they can be more specifically defined.

4.30 Planned or unplanned outputs for which extensive work is required, such as the preparation of codes, should, when appropriate, be placed on the provisional agendas of alternate sessions of the bodies concerned to allow adequate time for the preparatory work of delegations.

4.31 In respect of subjects requiring research, contributions from other organizations and appropriate entities should be encouraged and taken into account. Exchange of information on technological development should be encouraged.

4.32 In the context of resolution A.911(22) – Uniform wording for referencing IMO instruments, subsidiary bodies should be guided in their work, as appropriate, by the Guidelines annexed thereto.

4.33 Substantial modifications to draft amendments to mandatory instruments being considered by the Committees with a view to adoption should only be accepted for discussion if they have been submitted in writing. However, in exceptional circumstances where the draft amendments under consideration include significant discrepancies or omissions, or where serious difficulties in their application can be foreseen, the Committees may accept to discuss oral proposals aiming at resolving any problems identified.

Management, control and reporting

4.34 In implementing the High-level Action Plan, proper management and control mechanisms should ensure that:

.1 both biennial agendas and agendas are clearly linked to the Strategic Plan and the High-level Action Plan;

.2 the competing demands of the Strategic Plan and the High-level Action Plan can be prioritized within the resource constraints of the Organization and its membership;

.3 the Organization's response to changes in the environment within which it operates is consistent with the Strategic Plan and the High-level Action Plan; and

.4 monitoring and reporting is such that progress on biennial agendas is explicitly linked to progress on the production of planned outputs.

4.35 In order to provide a transparent link between the Strategic Plan and the Organization's work, the following principles should be applied:

.1 the planned outputs included in the High-level Action Plan should explicitly form the basis of the biennial work of the Committees and their subsidiary bodies, taking into account the budget of the Organization;

.2 the agendas and biennial agendas of the Committees and their subsidiary bodies should only contain planned outputs included in the High-level Action Plan;

.3 the biennial agendas for the Committees and their subsidiary bodies should follow format 1 set out in annex 2;

.4 for outputs with a target completion date beyond the current biennium, the High-level Action Plan should specify the planned interim output at the end of the biennium;

.5 target completion dates in the biennial agenda format at annex 2 (format 1) should specify the year of planned completion within the current biennium;

.6 continuous outputs are discouraged but in those cases where they are deemed inevitable, efforts should be made to specify their expected interim outputs at the end of the current biennium; and

.7 documents submitted to Committees and subsidiary bodies should clearly and substantively demonstrate the direct relation between the proposals therein and the planned output to be accomplished under the relevant agenda item, based on the High-level Action Plan.

4.36 In order to ensure transparent and efficient monitoring and reporting, a uniform format should be used for reports on the status of planned outputs, as set out in annex 3. The Secretariat should also use that format in reporting to the Council on the status of its planned outputs.

4.37 Reports on the status of planned outputs included in the High-level Action Plan should constitute or be annexed to the reports of each session of the sub-committees and the Committees, and the biennial report of the Council to the Assembly. Such reports should separately identify unplanned outputs accepted for inclusion in the biennial agendas.

4.38 In preparing its own report, the Committees and sub-committees should consolidate therein all reports on the status of planned outputs which it has received since its previous report.

4.39 The Committees should establish and maintain post-biennial agendas, using format 2 set out in annex 2. These should be annexed to the reports of each session. For planning purposes, the subsidiary bodies should also maintain a list of the accepted outputs in the Committees' post-biennial agendas for outputs under their purview.

Responsibilities

4.40 The Committees and the Secretariat should ensure consistency and discipline in the administrative management of the planning and reporting cycle.

4.4 The Chairmen, Vice-Chairmen and Secretaries of the Committees and sub-committees have a specific responsibility for the effective management of the planning and reporting cycle and for the consistent and rigorous application of these Guidelines and the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization.

4.42 In order to fulfil the function in paragraph 4.41, a well-established co-operation and coordination is expected between the Chairmen, Vice-Chairmen and Secretaries of the Committees and sub-committees by all available means, including face-to-face meetings and teleconferences as deemed necessary.

5 WORKING ARRANGEMENTS

Committees and subsidiary bodies

5.1 The subsidiary bodies should, as necessary, operate under the instructions of both the Maritime Safety Committee and the Marine Environment Protection Committee and should report on specific outputs directly and separately to the Committee that has sought their expert advice, rather than reporting to both Committees.

5.2 The subsidiary bodies should periodically review their terms of reference to ensure that they accurately reflect the work being carried out.

5.3 The Committees should periodically review the necessity for the continued existence of their subsidiary bodies.

5.4 The subsidiary bodies should not recommend the convening of working groups during sessions of the Committee(s) concerned without prior consultation by the Chairman of the subsidiary body concerned with the Chairman of the Committee(s).

5.5 A subsidiary body may request contribution from another body, in which case the latter should be allowed sufficient time to prepare its contribution, taking into account its planned outputs.

5.6 The Committees should not, as a rule, permit any subsidiary body to commence work on the review or improvement of provisions already approved by it, until sufficient experience has been gained from the operation of such existing provisions.

5.7 Subsidiary bodies should not include in their biennial agendas new subjects or expand existing subjects unless directed or authorized to do so by the Committee(s). Subsidiary bodies should not develop amendments to, or interpretations of, any relevant IMO instrument without authorization from the Committee(s). However, when seeking the Committee's authorization to act as provided in the previous two sentences (or when proposing a new output for inclusion in a Committee's post-biennial agenda), subsidiary

bodies should ensure that their request complies with the provisions of paragraphs 4.6, 4.8 and 4.14, as appropriate. As subsidiary bodies may not have sufficient time to develop the required information, given that usually their biennial agendas are only discussed at the end of their sessions, interested delegations should, in consultation with the subsidiary body Chairman and the Secretariat, prepare the information which should accompany the proposal necessary for the Committee(s) to decide whether an unplanned output should be included in the subsidiary body's biennial agenda or in a Committee's post-biennial agenda.

5.8 Subsidiary bodies should not, as a rule, issue circulars, which are supposed to be issued only after approval by the Committee(s). However, in exceptional cases, subsidiary bodies may issue circular(s) within their area of competence subject to endorsement of their action by the Committee(s) concerned at their first subsequent session(s).

5.9 Subsidiary bodies should avoid developing unified interpretations for guidelines. In cases where the existing text of the guidelines is vague and therefore needs modification, the subsidiary body concerned should amend the guidelines accordingly in lieu of developing a unified interpretation.

5.10 When considering their planned outputs and/or their provisional agendas for the following session, subsidiary bodies should seek the Committee(s) advice in the case of planned outputs for which no submissions have been received for two consecutive sessions.

Guidance for the selection of outputs for the provisional agenda

5.11 Subsidiary bodies should select outputs for their provisional agenda in a manner which would ensure that proper consideration is given to important and urgent issues, taking into account:

.1 the number of working days of each session; and

.2 the number of working groups and drafting groups which the subsidiary body intends to establish.

5.12 The planned and unplanned outputs should be selected first from the biennial agenda and, where the subsequent session will occur in the coming biennium, from the accepted outputs included in the Committees' post-biennial agenda.

5.13 The total number of selected outputs and the workload of the subsidiary bodies' provisional agendas should be kept at an appropriate manageable level ensuring high quality output. Outputs selected from the Committees' post-biennial agendas should be included in the subsidiary bodies' agendas only when outputs from the biennial agenda are completed and the capacity of the subsidiary body allows the inclusion of additional outputs.

5.14 The remaining outputs not selected will be kept in abeyance and will be transferred to the provisional agenda of the subsidiary bodies as and when selected by them and endorsed by the Committee(s), having regard to the overall workload of the subsidiary bodies responsible for the work in hand.

Working, drafting, correspondence, intersessional working and other groups

Working groups

5.15 The Committees and their subsidiary bodies should keep the number of working groups formed during their sessions to a minimum; however, a maximum of three working groups could be established, where necessary, bearing in mind the difficulties small

delegations experience in being represented in such groups and the fact that such groups work without interpretation. When a working group has completed its task and has been terminated, another working group should not be convened in its place during the same session. To such an end, subsidiary bodies should endeavour to consider, as appropriate, items on their agenda in plenary, rather than establishing groups to deal with them.

5.16 Where more than three working groups are needed to deal with different subjects in one session, the Committee(s) and subsidiary body(ies) should establish a priority order for possible subject items and decide accordingly. Where more than three unrelated topics need to be covered by independent working groups over several sessions, arrangements could be made for groups concerned to meet at alternate sessions of the Committee and subsidiary body concerned within the maximum of three groups per session.

5.17 Working groups may start work on the morning of the first day of the meeting on the basis of the draft terms of reference presented by the Chairman of the Committee or sub-committee concerned, pending formal discussion of those terms of reference under the relevant agenda item. However, these measures should be an option and be decided at the meeting with caution. It should be encouraged that, whenever possible, terms of reference of working groups should be agreed at the previous sessions of the parent Committee(s) or sub-committee(s). Another option would be that the draft terms of reference of working and drafting groups issued at the beginning of the session, in accordance with paragraph 5.42 of these Guidelines, also identify items on which the groups could start, if so decided, working on the morning of the first day of the meeting, without prior consideration of the related agenda items in plenary.

5.18 In principle, there should be no splinter group(s) of a working group. However, where the establishment of a splinter group(s) is necessary for the facilitation and efficiency of the work, the working groups should have a unanimous agreement on its establishment and the outcome of the group(s) work should be considered and agreed by members of the working group and incorporated in the report of the working group. Splinter group(s), if established, should meet outside normal working hours, unless the working group decides otherwise in view of the efficiency of the work.

5.19 Subsidiary body working groups, if circumstances and time constraints so dictate, may submit their reports directly to the Committees, if authorized by the parent sub-committee, following consultation among the Chairman of the group, the Chairman of the parent sub-committee and the Chairmen of the Committees concerned.

5.20 When appropriate, working groups should make full use of the five working days of a session, submitting their reports to the next session of their parent body. When working group reports are to be prepared during a session, all efforts should be made to keep such reports as short as possible.

5.21 Permanent working groups should be avoided and, if there ever is a need for such a group, clear justification and appropriate terms of reference should be provided by the subsidiary body concerned.

Drafting groups

5.22 In addition to working groups, the Committees and their subsidiary bodies may form drafting groups. In no case should more than five groups (e.g., three working and two drafting groups) meet simultaneously during a session. If additional drafting groups are needed, they should meet outside normal working hours.

Other groups

5.23 In addition to working and drafting groups, the Committee and their subsidiary bodies may form other groups, such as technical or review groups as required under relevant conventions. Depending on the necessity and urgency of the issue to be considered, such groups may meet in addition to or in lieu of working or drafting groups.

Correspondence groups

5.24 To facilitate the consideration of an issue, correspondence groups may be established by a Committee or its subsidiary bodies and instructed to work on the basis of a consolidated draft text prepared by a "lead country" or the Secretariat, thereby, through consultation between interested delegations by correspondence, decreasing the volume of documents submitted and processed, after the body concerned has agreed to consider the issue and has endorsed terms of reference for the group (see also paragraph 5.34).

5.25 Correspondence groups should utilize modern communications technology, such as the Internet, as much as possible.

5.26 The work of a correspondence group (e.g., the receipt and processing of comments and suggestions) should not pre-empt formal consideration of the relevant issue by the parent body concerned or the positions taken by Member Governments or international organizations participating in the correspondence group.

5.27 In normal circumstances, the Committees and subsidiary bodies should not establish more than three correspondence groups although this number may be increased where the urgency of the matter under consideration so justifies. Sub-groups within a correspondence group should not be established. No official meetings of members of correspondence groups should be held without the prior approval of the Committee(s).

5.28 Participation in correspondence groups is open to all delegations (Governments and organizations) which can provide the necessary expertise on a timely basis or which have a particular interest in the issue under consideration. Any Member Government or international organization can join in the work of the correspondence group subsequent to the establishment of the group and any contribution should be accepted at any stage of the work of the group.

5.29 When establishing a correspondence group, a "lead country", "lead organization" or the Secretariat should be designated to coordinate the work of the group. Responsibilities of group coordinators should include:

.1 preparation, maintenance and circulation of list of participants;

.2 establishment of deadlines for the preparation of draft texts and receipt of comments and proposals thereon;

.3 preparation and circulation of draft texts and comments thereon;

.4 preparation and submission to the Secretariat of the report of the correspondence group including any consolidated draft texts (see paragraph 5.33); and

.5 introduction of the above-mentioned report and consolidated draft texts to the appropriate Committee or subsidiary body.

5.30 Responsibilities of participants should include:

.1 active participation in the work of the group;

.2 compliance with the deadlines established for the submission of comments on draft texts, proposals, etc.; and

.3 relaying to other group members copies of comments, proposals, etc., submitted to the group coordinator.

5.31 The responsibilities of the Secretariat, in those cases where the Secretariat acts as a group coordinator, should be the same as those listed under paragraph 5.29 above. The Secretariat may also be requested to circulate consolidated draft texts, etc., on behalf of the group coordinator.

5.32 The results of work carried out by correspondence groups should normally take the form of a consolidated draft text reflecting the information received from members of the group. Such texts should be accompanied by a succinct report summarizing the work and indicating which members have provided input to the process. Where it has not been possible to prepare an agreed consolidated draft document, texts or issues on which there was a disagreement should be clearly indicated in the draft document or the report, as appropriate.

5.33 Correspondence groups' reports should be submitted to the first session of the parent body to meet following conclusion of the groups' work in time to meet the deadline established for consideration of substantive documents, in accordance with the provisions of paragraph 6.11. Normally the work of the correspondence groups should not overlap with sessions of the parent Committee or subsidiary body. In case the group has not finalized its work in time to meet such a deadline, a progress report should be made to the parent body.

Terms of reference of working, drafting and correspondence groups

5.34 When working, drafting and correspondence groups are formed, draft terms of reference should be prepared following consultations between the Chairman of the relevant Committee or subsidiary body and the Secretariat for approval by plenary. In the case of working and drafting groups, the aforementioned draft terms of reference should be issued by the Secretariat at the beginning of the session for agreement by plenary before the groups in question start their work. Thereafter, the agreed terms of reference should not be modified or extended without the parent body's prior consent.

Intersessional working groups

5.35 Subject to approval by the Council, intersessional meetings of working groups may be convened without interpretation services. Intersessional meetings should only be held if considered to be absolutely essential and after careful consideration of their need by the Committee(s) on a case-by-case basis, taking into account the priority and urgency of the specific matter such meetings will be invited to address. Intersessional meetings of such groups should be held at IMO Headquarters immediately before or after an agreed session of the parent body concerned. Other arrangements may be considered; however, no arrangements should be made with respect to intersessional meetings until such meetings have been approved by the Committee(s). Intersessional working groups and technical groups should not be held at the same time as Committee or sub-committee meetings.

6 PROCEDURES FOR PREPARATION AND SUBMISSION OF DOCUMENTS

Preparation of documents

6.1 Documents should be prepared in single spacing and be as concise as possible so as to facilitate their timely processing. In order to enhance the clear understanding of documents, the following should be observed:

.1 all documents should be preceded by a brief summary prepared in the form, and containing the information indicated in the table below. Documents – especially proposals for the inclusion of an unplanned output – should demonstrate, where feasible, the linkages to the Strategic and High-level Action Plans by including, in the summary, references to the related strategic direction(s), high-level action(s) and planned output(s):

SUMMARY	
Executive summary:	This description should be brief, outlining the proposed objective (an amendment, an Assembly resolution, a circular, information only, etc.), and include information on whether a proposal will have any financial implications for the shipping industry or for the IMO budget.
Strategic direction:	A reference should be made to one or more relevant strategic directions in the Organization's Strategic Plan.
High-level action:	A reference should be made to one or more corresponding high-level actions in the Organization's High-level Action Plan.
Planned output:	A reference should be made to one or more corresponding planned outputs in the biennial's High-level Action Plan. If there is no corresponding planned output, an appropriate descriptive text should be included.
Action to be taken:	A reference should be made to the paragraph of the document which states the action to be taken by the Committee, sub-committee, etc.
Related documents:	Other key documents should be listed to the extent they are known to the originator of the document.

.2 substantive documents should conclude with a summary of the action the relevant body is invited to take; and

.3 information documents should conclude with a summary of the information contained therein.

6.2 To facilitate their processing, documents should be accompanied by computer diskettes, preferably in Microsoft Word using Arial font size 11. Documents may also be submitted via e-mail in Microsoft Word to IMO's e-mail address "info@imo.org". In such cases, documents should be confirmed by hard copies to facilitate processing of the

document, i.e. attachment of annexes to main texts, and to check that none of the text has been garbled during sending or conversion. Requirements for the submission of documents set out in paragraph 6.11 should also be applicable when such documents are submitted by electronic means.

6.3 Documents made available at IMO 13 weeks or more before a session should not be introduced in the plenary unless the Chairman decides that this is essential for the proper consideration of the matter concerned. Information documents, and documents requiring no action of the Committees or their subsidiary bodies other than for their contents to be noted, should not be introduced in the plenary.

6.4 To indicate the importance of documents containing proposed amendments to maritime safety and protection of the marine environment-related IMO instruments approved for adoption by the MSC or the MEPC and to make them distinctive from other documents, such documents should be printed on pink paper.

6.5 Reports of the Committees and their subsidiary bodies should, in general, contain, under each section only:

.1 a summary of key documents and listing of other documents submitted by Governments, international organizations and the Secretariat;

.2 a summary of views expressed during consideration of an item, which may have influenced the decision taken by the reporting body (thus not allowing the reports to turn into summary records, and statements by delegations should be included therein only at their express request during the session); and

.3 a record of the decisions taken.

6.6 In drafting recommendations, codes or guidelines, cross references may, whenever possible, be made to texts and terminology previously developed by IMO or other organizations. This will avoid unnecessary duplication and will reduce the need for excessively detailed provisions and for subsequent harmonization.

6.7 Chairmen of subsidiary bodies should not introduce their reports to the Committee(s) as these should be taken as read.

6.8 With respect to urgent matters emanating from subsidiary body meetings which have taken place less than 13 weeks before a session of the Committee, the Committee would consider only such urgent matters as may be specified by it at a prior session. As a general rule, the Committee would not consider reports or matters emanating from any subsidiary body meeting which has taken place less than 9 weeks prior to the Committee's session. In exceptional cases, a subsidiary body may invite the Committee to take action on a matter the subsidiary body considers to be urgent and important emanating from a meeting which took place less than 9 weeks prior to the Committee's meeting. In such cases, the subsidiary body Chairman should consult the Committee Chairman seeking the latter's approval of the contemplated action.

6.9 All concerned should be continuously aware of the financial and environmental impact of the volume of documentation generated by IMO meetings and should limit, to the greatest possible extent, the number of pages of documents submitted to such meetings.

6.10 To encourage the action referred to in paragraph 6.9 above, documents, other than information documents and those referred to in subparagraphs 6.11.1, 6.11.2 and 6.11.3 above, which contain more than 20 pages should not be translated in their entirety. They should include, for translation purposes, a summary of the document not longer than four pages, with the remaining content submitted as an annex in the language (e.g., English) that may be needed, for example, by the working groups.

Submission of documents

6.11 To ensure that all documents are available at IMO Headquarters in all three working languages well in time before a session of a Committee or subsidiary body, so as to enable the timely studying of documents and thus promoting the participation of all members in the decision-making process of the Committees and their subsidiary bodies, the following provisions should apply:

.1 as a general rule, documents, other than information documents, should not contain more than 50 pages. In the case of reports from working, drafting or correspondence groups and in other exceptional circumstances, this number of pages may be exceeded, provided that the appropriate deadline for receipt of the document by the Secretariat, as specified in subparagraphs .2 and .3 below, is put back by one week for every 20 pages exceeding 50 pages;

.2 documents containing proposals for inclusion of unplanned outputs should be received by the Secretariat not later than 13 weeks before the opening of any session of the Committee(s). They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, not later than 5 weeks before the opening of the session;

.3 documents (including information documents) containing more than 6 pages of text (bulky documents) should be received by the Secretariat not later than 13 weeks before the opening of any session of the Committee(s) and their subsidiary bodies. However, bulky information documents, submitted in electronic format, may be accepted by the Secretariat, if they are received not later than 9 weeks before the meeting concerned. They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, except for information documents which should not be translated, not later than 5 weeks before the opening of the session;

.4 non-bulky documents commenting on those referred to in subparagraphs .2 and .3 above, or on items already on the agenda should be received by the Secretariat not later than 9 weeks before the opening of any session of the Committee(s) and their subsidiary bodies. They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, not later than 5 weeks before the opening of the session;

.5 notwithstanding the provisions of subparagraph .4 above, documents commenting on those referred to in subparagraphs .2, .3 and .4 above containing 4 pages or less should be processed if received by the Secretariat not later than 7 weeks before the opening of any session of the Committee(s) and their subsidiary bodies. These documents should start

with a paragraph clearly indicating the document on which comments are made and stating that the document is submitted in accordance with the provisions of paragraph 6.11.5 of the Guidelines. They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, not later than 4 weeks before the opening of the session;

.6 non-bulky information documents should be received by the Secretariat not later than 9 weeks before the opening of any session of the Committee(s) and their subsidiary bodies. They should not be translated and should be made available at IMO Headquarters and the IMO documents website not later than 5 weeks before the opening of the session. No action will be taken on the basis of an information document only, other than to take note of it;

.7 in addition and with reference to reports of subsidiary bodies on the basis of which the Committee(s) are normally invited to take action, every possible effort should be made that such reports are made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, not later than 5 weeks before the opening of the session; and

.8 in the case of basic documents submitted to Committee(s) reporting on urgent matters emanating from sessions of subsidiary bodies referred to in paragraph 6.8, which met less than 13 weeks before the Committee(s)' meeting, such basic documents should annex the text (e.g., draft Assembly resolutions, draft MSC circulars, etc.) on which the Committee(s) will be invited to take action.

6.12 The Secretariat should make every effort to ensure the timely posting of documents on the IMO document website. Member Governments and international organizations should also endeavour to submit documents as early as possible and not just on the deadlines of the submission of documents.

6.13 The Secretariat should strictly apply the rules concerning the submission of documents and not accept late submissions from Governments or delegations. Any exemption from these provisions should have the prior authorization of the Chairman of the Committee concerned following consultations with the Secretariat. In emergency circumstances requiring immediate action by the Committee, a document to that end consisting of no more than 4 pages should be received by the Secretariat not later than 9 weeks before the opening of the session of the body concerned and made available at IMO Headquarters, in the Organization's three working languages, not later than 5 weeks before the opening of the session. Such a document will be considered by the Committee only if the Committee decides to do so at the opening of its session.

6.14 In the exceptional cases referred to in paragraph 6.8, when a subsidiary body invites the Committee to take action on urgent matters emanating from a subsidiary body's session which took place less than 9 weeks prior to the Committee's session, documents commenting on those urgent matters containing 4 pages or less should be processed if received by the Secretariat not later than 7 weeks before the opening of any session of the Committee concerned. Such documents should start with a paragraph clearly indicating the document on which comments are made and stating that the document is submitted in accordance with the provisions of paragraph 6.14 of these Guidelines. They should be made available at IMO Headquarters, in the three working languages, not later than 4 weeks before the opening of the session.

7 OBSERVANCE OF THE GUIDELINES

These Guidelines should be observed strictly. This will assist delegations in preparing adequately for each meeting and enhance their participation in the debate and decision-making process during meetings. It will also prevent delegations from experiencing difficulties when developing national positions on subjects on the agenda of the two Committees or their subsidiary bodies. In order to promote efficiency in the conduct of work overall, Committee members should ensure that their colleagues attending sessions of the other Committee are fully informed of the outcome of the meeting they have attended. Committee members should also ensure that their experts attending meetings of subsidiary bodies, working groups, drafting groups or correspondence groups are adequately informed and instructed on any action necessary to give effect to decisions made by the Committees.

ANNEX 1

PROCEDURES FOR THE ASSESSMENT OF IMPLICATIONS OF CAPACITY-BUILDING REQUIREMENTS WHEN DEVELOPING NEW, OR AMENDING EXISTING, MANDATORY INSTRUMENTS

1 INTRODUCTION

1.1 Assembly resolution A.998(25) cautions that, unless the Council, the Committees and their subsidiary bodies adopt a *cradle to grave* approach in relation to matters concerning capacity-building, technical co-operation and assistance, the chances of success in the ratification and effective implementation of IMO instruments may be reduced by the level of un-preparedness or lack of capacity that Governments, particularly of Small Island Developing States (SIDS) and Least Developed Countries (LDCs), experience at the point when implementation of such instruments is urgently required and, therefore, the development of this procedure is in keeping with the provisions of resolution A.998(25).

1.2 Assessment of capacity-building implications for the implementation of new, and/or amendment to existing, instruments is an iterative process that begins at the acceptance of the preliminary proposal and runs in parallel up to the process of its implementation.

1.3 The procedure does not prevent States from taking extra actions in promoting the advancement of the objectives of capacity-building through technical assistance or co-operation.

2 DEFINITIONS

For the purposes of this procedure, the following definitions apply:

2.1 *Planned output* is planned output as defined in paragraph 2.1.3 of the Guidelines.

2.2 *Unplanned output* is unplanned output as defined in paragraph 2.1.4 of the Guidelines.

2.3 *Capacity-building* are sustainable, social, economical or legal measures undertaken through various means for the purposes of a comprehensive transformation of the performance of an Administration or industry player to implement and therefore comply with new or amended instruments.

2.4 *Technical assistance* is a methodology of providing capacity-building rendered through bilateral and/or multilateral exchange of technical knowledge, resources or expertise to a party who has requested such assistance in order to enhance the technical capability of that party to implement existing, new or amended instruments.

2.5 Technical co-operation refers to a methodology of providing capacity-building through a multilateral effort to a group of co-operating countries of a particular region by the provision of training and exchange of expertise, knowledge and information in support of efforts aimed at the promotion of the implementation of existing, new and/or amended instruments.

2.6 *Instruments* refers to IMO Conventions and other treaties.

3 PURPOSE AND OBJECTIVES

3.1 The purpose of this procedure is to give effect to resolution A.998(25) aimed at enhancing efforts to promote universal implementation of IMO instruments.

3.2 This procedure is intended to assist in the identification and assessment of capacity-building implications in the following cases:

.1 when the Committee has accepted a proposal for an unplanned output and/or on approval by the Committee of a new instrument;

.2 during implementation of new instruments or amended instruments; and

.3 during the scheduling of capacity-building measures or activities.

3.3 These procedures apply to the Committees of the Organization and they constitute a specific implementation response to resolution A.998(25).

3.4 The procedures aim at:

.1 promoting universal ratification and compliance with newly adopted IMO instruments.

.2 improving the level and quality of implementation of new and/or amended instruments.

.3 promoting as far as possible a balanced level of implementation of new instruments.

4 PROCEDURE

4.1 Committees should conduct an assessment of capacity-building implications by following the procedure in the flow chart in appendix 1.

4.2 Assessments of capacity-building implications should be initiated at acceptance of proposals for an unplanned output.

Preliminary assessment of capacity-building implications

4.3 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, utilizing the checklist for the assessment of the need for capacity-building contained in appendix 2.

4.4 The outcome of the preliminary assessment should be submitted to the Committee concerned for consideration. This should contain the Vice-Chairman's appraisal of:

.1 whether there are or will be capacity-building implications or need for technical assistance;

.2 list of possible implications; and

.3 recommendations on the way forward.

Assessment of capacity-building implications

4.5 Following the preliminary assessment, the Committee should, if necessary, decide to convene the *Ad hoc* Capacity-building Needs Analysis Group (ACAG) to be chaired by the Vice-Chairman of that Committee. The ACAG should consider the preliminary assessment, taking into account comments and any further submissions thereto and, if appropriate, conduct further assessment and present its report and recommendations to the Committee.

4.6 The ACAG may refer a matter through the Committee for further consideration by another organ.

Post-assessment of capacity-building implications for implementation of new measures

4.7 When new measures have been approved, the Committee may request ACAG to conduct a post-assessment exercise using the criteria and mechanism contained in appendix 3 to identify issues requiring special focus when implementing technical co-operation and assistance activities.

4.8 Prepare a draft circular communicating possible capacity-building implications and recommendations of a course of action for consideration by the Organization, the membership and/or industry.

5 TERMS OF REFERENCE OF ACAG

5.1 In conducting assessment of capacity-building, the ACAG should be guided by the following:

.1 consider the preliminary assessment of capacity-building and technical assistance actions;

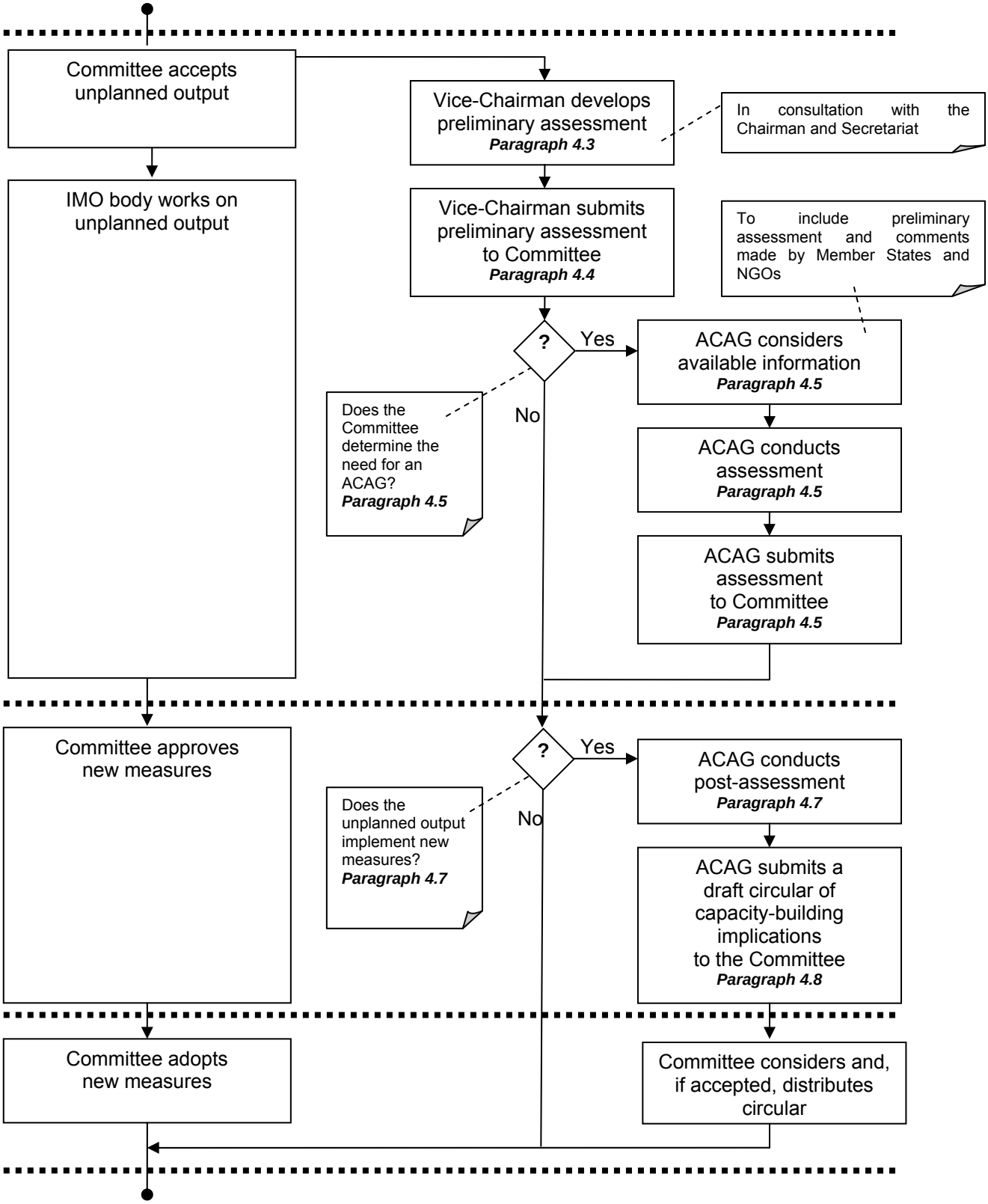
.2 make an assessment and, when new measures have been approved, a post-assessment of the capacity-building actions that may include technical assistance or technical co-operation required by Administrations for the implementation of the instrument;

.3 in consultation with the industry and non-governmental organizations, make an assessment and, when implementing new measures, a post-assessment of the capacity-building actions that may be required or expected of the shipping industry for the implementation of the instrument; and

.4 advise the Committee of the implications for capacity-building relating to a new instrument or the proposed amendment to existing instrument, whichever is being considered.

APPENDIX 1

IDENTIFICATION OF CAPACITY-BUILDING IMPLICATIONS FLOWCHART



APPENDIX 2

CHECKLIST FOR THE IDENTIFICATION OF CAPACITY-BUILDING IMPLICATIONS

1 For Administrations

- ☐ Is new legislation required?
- ☐ Is there a requirement for new equipment and or systems?
    - o Does equipment manufacturing capacity exist internationally?
    - o Do equipment repair/servicing facilities exist internationally?
    - o Is there capacity to develop new systems?
- ☐ Will the implementation require additional financial resources?
- ☐ Is there a need for additional human resources or new skills?
- ☐ Will there be a need to upgrade current infrastructure?
- ☐ Is there enough lead-time towards implementation?
- ☐ Will there be a rapid implementation procedure adopted?
- ☐ Is there a substantial modification of existing standards?
- ☐ Will a guide to implementation be needed?

2 For the industry

- ☐ Would the industry require new and or enhancement of existing systems?
    - o Does capacity exist internationally to develop new systems?
- ☐ Is there a need for additional training of seafarers?
    - o Do related and validated training courses exist?
    - o Are there sufficient simulation training courses available internationally?
- ☐ Will there be a requirement for new equipment?
    - o Does manufacturing capacity exist internationally?
- ☐ Is there repair/servicing and/or retrofitting and does maintenance capacity exist internationally?

APPENDIX 3

CHECKLIST OF ISSUES REQUIRING SPECIAL FOCUS WHEN DEVELOPING CAPACITY-BUILDING RELATED TO THE IMPLEMENTATION OF NEW MEASURES

Capacity-building Measures Form

Instrument _____

Measure number _____ **of** _____

Required for
☐ **Administration**
☐☐ **Industry**

Implementation
☐☐ **Prior to adoption**
☐☐ **Once adopted**
☐☐ **Prior to entry into force**
☐☐ **Once ratified**
☐☐ **Phased in**

Description of capacity-building activity needed for the implementation of new measures:

_____

_____

_____

ANNEX 2

FORMAT 1: BIENNIAL AGENDAS

(BLG as an example)

BULK LIQUIDS AND GASES (BLG)					
PLANNED OUTPUTS 2008-2009 (resolution A.990(25))		**Parent organ(s)**	**Coordinating organ(s)**	**Associated organ(s)**	**Target completion year**
Number	**Description**				
1.1.2.1	IACS Unified Interpretations	MSC	BLG		
1.3.3.1	Hazard profiles and evaluation of newly submitted substances to be incorporated into the IBC Code	MEPC	BLG		
2.1.1.2 7.1.2.2	Development of guidelines for uniform implementation of the 2004 BWM Convention	MEPC	BLG		
5.2.1.1	Interim guidelines for gas-fuelled engine installations in ships (coordinated by BLG)	MSC	BLG	FP-DE	
5.2.3.1	Review of MSDS for MARPOL Annex I cargoes and marine fuels	MSC	BLG		
7.3.1.1	Review of MARPOL Annex VI and the NO_x Technical Code	MEPC	BLG		
7.1.2.13	Application of the requirements for the carriage of bio-fuels and bio-fuel blends	MEPC	BLG		

FORMAT 2: POST-BIENNIAL AGENDAS OF COMMITTEES

[NAME OF COMMITTEE]								
ACCEPTED POST-BIENNIAL OUTPUTS				Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Timescale	Remarks
Number	Reference to Strategic Directions	Reference to High-level Actions	Description					

ANNEX 3

UNIFORM REPORTING FORMAT ON THE STATUS OF PLANNED OUTPUTS (EXAMPLE)

Planned output number in the High-level Action Plan for 2008-2009[a]	Description	Target completion year[b]	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1[c]	Status of output for Year 2[c]	References[d]
2.1.1.1	Review of the Code for the investigation of marine casualties and incidents	2007 (for FSI) 2008 (for MSC)	MSC/MEPC	FSI		Completed	Completed	Resolutions MSC.255(84) and MSC.257(84); MSC-MEPC.3/Circ.2

Example used: Output 2.1.1.1 from resolution A.990(25) – New or amended mandatory IMO instruments: Safety and security topics (MSC) – Revised Code for the investigation of marine casualties and incidents adopted and implemented through the collection of investigation reports.

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.

_____

INTERNATIONAL MARITIME ORGANIZATION

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MARINE ENVIRONMENT PROTECTION COMMITTEE
61st session
Agenda item 24

MEPC 61/24/Corr.1
2 November 2010
ENGLISH ONLY

REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE ON ITS SIXTY-FIRST SESSION

Corrigenda to document MEPC 61/24

1 Paragraphs 4.35 and 4.36 are replaced by the following:

"4.35 The Committee considered document MEPC 61/7/6 (United States) reasoning that complying with fuel sulphur limits in an ECA might introduce unintended safety concerns for older steamships (ships propelled by steam boilers constructed before 1985) and proposing an amendment to regulation 14 of MARPOL Annex VI in order to grant an exemption to those ships from the requirements concerning sulphur oxides set out in the regulation.

4.36 Following discussion, the Committee approved the draft amendments to regulation 14 of MARPOL Annex VI proposed by the United States in document MEPC 61/7/6, as amended, which is set out below, for circulation with a view to adoption at MEPC 62:

A new paragraph 8 is inserted in regulation 14 of MARPOL Annex VI as follows and existing paragraphs 8 to 10 of the regulation are renumbered 9 to 11 accordingly:

"8 Prior to 1 January 2020, the sulphur content of fuel oil referred to in paragraph 4 of this regulation shall not apply to ships operating in the North American area [or the United States Caribbean sea area] as described by the coordinates provided in Appendix VII of this Annex, built on or before [*date of entry into force of the amendment*] that are powered by propulsion boilers that were not originally designed for continued operation on marine distillate fuel or natural gas.""

2 Paragraph 5.47 is replaced by the following:

"5.47 Based on a proposal by the delegation of Brazil, whose statement is contained in annex 5, a number of delegations expressed the view that the energy efficiency regulations could be phased in for ships built in developing countries over a certain time period, e.g., in eight years, to allow the shipbuilding industry in developing countries to adjust."