

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
66th session  
Agenda item 1

MEPC 66/WP.1  
4 April 2014  
Original: ENGLISH

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**DRAFT REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE  
ON ITS SIXTY-SIXTH SESSION**

**1 INTRODUCTION – ADOPTION OF THE AGENDA**

1.1 The sixty-sixth session of the Marine Environment Protection Committee was held at IMO Headquarters from 31 March to 4 April 2014, under the chairmanship of Mr. Arsenio Dominguez (Panama). The Vice-Chairman of the Committee, Dr. Naomi Parker (New Zealand), was also present.

1.2 The session was attended by delegations from Members and Associate Members; by representatives from United Nations Programmes, specialized agencies and other entities; by observers from intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MEPC 66/INF.1.

1.3 The session was also attended by the Chairman of the Council, Mr. J. G. Lantz (United States); the Chairman of the Facilitation Committee, Mr. Y. Melenas (Russian Federation); the Chairman of the Sub-Committee on Pollution Prevention and Response (PPR), Mr. S. Oftedal (Norway); the Chairman of the Sub-Committee on Ship Design and Construction (SDC), Mrs. A. Jost (Germany); and the Chairman of the Sub-Committee on Ship Systems and Equipment (SSE), Mr. S. Ota (Japan), were also present.

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

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

<http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

### **Chairman's remarks**

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

### **Malaysia Airlines flight MH 370**

1.6 The delegations of Malaysia and Australia made statements concerning the incident of Malaysia Airlines flight MH 370 and the consequential search and rescue operations in the Indian Ocean, as set out in annex [...]. The Chairman, on behalf of the Committee, expressed his deepest sympathy and condolences to the families and friends of the victims of the tragedy.

### **Adoption of the agenda**

1.7 The Committee adopted the agenda (MEPC 66/1) and agreed to be guided by the provisional timetable (MEPC 66/1/1, annex 2, as revised), on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 66/INF [...].

1.8 Following the announcement of the Chairman that he would, from this point onwards, conduct the meeting in English, the delegations of Spain, supported by Argentina, and France expressed their concerns with this decision. Their statements are set out in annex [...]. The delegation of the Russian Federation expressed the view that this was a personal decision by the Chairman which should be respected by the Committee.

### **Credentials**

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

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## 2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

2.1 The Committee noted that the number of Contracting Governments to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention), is currently 38, representing 30.38% of the world's merchant fleet tonnage. The Committee urged those States which have not yet ratified the Convention to do so at the earliest possible opportunity.

### **Consideration and approval of ballast water management systems that make use of Active Substances**

2.2 The Committee noted that the twenty-sixth and twenty-seventh meetings of the GESAMP-Ballast Water Working Group (GESAMP-BWWG) were held from 28 October to 1 November 2013 and from 9 to 13 December 2013, respectively, at the IMO Headquarters, under the chairmanship of Mr. Jan Linders. During the two meetings, the GESAMP-BWWG had reviewed a total of six proposals for approval of ballast water management systems (BWMS) that make use of Active Substances, submitted by Germany, Italy and Japan.

### **Basic Approval**

2.3 The Committee, having considered the recommendations contained in annexes 5 to 7 of the report of GESAMP-BWWG 26 (MEPC 66/2/7) and in annex 4 of the report of GESAMP-BWWG 27 (MEPC 66/2/10), agreed to grant Basic Approval to:

- .1 ECOLCELL BTs Ballast Water Management System, proposed by Italy in document MEPC 66/2/1;
- .2 ATPS-BLUE<sub>sys</sub> Ballast Water Management System, proposed by Japan in document MEPC 66/2/2;
- .3 Ecomarine-EC Ballast Water Management System, proposed by Japan in document MEPC 66/2/3; and
- .4 KURITA™ Ballast Water Management Systems, proposed by Japan in document MEPC 66/2/4.

2.4 The Committee invited the Administrations of Italy and Japan to take into account all the recommendations made in the aforementioned reports of GESAMP-BWWG 26 and 27 (MEPC 66/2/7, annexes 5 to 7 and MEPC 66/2/10, annex 4) during the further development of the systems.

### **Final Approval**

2.5 The Committee, having considered the recommendations contained in annex 4 of the report of GESAMP-BWWG 26 (MEPC 66/2/7 and Corr.1), as well as the recommendations contained in annex 5 of the report of GESAMP-BWWG 27 (MEPC 66/2/10), agreed to grant Final Approval to:

- .1 Ballast Water Management System with PERACLEAN<sup>®</sup> Ocean (SKY-SYSTEM<sup>®</sup>), proposed by Japan in document MEPC 66/2; and
- .2 Evonik Ballast Water Treatment System with PERACLEAN<sup>®</sup> Ocean, proposed by Germany in document MEPC 66/2/5.

2.6 The Committee invited the Administrations of Germany and Japan to verify that all recommendations contained in the reports of GESAMP-BWWG 26 and 27 (MEPC 66/2/7 and Corr.1, annex 4 and MEPC 66/2/10, annex 5) are fully addressed prior to the issuance of the Type Approval Certificates.

2.7 The delegation of Germany commended the GESAMP-BWWG for its efforts in evaluating the Evonik Ballast Water Treatment System with PERACLEAN<sup>®</sup> Ocean, and confirmed that it concurred with all the conclusions made by the Group and intended to reflect the recommendations and limitations described in annex 5 to document MEPC 66/2/10 in the Type Approval Certificate.

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

2.8 The Committee noted that the next regular meeting of the GESAMP-BWWG (i.e. the twenty-eighth meeting) has been tentatively scheduled from 5 to 9 May 2014, and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their BWMS to MEPC 67 as soon as possible, but not later than 11 April 2014.

2.9 The Committee further noted that, recognizing the possibility that more than four proposals may be submitted for review by the Group and subsequent approval by MEPC 67, the GESAMP-BWWG had expressed its availability to have an additional meeting, (GESAMP-BWWG 29) in July 2014 to accommodate as many proposals as possible, provided that all the necessary conditions for organizing such a meeting are met. Any proposal for approval not reviewed at the twenty-eighth meeting and the additional meeting (i.e. the twenty-ninth meeting), due to time constraints, will be reviewed at the earliest meeting of the Group after MEPC 67 and reported to MEPC 68 (MEPC 66/2/10, section 3 of the report of GESAMP-BWWG 27).

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

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

- .1 reminded Administrations of their responsibility to conduct a careful completeness check to ensure that any future submissions of applications for Basic or Final Approval satisfy all the provisions in the most recent version of the Methodology for information gathering and conduct of work of the GESAMP-BWWG (the Methodology) endorsed by the MEPC (currently BWM.2/Circ.13/Rev.1), to reduce the questions to the applicant during the evaluation;
- .2 noted that, although applicants may have used data different from those in the Database of chemicals most commonly associated with treated ballast water as presented in document MEPC 65/INF.14 (Secretariat) and appendix 6 of the revised Methodology, the GESAMP-BWWG will use those data that the Group considers to be the most appropriate for its evaluations; and
- .3 in this respect, noted that the group may accept data different from that in the Database if the group can agree with the scientific justification presented by the applicant.

**Organizational arrangements related to the evaluation and approval of BWMS**

2.11 The Committee recalled that MEPC 62 had endorsed the proposal to conduct the stocktaking meetings on a yearly basis.

2.12 The Committee noted that the Fifth Stocktaking Workshop on the activity of the GESAMP-BWWG was held at IMO Headquarters in London from 4 to 6 September 2013, under the chairmanship of Mr. Jan Linders, and its outcome has been circulated in document MEPC 66/2/6.

2.13 The Committee, having noted the outcome of the Fifth Stocktaking Workshop and the relevant information provided in document MEPC 66/INF.22, agreed to recommend that the GESAMP-BWWG Database should be used by applicants when preparing proposals for approval of BWMS.

2.14 Having considered the revised Methodology for information gathering and conduct of work of the GESAMP-BWWG, contained in annex 2 of document MEPC 66/2/6, the Committee instructed the Ballast Water Review Group to consider the revised Methodology in detail and report on their findings.

2.15 With regard to the date on which the new provisions of the revised Methodology should be applied, the Committee instructed the Ballast Water Review Group to consider the matter in detail and advise the Committee as appropriate.

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

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

- .1 MEPC 66/INF.9/Rev.1 (Norway) on the type approval of the MMC Ballast Water Management System;
- .2 MEPC 66/INF.10 (France) on the type approval of the BIO-SEA<sup>®</sup> Ballast Water Management System;
- .3 MEPC 66/INF.12 (China) on the type approval of the NiBallast<sup>™</sup> Ballast Water Management System;

- .4 MEPC 66/INF.13 (China) on the type approval of the Seascope® Ballast Water Management System;
- .5 MEPC 66/INF.14 (China) on the type approval of the HY™-BWMS Ballast Water Management System;
- .6 MEPC 66/INF.15 (China) on the type approval of the BALWAT Ballast Water Management System;
- .7 MEPC 66/INF.16 (China) on the type approval of the Cyeco™ Ballast Water Management System;
- .8 MEPC 66/INF.28 (Japan) on the type approval of the FineBallast MF Ballast Water Management System; and
- .9 MEPC 66/INF.30 (Japan) on the type approval of the JFE BallastAce Ballast Water Management System,

which increases the total number of type approved BWMS to 42.

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

2.18 The Committee noted the information provided in document MEPC 66/INF.29 (Republic of Korea) on the outcome of the 5th Global R&D Forum and Exhibition on Ballast Water Management where, inter alia, a Memorandum of Understanding establishing the GloBal TestNet was signed by representatives of 16 ballast water treatment system testing organizations.

#### **Consideration and adoption of amendments and interpretations to BWM Guidelines**

2.19 The Committee had for its consideration document MEPC 66/2/11 (ICS et al.) on the need to amend the *Guidelines for approval of ballast water management systems (G8)*. In this context, the observer from ICS proposed the development of an MEPC resolution, to set out an agreed way forward with regard to concerns expressed pertaining to Guidelines (G8) and other matters related to the implementation of the BWM Convention.

2.20 A number of delegations noted that the Committee, at previous sessions, had already discussed the matter and decided that Guidelines (G8) should not be amended before the entry into force of the Convention, and that the concerns expressed in document MEPC 66/2/11 had already been addressed by resolution MEPC.228(65) and circular BWM.2/Circ.43. These delegations were also of the view that very little evidence had been provided on actual problems with type approved BWMS to support the concerns expressed in document MEPC 66/2/11.

2.21 A number of other delegations, in supporting the proposals made in document MEPC 66/2/11, expressed concern with the robustness of Guidelines (G8) and called for a revision.

2.22 A proposal was made to request the Secretariat to explore the possibility of conducting a study on the implementation of the ballast water performance standard described in regulation D-2, in order to provide a fact based approach as to how Guidelines (G8) may be improved in the future.

2.23 Following discussion, the Committee did not support the development of a resolution as proposed by ICS, but agreed to request the Secretariat to explore the possibility of conducting a study on the implementation of the ballast water performance standard described in regulation D-2. In this context, the Committee requested the Secretariat to consider funding and execution modalities and submit a draft plan and terms of reference for such a study, for consideration by MEPC 67. The Committee also invited interested Member States and international organizations to consider funding the study.

2.24 Taking into account the above, the Committee requested the Ballast Water Review Group to consider the proposal in document MEPC 66/2/11 in detail and advise the Committee accordingly.

### **Consideration of the manner of application of the BWM Convention**

2.25 The Committee considered document MEPC 66/2/9 (Canada), containing a draft BWM circular on Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party. The Committee instructed the Ballast Water Review Group to consider the proposal in detail, taking into consideration comments made with

regard to ensuring that it is fully compatible with the BWM Convention, and advise the Committee accordingly.

2.26 The Committee considered documents MEPC 66/2/8 and MEPC 66/INF.17 (India) on Port-based Mobile Ballast Water Treatment Facilities (BWTBoat) providing clarifications on the issues raised with regard to India's submission to MEPC 65 (MEPC 65/2/20) and containing an application for approval of the BWTBoat as an Other Method in accordance with regulation B-3.7 of the BWM Convention.

2.27 While the BWTBoat concept was widely supported, differing views were expressed regarding its possible status as an Other Method. In addition, some delegations were of the view that more consideration was needed regarding liability issues and ensuring that the concept provides treatment equivalent to that provided by reception facilities described in the *Guidelines for ballast water reception facilities (G5)*.

2.28 Consequently, the Committee instructed the Ballast Water Review Group to consider the proposal in document MEPC 66/2/8 in detail, taking into consideration document MEPC 66/INF.17, and advise the Committee accordingly.

2.29 The Committee noted document MEPC 66/INF.2 (Secretariat) on information on ballast water management Guidelines, guidance documents and approved BWMS available on the IMO website. The Committee further noted that the information has been updated since document MEPC 66/INF.2 was published and that the list of relevant Guidelines and guidance documents, as well as the list of approved BWMS, are updated, as necessary, after each session of the MEPC.

2.30 The Committee, having noted the information provided in document MEPC 66/INF.27 (Germany) on ballast water sampling methods for assessing compliance with the standards of the BWM Convention, requested Member Governments and international organizations to submit further information and proposals related to ballast water sampling, analysis and contingency measures, to the PPR Sub-Committee, with a view to further developing and improving the relevant guidance documents and guidelines.

**Outcome of Sub-Committees and work of other bodies concerning the BWM Convention**

2.31 The Committee recalled that A 28 adopted resolution A.1088(28) on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, to ease and facilitate the smooth implementation of the BWM Convention, as reported in document MEPC 66/12/4 (Secretariat).

2.32 The Committee noted that the PPR Sub-Committee held its first session from 3 to 7 February 2014, and its report on that session has been circulated under the symbol PPR 1/16. Urgent matters emanating from PPR 1 were reported in document MEPC 66/11/4 (Secretariat).

2.33 The Committee considered the action requested of it in paragraph 2.7 of document MEPC 66/11/4, which concerns the finalization and approval of a draft BWM circular on *Guidance on stripping operations using eductors*.

2.34 Due to serious concerns being expressed with regard to paragraphs 8 to 11 of the draft Guidance, and recognizing that there had not been sufficient time to submit commenting documents on the outcome of PPR 1 to MEPC 66, the Committee decided to defer consideration of the matter to MEPC 67.

**Establishment of the Ballast Water Review Group**

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

- .1 consider the revised Methodology for information gathering and conduct of work of the GESAMP-BWWG (MEPC 66/2/6, annex 2) in detail and advise the Committee on its approval for dissemination as a BWM circular;
- .2 advise on the date the revised Methodology should be applied to allow sufficient time for the applicants to fully implement the new provisions;
- .3 consider the proposal in document MEPC 66/2/11 on the need to amend the *Guidelines for approval of ballast water management systems (G8)* and propose an appropriate course of action;

- .4 consider the draft BWM circular on guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party, as set out in document MEPC 66/2/9, and advise the Committee accordingly; and
- .5 consider the proposal in document MEPC 66/2/8 on Port-based Mobile Ballast Water Treatment Facilities (BWTBoat), taking into consideration document MEPC 66/INF.17, and propose an appropriate course of action.

**[REPORT OF THE BALLAST WATER REVIEW GROUP**

2.36 Having considered the report of the Ballast Water Review Group (MEPC 66/WP.6), the Committee approved it in general and took action as follows:

- [.1 endorsed the revised Methodology for information gathering and conduct of work of the GESAMP-BWWG and approved its dissemination as a BWM circular to supersede the existing BWM.2/Circ.13/Rev.1 of 26 April 2012;
- .2 agreed that the revised Methodology should be applied to all submissions for Basic Approval to MEPC 69 and onwards, and subsequent submissions for Final Approval of those systems;
- .3 invited the Secretariat to include the aspects described in paragraphs 11 and 12 of document MEPC 66/WP.6 when planning a study on the implementation of the ballast water performance standard described in regulation D-2 of the Convention;
- .4 approved BWM.2/Circ.[...] on Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party;
- .5 noted the view of the group that the BWTBoat concept proposed by India in document MEPC 66/2/8 does not need approval as an Other Method in accordance with regulation B-3.7 of the Convention;

- .6 invited submissions on draft guidance for situations when ballast water is loaded from a BWTBoat to a ship not intending to discharge the ballast water to another BWTBoat or reception facility to MEPC 67; and
- .7 agreed to consider re-establishing the Review Group at MEPC 67, in accordance with the provisions of regulation D-5.1 of the BWM Convention.]

### **3 RECYCLING OF SHIPS**

3.1 The Committee, having noted that only one State (Norway) has acceded to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (Hong Kong Convention) so far, urged Member States to ratify or accede to the Convention at their earliest convenience.

3.2 In this regard, the Committee welcomed a statement made by the delegation of France, informing the Committee that France expects to ratify the Hong Kong Convention within two months' time.

3.3 The Committee recalled that, since the adoption of the Hong Kong Convention, all six sets of guidelines required under the terms of the Convention have been finalized and adopted to ensure global, uniform and effective implementation and enforcement of the relevant requirements and to assist States in the voluntary implementation of its technical standards in the interim period up to its entry into force.

3.4 The Committee also recalled that MEPC 65 re-established the Correspondence Group on Ship Recycling and instructed it to further the work on the development of threshold values and exemptions for the materials to be listed in the Inventories of Hazardous Materials and to prepare amendments to the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* (resolution MEPC.197(62)) (hereafter the Inventory Guidelines), accordingly.

#### **Report of the correspondence group and comments thereon**

3.5 In considering documents MEPC 66/3 and Corr.1, and MEPC 66/INF.11 reporting on the deliberations of the intersessional correspondence group, the Committee noted that the majority of threshold values had been determined, while a number of outstanding issues

still needed further discussion. The Committee thanked the United States for its contribution as coordinator of the correspondence group and all the members of the group for the work done.

***Development of threshold values for asbestos and related matters***

3.6 The Committee considered document MEPC 66/3/3 (Japan), commenting on the report of the correspondence group, supporting a compromise proposal of 0.1% as the basis for the threshold value with a relaxation clause which allows the 1% threshold value to be applied, subject to this being recorded in the Material Declaration and the IHM, suggesting that the threshold value for asbestos should not only apply to existing ships but also to new ships, and proposing that all applicable threshold values for hazardous materials listed in tables A and B of appendix 1 of the Inventory Guidelines should be recorded in both the Inventory of Hazardous Material (IHM) and the Material Declaration.

3.7 The Committee also considered document MEPC 66/3/4 (CSC), addressing threshold values for listing asbestos contaminated materials in the IHM.

3.8 With regard to a threshold value for asbestos, the Committee noted that SDC 1 (MEPC 66/11/2, paragraphs 13 and 14), having been instructed by MSC 92 to consider the matter following a request by MEPC 65, had endorsed a compromise proposal of 0.1% as the threshold value and a footnote including a reference to the UN recommendation "Globally Harmonized System of Classification and Labelling of Chemicals (GHS)" as the basis for the value and a relaxation clause which allows the 1% threshold to be applied, subject to this being recorded in the Material Declaration and the IHM.

3.9 A number of delegations supported the proposal by Japan, while others were of the view that a threshold value for asbestos is only acceptable for sampling and listing of asbestos in the IHM for existing ships, taking into account the prohibition of asbestos in new builds provided in SOLAS regulation II-1/3-5, and such value should not be higher than 0.1%.

3.10 The Committee noted that with the limited time available, a resolution of the complex technical issues related to setting a threshold level for asbestos was not possible, and agreed to refer this issue to the correspondence group for further discussion.

***Development of threshold values for radioactive substances***

3.11 The Committee recalled that MEPC 65 had instructed the Secretariat to liaise with the International Atomic Energy Agency (IAEA) to seek guidance on the threshold value for radioactive substances. In this connection, the Committee considered document MEPC 66/3/2 (Secretariat), providing a proposal by IAEA for a practical procedure to detect radioactive sources, radioactive materials and/or radioactive contamination during the recycling of ships and related actions.

3.12 The Committee thanked IAEA for its contribution, welcomed the proposal and instructed the Secretariat to further liaise with IAEA to develop guidance on the threshold value for radioactive substances, with a view to facilitating finalization of the issue at a future session of the Committee.

***Exemption and bulk listings***

3.13 Due to time constraints the Committee was not able to take this matter forward and agreed to refer this issue to the correspondence group.

**Re-establishment of the correspondence group on ship recycling**

3.14 Having considered the above issues, the Committee agreed to re-establish the Correspondence Group on Ship Recycling, under the coordination of the United States<sup>1</sup>, with the following terms of reference:

- .1 finalize the development of threshold values, exemptions and bulk listings applicable to the materials to be listed in Inventories of Hazardous Materials and prepare relevant amendments to the *2011 Guidelines for the Development of the Inventory of Hazardous Materials* (resolution MEPC.197(62)) accordingly; and
- .2 submit a report to MEPC 67.

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## **Report of the eleventh meeting of the Conference of the Parties to the Basel Convention**

3.15 The Committee noted document MEPC 66/3/1 (UNEP Secretariat of the Basel Convention), which provided an overview of decision BC 11/16 on the environmentally sound dismantling of ships adopted by the eleventh meeting of the Conference of the Parties to the Basel Convention (28 April to 10 May 2013), informing the Committee that decision BC 11/16 underlined the importance of continued inter-agency cooperation between ILO, IMO and the Basel Convention on issues related to ship dismantling, and requesting the Secretariat of the Basel Convention to further develop implementation programmes for sustainable ship recycling, in conjunction with other bodies, in particular IMO and ILO.

### **Calculation of recycling capacity**

3.16 The Committee noted information provided by the Secretariat (MEPC 66/INF.3) on the calculation of recycling capacity for meeting the entry into force conditions of the Hong Kong Convention.

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

4.1 The Committee agreed to consider under this agenda item, in addition to the documents submitted under it, the following five documents submitted under agenda item 7: MEPC 66/7/1 (Norway) on inclusion of gas only fuelled engines in MARPOL Annex VI, MEPC 66/7/4 and MEPC 66/INF.32 (Canada) on Standard specification of shipboard gasification waste-to-energy systems and MEPC 66/7/5 and MEPC 66/INF.35 (Marshall Islands and IACS) on clarification of item 2.2.1 of the supplement to the IAPP Certificate; as well as relevant urgent matters emanating from PPR 1, as set out in document MEPC 66/11/4 (Secretariat).

### **AIR POLLUTION FROM SHIPS**

#### **Urgent matters emanating from PPR 1**

4.2 The Committee noted that the urgent matters emanating from PPR 1 concerning the prevention of air pollution were reported in paragraphs 2.8 and 2.9 of document MEPC 66/11/4 and that PPR 1 had finalized two sets of Guidelines for adoption at this session, namely, the *2014 Guidelines in respect of the information to be submitted by an administration to the Organization covering the certification of an approved method as required under regulation 13.7.1 of MARPOL Annex VI* and the *2014 Guidelines on the*

*approved method process*, as set out in annexes 7 and 8 to document PPR 1/16, respectively.

***2014 Guidelines in respect of the information to be submitted by an administration to the Organization covering the certification of an approved method as required under regulation 13.7.1 of MARPOL Annex VI***

4.3 Following consideration, the Committee, having agreed that the Guidelines would apply only to a new Approved Method notified to the Organization, adopted resolution MEPC.[...](66) on *2014 Guidelines in respect of the information to be submitted by an administration to the Organization covering the certification of an approved method as required under regulation 13.7.1 of MARPOL Annex VI*, as set out in annex ....

***2014 Guidelines on the approved method process***

4.4 Following consideration, the Committee, having agreed that the Guidelines would apply only to a new Approved Method notified to the Organization, adopted resolution MEPC.[...](66) on *2014 Guidelines on the approved method process*, as set out in annex .....

**Standard specification for shipboard incinerators**

4.5 The Committee recalled that:

- .1 MEPC 64, having noted the agreement at DE 56 that the capacity limit for shipboard incinerators should be increased from 1,500 kW to 4,000 kW, had approved MEPC.1/Circ.793 on Type approval of shipboard incinerators;
- .2 DE 57, having agreed to the need to update the definition section, as well as references to the MARPOL and SOLAS Conventions and IEC standards in the Standard specification for shipboard incinerators (resolution MEPC.76(40)), had requested the Secretariat to update these definitions and references; and
- .3 MEPC 65, in noting the outcome of DE 57, had invited delegations to forward relevant information to the Secretariat to enable the preparation of a document for submission to this session.

4.6 The Committee noted that the Secretariat, in cooperation with interested delegations, had reviewed the Standard specification and had prepared the draft 2014 Standard specification for shipboard incinerators, as set out in the annex to document MEPC 66/4/1 (Secretariat).

4.7 In this regard, the Committee considered document MEPC 66/4/22 (IACS), proposing amendments to the draft 2014 Standard specification, so that section A1.7 in annex 1 would not be limited to "passenger/cruise ships."

4.8 While some delegations supported the proposals by IACS, others were of the view that section A1.7 should remain limited to cruise ships and not include other ship types. Consequently, the Committee referred the matter to the working group for further consideration. The Committee also agreed that the definitions used in the draft 2014 Standard specification should be consistent with definitions set out in MARPOL Annex V and instructed the group to harmonize the definitions, as appropriate.

4.9 Following discussion, the Committee instructed the working group to finalize the 2014 Standard specification for shipboard incinerators and the associated draft MEPC resolution, using the annex to document MEPC 66/4/1 as the basis, with a view to adoption at this session.

#### **Review of fuel oil availability as required by regulation 14.8 of MARPOL Annex VI**

4.10 The Committee recalled that:

- .1 MEPC 62 had considered document MEPC 62/4/5 (United States), providing the report of the correspondence group on the assessment of availability of fuel oil under MARPOL Annex VI, including a draft methodology framework to examine the availability of compliant fuel (MEPC 62/24, paragraphs 4.44 to 4.49);
- .2 no submission had been received at MEPC 63 on this matter, and the Committee had invited Member Governments and interested delegations to submit concrete proposals to MEPC 64 for further consideration (MEPC 63/23, paragraphs 4.46 to 4.48).

- .3 MEPC 64 had agreed that this matter should be reconsidered at a future session and invited interested delegations to submit proposals to this session (MEPC 64/23, paragraphs 4.29 to 4.36).

4.11 The Committee had for its consideration the following documents:

- .1 MEPC 66/4/8 (ICS), highlighting the increasing importance of reliably assessing the availability of compliant fuel oil in a timely manner, and suggesting that the fuel availability model (draft methodology framework) proposed by the correspondence group (MEPC 62/4/5) should be used to carry out this review;
- .2 MEPC 66/4/18 (Netherlands and United Kingdom), providing information about recent developments in the European Union which had decided that ships operating in EU waters from 1 January 2020 would be required to use fuel oil on board that met the 0.50% sulphur content standard, irrespective of the outcome of the Organization's fuel oil availability review, and suggesting that MEPC 66 could consider the pros and cons of conducting an earlier review and begin discussing its scope;
- .3 MEPC 66/4/24 (United States et al.), expressing concerns about the premature completion of the refinery modelling for the review, and providing draft terms of reference for a correspondence group; and
- .4 MEPC 66/4/28 (CSC), expressing the view that the review should take into account possible alternative compliance technologies and the upcoming revision of the IMO GHG Study.

4.12 In the ensuing discussion on the review of fuel oil availability, the following comments were, inter alia, made:

- .1 the establishment of a correspondence group to consider the methodology for a review of fuel oil availability was generally supported;
- .2 starting the review too soon could result in a decision being made using predominantly modelled supply and/or demand data and not actual market

data, while starting the review too late could not leave sufficient time for the refinery industry to respond appropriately;

- .3 preparatory work should begin as soon as possible so that when the Committee decided to initiate the review it could start without delay;
- .4 the review should consider the factors effecting demand including use of alternative fuels and the energy efficiency of ships; and
- .5 any actual supply/demand study should be executed on the basis of publicly available information only.

4.13 Following discussion, the Committee instructed the working group to consider and finalize terms of reference for a correspondence group for the fuel oil availability review.

#### **Fuel oil quality**

4.14 The Committee recalled that:

- .1 MEPC 61, in considering the revised specification of marine fuels (ISO 8217:2010), taking into account issues regarding fuel oil characteristics and parameters addressing air quality, ship safety, engine performance and crew health, had agreed that relevant documents, as well as comments raised, should be further considered in detail by BLG 15;
- .2 MEPC 62, noting that BLG 15 had considered these issues in detail and had concluded that more information and data were required to enable appropriate consideration, had considered document MEPC 62/4/4 (Norway and INTERTANKO) on the impact of bunker quality problems reported by ships; and
- .3 MEPC 64 had noted the view of the working group on air pollution and energy efficiency relating to the procedures on sampling of fuel oil being used on board that, for further consideration of this matter, it would be necessary to invite further submissions (MEPC 64/23, paragraph 4.112.9).

4.15 The Committee had for its consideration the following documents:

- .1 MEPC 66/4/16/Rev.1 (Liberia et al.), proposing to develop appropriate measures to mandate quality control prior to fuel oil being delivered to a ship; and providing possible actions to ensure proper enforcement of fuel oil quality control; and
- .2 MEPC 66/4/26 (IBIA and BIMCO), expressing the view that the quality of marine fuel oil throughout the supply chain is of vital importance to crew health, ship safety and environmental protection; and providing a possible assurance process, parameters and elements of fuel quality which impact on safety, environmental pollution and health.

4.16 In the ensuing discussion on fuel oil quality, the following comments were, inter alia, made:

- .1 fuel oil quality is having an impact on the safety of shipping and is an important factor for marine protection including control of emissions and energy efficiency;
- .2 guidance should be prepared for those responsible for controlling and authorizing local fuel oil suppliers;
- .3 there may be a need to consider a review and amendment of ISO standard 8217:2010 so that it aligns with the fuel oil quality requirements of marine diesel engine manufacturers, e.g. refinery catalyst fines;
- .4 there is a need to consider the illegal blending of chemical wastes; and
- .5 the supply and delivery of fuel oil to a ship and the assurance of fuel oil quality were commercial issues and any dispute between supplier and ship was a contractual matter regulated by domestic legislation.

4.17 Following discussion, the Committee agreed to develop guidance on possible quality control measures prior to fuel oil being delivered to a ship and invited Member Governments and international organizations to submit concrete proposals to MEPC 67.

**Amendments to MARPOL Annex VI regarding engines fuelled solely by gaseous fuels**

4.18 The Committee recalled that MEPC 65, having agreed to the conclusion of the correspondence group that engines fuelled solely by gaseous fuels, e.g. pure LNG, should be required to comply with the provisions of regulation 13 of MARPOL Annex VI, had invited interested delegations to submit proposed draft amendments to MARPOL Annex VI for consideration at this session, with a view to approval (MEPC 65/22, paragraph 4.60).

4.19 In this connection, the Committee considered document MEPC 66/7/1 (Norway), proposing amendments to MARPOL Annex VI in order to facilitate the inclusion of engines fuelled solely by gaseous fuels in the requirements.

4.20 Following discussion, the Committee instructed the working group to consider draft amendments to MARPOL Annex VI regarding engines solely fuelled by gaseous fuel, using the annex to document MEPC 66/7/1 as the basis, and advise the Committee accordingly.

**Use of emerging waste-to-energy technology**

4.21 The Committee considered documents MEPC 66/7/4 and MEPC 66/INF.32 (Canada), proposing to append standards that would allow the use of emerging waste-to-energy technology to MARPOL Annex VI, on the understanding that this technology uses ultra-low emission thermal processes to convert ship generated wastes to gas which is then used on board as fuel.

4.22 In this connection, the Committee invited interested Member Governments to submit proposals for a relevant new output to a future session of the Committee for consideration, in accordance with the Committee's Guidelines, and noted the intention of Canada to submit a request for a new output to MEPC 67.

**Guidance on the completion of Item 2.2.1 of the Supplement to the IAPP Certificate**

4.23 The Committee considered documents MEPC 66/7/5 and MEPC 66/INF.35 (Marshall Islands and IACS), providing a common approach to the "date" to be used for determining the applicable Tier for engines, and proposing guidance on the completion of Item 2.2.1 of the Supplement to the IAPP Certificate.

4.24 The Committee noted that the proposed amendments to the IAPP Certificate would result in the need for a consequential amendment to regulation 13.7.3 of MARPOL Annex VI.

4.25 Following discussion, the Committee referred documents MEPC 66/7/5 and MEPC 66/INF.35 to the Working Group and instructed it to consider and prepare draft amendments to regulation 13.7.3 of MARPOL Annex VI and Item 2.2.1 of the Supplement to the IAPP Certificate and associated draft guidance.

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

4.26 The Committee recalled that MEPC 65 had requested the Secretariat to continue liaising with the Ozone Secretariat and to provide an update on the work of the Montreal Protocol, for consideration at this session to facilitate the Committee's deliberation of this issue (MEPC 65/22, paragraph 4.72).

4.27 The Committee noted that, as reported in document MEPC 66/4/2 (Secretariat), the 33rd Open-ended Working Group in June 2013 considered "Controlled substances used on ships"; a review of refrigerant options for existing and new equipment on ships is being updated by the Technology Economic Assessment Panel with a target completion of April 2014; and the 25th Meeting of Parties (MOP) to the Montreal Protocol, held in October 2013, did not consider the treatment of ozone-depleting substances used by ships; and requested the Secretariat to continue liaising with the Ozone Secretariat and provide an update on the work of the Montreal Protocol for consideration at MEPC 68.

#### **Sulphur monitoring for 2013**

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

4.29 In this connection, the Committee noted that, due to the fact that the sulphur content of fuel oil data for 2013 was not available by the document submission deadline for this session, the sulphur monitoring report would be submitted by the Secretariat to MEPC 67 after this session and made available on IMODOCs as early as possible.

#### **Studies on the use of LNG as a fuel**

4.30 The Committee, having noted documents:

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- .1 MEPC 66/INF.8 (Secretariat), providing the report of a "Pilot Study on the use of Liquefied Natural Gas (LNG) as a fuel for a high-speed passenger ship from Port of Spain ferry terminal in Trinidad and Tobago"; and
  - .2 MEPC 66/INF.18 (Secretariat), providing the report of a "Feasibility study on the use of LNG as a fuel for international shipping in the North America Emission Control Area",

thanked the Governments of Norway and Canada, respectively, for donating funds for the conduct of the studies.

### ***2009 Guidelines for Exhaust Gas Cleaning Systems***

4.31 The Committee, having noted document MEPC 66/INF.31 (IMarEST), providing information on a study undertaken by the University College London (UCL) regarding linking laboratory measured pH recovery with a theoretical pH recovery mathematical model, in relation to wash water discharge pH as described in the *2009 Guidelines for exhaust gas cleaning systems* (resolution MEPC.184(59)), agreed to forward the document to PPR 2 for further consideration under the agenda item on "Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NO<sub>x</sub> Technical Code."

### **ENERGY EFFICIENCY OF SHIPS**

4.32 The Committee noted that amendments to MARPOL Annex VI, incorporating a new chapter 4 on Regulations on energy efficiency for ships, which makes the EEDI mandatory for new ships and the SEEMP for all (new and existing) ships, entered into force on 1 January 2013.

4.33 The Committee agreed to forward, without deliberation, the following documents to the Working Group on Air Pollution and Energy Efficiency to be established at this session, for consideration and action as set out in paragraphs 4.39.5 to 4.39.9:

- .1 document MEPC 66/4 (Chairman of the working group at MEPC 65);

#### ***Guidelines on the method of calculation of the attained EEDI for new ships***

- .2 document MEPC 66/4/5 (Germany), proposing amendments to clarify the EEDI calculation for ships with dual fuel engines, taking into account only

- ship design criteria that are known at the design stage; and document MEPC 66/4/23 (Denmark), providing comments with respect to the use of the  $C_F$  factor for dual fuel engines and proposing that a dual fuelled ship should be allowed to carry multiple attained EEDI values;
- .3 document MEPC 66/4/20 (Germany and CESA), commenting on document MEPC 66/4 and proposing to refrain from calculation of the attained EEDI only for passenger ships having conventional propulsion as defined in regulation 2.32 of MARPOL Annex VI, as this ship type is not fully covered by the EEDI calculation guidelines;
- .4 documents MEPC 66/4/7 and MEPC 66/INF.36 (Japan), proposing draft amendments to the *2012 Guidelines on the method of calculation of the attained EEDI for new ships*, to include LNG carriers. In this regard the Committee noted an intervention by the delegation of Vanuatu that methane slip in engines, which results from the incomplete combustion of gas when used as a fuel, should be included in the attained EEDI calculation for LNG carriers, as methane (CH<sub>4</sub>) had a global warming potential twenty times greater than CO<sub>2</sub>;
- .5 document MEPC 66/4/12 (Japan), proposing amendments to the 2012 EEDI Calculation Guidelines to add a new entry of refrigerated cargo carrier to the table of the correction factor for power  $f_j$  for ice-classed ships, providing their analysis; and document MEPC 66/4/27 (INTERFERRY and CESA), proposing draft amendments to the Guidelines regarding the correction factor  $f_j$  for ro-ro cargo, ro-ro passenger and general cargo ships, in order to ensure consistency;
- .6 document MEPC 66/INF.34 (Japan and Spain), identifying some inconsistencies in the six Guidelines which IMO had developed, and providing a table for comparison purposes in order to prevent a misunderstanding of the definitions in these Guidelines;

#### **Guidelines on survey and certification of the EEDI**

- .7 document MEPC 66/4/5 (Germany), proposing amendments to the *Guidelines on survey and certification of the EEDI* for ships with dual fuel engines;

- .8 document MEPC 66/4/7 (Japan), proposing draft amendments to the Guidelines to include LNG carriers and agreed to forward the document to the working group for further consideration;

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

- .9 document MEPC 66/4/15 (China and Japan), proposing amendments to the Interim Guidelines in order to incorporate a calculation method and its verification and, following consideration;

**Speed trials and model tests**

- .10 documents MEPC 66/4/4 and MEPC 66/INF.7 (ISO and ITTC), reporting on the progress made in harmonizing their standards and noted that Draft International Standard (DIS) 15016 had been developed, owing to the collaborative efforts of ISO and ITTC, and that DIS voting results should be obtained soon after MEPC 66, as voting closes on 8 April 2014;

***Interim Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions***

- .11 documents MEPC 66/4/10 and MEPC 66/INF.25 (Netherlands), proposing to exclude ships of less than 20,000 DWT from the application of the minimum power requirements for phase 1 of the required EEDI requirements, based on the results of their study; and

**Unified Interpretation of regulation 2.24 of MARPOL Annex VI (MEPC.1/Circ.795)**

- .12 document MEPC 66/4/11 (Republic of Korea), proposing that both decrease of assigned freeboard and temporary increase of assigned freeboard should not be construed as a "major conversion".

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

4.34 The Committee recalled that:

- .1 MEPC 65 had considered document MEPC 65/4/31 (IACS), proposing the development of an EEDI database in order to support the review of the

implementation of the EEDI provisions as detailed in regulation 21.6 of MARPOL Annex VI (MEPC 65/22, paragraph 4.122);

- .2 at MEPC 65, several delegations had supported the establishment of the database in principle, but had expressed concern about the protection of intellectual property rights and commercially sensitive information while others were of the view that, due to the confidentiality of the information, the database should not be established by any commercial entities; and that if the database was established under the management of the Secretariat, this might increase the administrative burden and result in additional costs, while the Organization was considering how to reduce the cost of the Secretariat (MEPC 65/22, paragraph 4.123); and
- .3 MEPC 65, in noting the obligation of the Organization to undertake a review in phases 1 and 2 of the EEDI, had agreed to continue the discussion on this matter at this session, and had invited interested delegations to submit relevant documents (MEPC 65/22, paragraph 4.125).

4.35 The Committee had for its consideration the following documents:

- .1 MEPC 66/4/13 (Liberia et al.), proposing to establish an EEDI database to assist the future review of technological development, as required under regulation 21.6 of MARPOL Annex VI, and providing a hypothetical example of what the database might look like and how such information might be interpreted; and
- .2 MEPC 66/4/29 (CSC), expressing the view that participation in the EEDI database should be made mandatory for all ships covered by the EEDI regulation, and that a minimum level of transparency for the data should be guaranteed to assess whether the design performance of new ships matches the EEDI requirements.

4.36 In the ensuing discussion on the establishment of an EEDI database the following comments were, inter alia, made:

- .1 the database should only be established if intellectual property rights are protected and commercial sensitivities are taken into account, with data supplied on a confidential basis to the Secretariat;
- .2 the purpose was to review the status of technological developments and consequently there was no need to identify individual ships;
- .3 the ship identification number should be included in the datasets to avoid duplication of data;
- .4 transparency is important to safeguard the proper implementation of the EEDI and to detect possible violations of the standard and is the norm for other transport modes, while other delegations advocated a minimum level of transparency which would ensure the anonymity of individual ships; and
- .5 ship's reference speed is not a parameter included in the International Energy Efficiency Certificate and would add an administrative burden if it needed to be retrieved from a ship's technical file.

4.37 Following discussion, the Committee, having noted an intervention by the Secretariat which explained that from its perspective the data would be held confidentially with minimum administrative burden to be used solely by the review group, noted the general support for the establishment of an EEDI database, instructed the working group to consider the minimum data required to support the reviews required under regulation 21.6 of MARPOL Annex VI, and to advise the Committee accordingly.

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

4.38 The Committee noted that, as instructed by MEPC 65 (MEPC 65/22, paragraph 4.128), the Secretariat had published the IMO Model Course on Energy Efficient Operation of Ships (reference ET405E).

#### **Establishment of the Working Group on Air Pollution and Energy Efficiency**

4.39 The Committee established the Working Group on Air Pollution and Energy Efficiency, under the chairmanship of Mr. K. Yoshida (Japan), and instructed it, taking into account relevant documents as well as comments and decisions made in plenary, to:

- .1 finalize the draft 2014 Standard specification for shipboard incinerators, using the annex to document MEPC 66/4/1 as the basis, with a view to adoption at this session;
- .2 prepare draft terms of reference for a correspondence group on fuel availability review, using the annex to document MEPC 66/4/24 as the basis;
- .3 consider draft amendments to MARPOL Annex VI regarding engines solely fuelled by gaseous fuels, using the annex to document MEPC 66/7/1 as the basis, and advise the Committee accordingly;
- .4 consider and prepare draft amendments to regulation 13.7.3 of MARPOL Annex VI and Item 2.2.1 of the Supplement to the IAPP Certificate and consider associated draft guidance, using the annexes to documents MEPC 66/7/5 and MEPC 66/INF.35, respectively, as the basis;
- .5 further develop and finalize the draft 2014 Guidelines on the method of calculation of the attained energy efficiency design index (EEDI) for new ships, using annex 2 to document MEPC 65/WP.10 as the basis, with a view to adoption at this session;
- .6 review and, if possible, develop draft amendments to the *2012 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI)*, as amended, using MEPC.1/Circ.816 as the basis;
- .7 review and, if possible, develop draft amendments to the *Interim Guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions*, using document MEPC 66/4/10 as the basis;
- .8 consider proposed draft amendments to the *Interim Guidelines for the calculation of the coefficient  $f_w$  for decrease in ship speed in a representative sea condition for trial use* (MEPC.1/Circ.796);

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- .9 review and, if possible, develop draft amendments to the Unified Interpretation of regulation 2.24 of Annex VI (MEPC.1/Circ.795), using document MEPC 66/4/11 as the basis; and
  - .10 consider and recommend the minimum data required to support the reviews required under regulation 21.6 of MARPOL Annex VI, using document MEPC 66/4/13 as the basis.

### **[Report of the working group**

4.40 Having considered the report of the working group (MEPC 66/WP.7), the Committee approved it in general and took action as indicated hereunder.

- .1 adopted resolution MEPC [...](66) on *2014 Standard Specification for Shipboard Incinerators*, as set out in annex [...];
- .2 approved consequential draft amendments to MARPOL Annex VI relating to *the 2014 Standard Specification for Shipboard Incinerators*, as set out in annex [...], for circulation, with a view to adoption at MEPC 67;
- .3 agreed to re-establish the correspondence group on the assessment of availability of fuel oil under MARPOL Annex VI, under the coordination of the United States<sup>2</sup>, and instructed it to develop the 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, using the annex to document MEPC 62/4/5 as the basis, and addressing in particular:
  - .1 consideration of how to use the supply/demand models identified through previous discussions of the draft methodology, giving consideration to the latest amendments to MARPOL Annex VI, and any new ECAs that may be proposed or adopted;

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- .2 consideration of how to track changes in fuel oil demand and supply 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, on both a global level and for the regions defined in the refinery modelling tool, taking into account:
  - .1 the addition of new ECAs;
  - .2 changes in global fuel oil supply and demand as a result of projected economic activity or other influences;
  - .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 an early review of actual and planned refinery supply capabilities based on public available information to provide reliable data for the refinery supply modelling;
- .5 consideration of appropriate terms of reference, including timeline and pros and cons for early review, required under regulation 14 of MARPOL Annex VI;
- .6 consideration of the resources needed to carry out the analysis;
- .7 consideration of 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; and

- .8 provide a progress report to MEPC 67, with a view to the Committee adopting the terms of reference of the study at MEPC 68 in 2015;
- .4 approved draft amendments to MARPOL Annex VI regarding engines solely fuelled by gaseous fuels, as set out in annex [...], for circulation, with a view to adoption at MEPC 67;
- .5 invited interested delegations to submit proposals for draft amendments to the NO<sub>x</sub> Technical Code for inclusion of provisions on engines solely fuelled by gaseous fuels, including any consequential amendments, for consideration by MEPC 67, with a view to approval;
- .6 approved draft amendments to regulation 13.7.3 of MARPOL Annex VI and Item 2.2.1 of the Supplement to the IAPP Certificate, as set out in annex [...], for circulation, with a view to adoption at MEPC 67;
- .7 agreed to the draft Guidance on the Supplement to the IAPP Certificate, as set out in the annex to document MEPC 66/INF.35, and instructed the Secretariat to prepare a relevant draft circular, with a view to approval at MEPC 67;
- .8 adopted resolution MEPC.[...](66) on *2014 Guidelines on the Method of Calculation of the Attained Energy Efficiency Design Index (EEDI)*, applicable to new ships;
- .9 noted that the group had prepared amendments to the *2012 Guidelines on Survey and Certification of the Energy Efficiency Design Index (EEDI)*, as amended (resolution MEPC.213(63)), as set out in annex[...] to document MEPC 66/WP.7, with a view to finalization and adoption at MEPC 67;
- .10 endorsed the views of the group relating to the *Interim Guidelines for Determining Minimum Propulsion Power to Maintain the Manoeuvrability of Ships in Adverse Conditions* as follows:

- .1 the Interim guidelines are not applicable to ships of less than 20,000 DWT and no amendment to the Guidelines was required; and
- .2 noting that regulation 21.5 of MARPOL Annex VI applies to ships to which regulation 20 applies, it is necessary to develop guidelines for phases 2 and 3 under regulation 21.5 and thorough consideration of this issue would be required at a future session of the Committee;
- .11 invited further input on the *Interim Guidelines for the Calculation of the Coefficient  $f_w$  for Decrease in Ship Speed in a Representative Sea Condition for Trial Use*;
- .12 approved draft amendments to the Unified Interpretation of regulation 2.24 of MARPOL Annex VI (MEPC.1/Circ.795), as set out in annex [...];
- .13 instructed the Secretariat to issue a consolidated text of the Unified Interpretation to regulation 2.24 of MARPOL Annex VI (MEPC.1/Circ.795), incorporating all amendments to the UI, for dissemination as MEPC.1/Circ[...]; and
- .14 agreed to minimum data required to support the reviews required under regulation 21.6 of MARPOL Annex VI, as set out in annex [...]

## **TECHNICAL COOPERATION AND TRANSFER OF TECHNOLOGY**

### **Implementation of resolution MEPC.229(65)**

4.41 The Committee recalled that the MARPOL Annex VI amendments adopted by MEPC 62 (resolution MEPC.203(62)) included regulation 23 on Promotion of technical cooperation and transfer of technology relating to the improvement of energy efficiency of ships; and that MEPC 62 agreed to develop an associated MEPC resolution on capacity building, technical assistance and transfer of technology.

4.42 The Committee also recalled that MEPC 65 adopted resolution MEPC.229(65) on *Promotion of technical cooperation and transfer of technology relating to the improvement of energy efficiency of ships*, and that, through this resolution, it decided to establish, with full

stakeholder participation, an Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (AHEWG-TT), which should report to the Committee, as set out in operative paragraph 3 of the resolution.

4.43 The Committee had for its consideration the following three documents:

- .1 MEPC 66/4/17 (Angola et al.), providing a proposal for the implementation of resolution MEPC.229(65), including the elements of the resolution that need to be operationalized;
- .2 MEPC 66/4/31, (Belgium et al.), providing comments on document MEPC 66/4/17; and
- .3 MEPC 66/INF.24 (Secretariat), informing the Committee of the technical cooperation activities that the Secretariat has undertaken in relation to the implementation of MARPOL Annex VI, and chapter 4 in particular.

4.44 In the ensuing discussion on the implementation of resolution MEPC.229(65), the following comments were, *inter alia*, made:

- .1 the delegations that spoke confirmed their support for the implementation of the resolution, and emphasized its importance in the context of the implementation of MARPOL Annex VI;
- .2 the urgency of initiating the work of the AHEWG-TT at this session of the Committee was stressed, in particular in view of the fact that the amendments to Annex VI entered into force on 1 January 2013;
- .3 the information provided by the Secretariat in document MEPC 66/INF.24 illustrated that activities on technical assistance and capacity building in relation to this matter are already ongoing and will continue in the future;
- .4 several delegations stressed the need for the AHEWG-TT to prepare a draft plan for its future work, including the possible convening of meetings or technical workshops; and

- .5 given the ad hoc nature of this Expert Working Group, the group, once operationalized, would establish its own modalities for work, as mandated through resolution MEPC.229(65), and only report back to the Committee as requested.

4.45 The Committee also noted, with great appreciation, the contribution of \$80,000 by Norway for the organization of workshops on the transfer of technology.

#### **Establishment of the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships**

4.46 The Committee established the AHEWG-TT, under the chairmanship of Mr. D. Ntuli (South Africa), and instructed it, on the basis of operative paragraph 3 of resolution MEPC.229(65), and taking into account comments made in plenary, to:

- .1 assess the potential implications and impacts of the implementation of the regulations in chapter 4 of MARPOL Annex VI, in particular, on developing States, as a means to identify their technology transfer and financial needs, if any; and
- .2 identify and create an inventory of energy efficiency technologies for ships; identify barriers to transfer of technology, in particular to developing States, including associated costs, and possible sources of funding and make recommendations, including the development of a model agreement enabling the transfer of financial and technological resources and capacity building between Parties, for the implementation of the regulations in chapter 4 of MARPOL Annex VI.

#### **Report of the working group**

4.47 Having considered the report of the AHEWG-TT (MEPC 66/WP.8), the Committee approved it in general and took action as described in the following paragraphs.

- .1 endorsed the work plan of the AHEWG-TT, as set out in the annex to document MEPC 66/WP.8;
- .2 invited Member States and other stakeholders to contribute in any manner possible, as appropriate, to the work of the group; and
- .3 requested the Secretariat to provide support to the group, as appropriate.

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#### 4.1 FURTHER TECHNICAL AND OPERATIONAL MEASURES FOR ENHANCING ENERGY EFFICIENCY OF INTERNATIONAL SHIPPING

##### 4.1.1 The Committee recalled that:

- .1 MEPC 65 had discussed a proposal by the United States (MEPC 65/4/19) to enhance energy efficiency in international shipping through a phased approach; and comments by Belgium et al. (MEPC 65/4/30), supporting the development of further technical and operational measures to enhance the energy efficiency of ships;
- .2 at MEPC 65, there was considerable support for the approach proposed by the United States, especially for the data collection phase, but some delegations had been of the view that there was a need for more ideas and additional information; and
- .3 MEPC 65 had agreed to establish a sub-item under agenda item 4 (Air pollution and energy efficiency) for discussion of further technical and operational measures for enhancing the energy efficiency of international shipping, and to establish a working group under this sub-agenda item at this session; and had invited submissions on the proposals in documents MEPC 65/4/19 and MEPC 65/4/30 to this session (MEPC 65/22, paragraph 4.147).

##### 4.1.2 The Committee had for its consideration the following documents:

- .1 MEPC 66/4/3 (ICS), recognizing the need to establish a system for collecting accurate figures for annual CO<sub>2</sub> emissions, using the "bottom-up" approach agreed at MEPC 65, and supporting the development of amendments to MARPOL for the monitoring and reporting of individual ships' fuel consumption as soon as possible;
- .2 MEPC 66/4/6 (Germany and Japan), providing detailed technical explanations of the three metric options set out in document MEPC 65/4/30, i.e. annual EEOI; Individual Ship Performance Indicator (ISPI); and Fuel Oil Reduction Strategy (FORS); and where applicable presenting steps for the necessary data collection linked to each option;

- .3 MEPC 66/4/9 (Austria et al.), proposing a set of key elements and obligations for a system to collect data on CO<sub>2</sub> emissions and energy efficiency of ships;
- .4 MEPC 66/4/19 (Belgium et al.), supporting the development and implementation of a robust system and discussing several key aspects of an energy efficiency data collection system, as well as offering suggestions for consideration of the possible scope, the data collection and reporting process, the obligations of flag State Administrations and of each ship, and a centralized database;
- .5 MEPC 66/4/14 (Belgium et al.), providing an analysis of the various alternatives put forward to enhance the energy efficiency of maritime transport, including the possibility of using a phased approach, starting with data collection;
- .6 MEPC 66/4/21 (India), recognizing the need to establish a system for collecting accurate figures on annual CO<sub>2</sub> emissions from shipping, but urging the Committee that the immediate priority should be to encourage the full and effective implementation of the technical and operational measures that have already been adopted by the Organization, prior to embarking upon further regulations for energy efficiency in shipping;
- .7 MEPC 66/4/25 (Angola et al.), proposing that the effective implementation of resolution MEPC.229(65) should be a top priority and that consideration of further technical and operational measures for enhancing energy efficiency of international shipping should not commence until the developing countries possess the necessary technological capabilities and implementation capacities in this respect; and
- .8 MEPC 66/4/30 and MEPC 66/INF.33 (CSC), presenting a new study entitled "Economic impacts of MRV of fuel and emissions in maritime transport" on monitoring methods for shipping GHG emissions and providing an update on the process towards establishing an ISO standard to measure changes in hull and propeller performance (ISO-19030).

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

- .1 a number of delegations expressed the view that the development of a data collection system and of an appropriate methodology to describe the energy efficiency of a ship are interrelated;
- .2 some delegations expressed the view that the initial focus should be to develop a data collection system with the development of a methodology to enhance the energy efficiency of ships to be considered once sufficient relevant data has been collected; and
- .3 other delegations expressed the view that the choice of a specific methodology, having considered and identified the purpose, would determine the amount, frequency and quality of data to be collected, and so the initial focus should be on the development of a methodology.

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

4.1.4 Following consideration, the Committee established the Working Group on Further technical and operational measures for enhancing energy efficiency of international shipping, under the chairmanship of Mr. A. Chrysostomou (Cyprus), and instructed it, taking into account documents MEPC 65/4/19, MEPC 65/4/30, MEPC 65/4/34, MEPC 65/4/35 and MEPC 65/INF.3/Rev.1; the documents submitted to this session under this agenda item; and the comments and decisions made in plenary, to consider the development of a data collection system for fuel consumption of ships, including identification of the core elements of such a system.

#### **Report of the working group**

4.1.5 Having considered the report of the working group (MEPC 66/WP.9) the Committee approved it in general and took action as follows:

- .1 noted the progress made on the consideration of the development of a data collection system of ships including identification of the core elements;
- .2 noted paragraph 25 of the report of the working group;

- .3 encouraged interested delegations to voluntarily submit data resulting from any monitoring programs and metric testing to the Committee; and
- .4 noted that the group was not mandated to discuss the potential direct and indirect impacts of the establishment of future technical and operational measures including data collection system, and that if the final decision would be to establish a mandatory data collection system, the Organization would need to consider the matter further under its technical cooperation and capacity-building programmes.

## **5 REDUCTION OF GHG EMISSIONS FROM SHIPS**

### **IMO Update Study for the GHG Emissions Estimate for International Shipping**

5.1 The Committee recalled that MEPC 65 had agreed to the terms of reference of the Update Study (MEPC 65/22/Add.1, annex 19) and that a Steering Committee which was geographically balanced, equitably representing developing and developed countries and of a manageable size should be established (MEPC 65/22, paragraph 5.7.3); and requested the Secretariat to initiate the Update Study in accordance with the terms of reference, including establishment of the Steering Committee as agreed by the Committee (MEPC 65/22, paragraph 5.10).

5.2 The Committee considered document MEPC 66/5/1 (Steering Committee Coordinator), containing a status report on the Update Study, following the award of contract to UCL Consultants Ltd (UCLC) and the first and second meetings of the Steering Committee.

5.3 The Committee noted an oral update by the Steering Committee Coordinator, Dr. Leigh Mazany (Canada), informing it that, at the end of February 2014, UCLC had submitted a progress report, and that the Steering Committee had met on 6 March 2014 to review and monitor the progress of the Update Study; and that the Steering Committee members were of the view that the work was on track to meet the completion date for the third IMO GHG Update Study 2014 and that the terms of reference of the study were being met.

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

- .1 the delegation of China expressed the view that the fundamental rules of

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fairness, balance, transparency and inclusiveness were not followed by some members of the Steering Committee during the tendering process and in particular in the evaluation of tender proposals and recommendation of award of contract;

- .2 a number of delegations recalled that the report of the Expert Workshop on the update of GHG emissions estimate for international shipping (MEPC 65/5/2) had encouraged the participation of developing countries and that this should be considered for future studies;
- .3 other delegations noted the importance of the study and the need for sufficient time to be given to the work to assure the quality of the final outcome;
- .4 the United Kingdom, supported by a number of delegations, fully supported the conduct and the outcome of the deliberations of the Steering Committee; and
- .5 a number of delegations expressed the view that the Steering Committee and Coordinator worked transparently in accordance with the terms of reference for the Steering Committee and following the IMO procurement policy; and that the objectivity and integrity of the Coordinator was not in any doubt.

5.5 As requested, the statements by the delegations of China and the United Kingdom are set out in annex [...].

5.6 The Committee thanked the Steering Committee Coordinator, the Vice-Coordinator and the members of the Steering Committee for their hard work, welcomed the progress made and noted that the report of the third IMO GHG Study 2014 is expected to be considered at MEPC 67.

#### **UNFCCC matters**

5.7 The Committee noted document MEPC 66/5 (Secretariat) on the outcome of the Bonn and Warsaw Climate Change Conferences held in 2013; and that the United Nations

Secretary-General will be hosting a parallel initiative, the Climate Summit, in New York on 23 September 2014.

5.8 The Committee requested the Secretariat to continue its cooperation with the UNFCCC Secretariat, to attend relevant UNFCCC meetings and, as necessary, to bring the outcome of IMO's work to the attention of appropriate UNFCCC bodies and meetings.

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

### **General**

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

- .1 MARPOL Annexes I, II, III, IV, V and VI (to make the use of the Code on Implementation of IMO Instruments (III Code) mandatory);
- .2 draft amendments to MARPOL Annex I (mandatory carriage requirements for a stability instrument);
- .3 draft amendments to MARPOL Annex V (Record of Garbage Discharge);
- .4 draft amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008 (amendments to regulations 2, 13, 19, 20 and 21 of MARPOL Annex VI, the supplement to the IAPP Certificate and the NO<sub>x</sub> Technical Code 2008);
- .5 draft amendments to the BCH Code (cargo containment and Form of Certificate of Fitness); and
- .6 draft amendments to the IBC Code (general, ship survival capability and location of cargo tanks, cargo tank venting and gas-freeing arrangements, environmental control, fire protection and fire extinction, special requirements, summary of minimum requirements, and Form of Certificate of Fitness).

6.2 The Committee noted that the text of the aforementioned amendments had been circulated, in accordance with article 16(2)(a) of MARPOL, to all Member Governments and Parties to MARPOL by Circular Letter No.3370 of 4 June 2013.

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**Draft amendments to MARPOL Annexes I, II, III, IV, V and VI to make the use of III Code mandatory**

6.3 The Committee recalled that MEPC 64 had considered and approved draft amendments to MARPOL Annexes I, II, III, IV, V and VI to make the use of the III mandatory, with a view to adoption at MEPC 66, after the envisaged adoption of the III Code at A 28. The Committee recalled further that MEPC 65 had concurred with modifications to the definitions of "Audit Scheme" and "Audit Standard" as agreed by MSC 91.

6.4 The Committee noted that A 28, having considered the recommendations made by the MSC and the MEPC, had adopted resolutions A.1070(28) on *IMO Instruments Implementation Code (III Code)*; A.1067(28) on *Framework and procedures for the IMO Member State Audit Scheme*; and A.1068(28) on *Transition from the Voluntary IMO Member State Audit Scheme to the IMO Member State Audit Scheme*.

6.5 In this connection, the Committee also noted that the Assembly, having considered draft amendments to the 1966 Load Lines Convention; the 1969 Tonnage Measurement Convention; and the 1972 Collision Regulations, together with documents commenting on them, had agreed to a number of modifications to the draft amendments to the above-mentioned instruments, as set out in paragraphs 40, 44 and 49 of document A 28/6(b)/2. The Assembly, having adopted resolutions A.1083(28), A.1084(28) and A.1085(28) on amendments to the 1966 Load Lines Convention; the 1969 Tonnage Measurement Convention; and the 1972 Collision Regulations, respectively, invited the MSC and the MEPC to take them into account when considering the corresponding amendments to SOLAS, MARPOL, STCW and the 1988 LL Protocol, with a view to aligning them with those adopted by the Assembly.

6.6 The Committee considered the draft amendments to MARPOL Annexes I, II, III, IV, V and VI to make the use of the III Code mandatory, as set out in annexes 1 and 2 of document MEPC 66/6/7 (Secretariat), which incorporate relevant modifications as agreed by the Assembly, and confirmed their contents, subject to editorial improvements, if any.

6.7 The Committee agreed that the entry into force date of the above-mentioned draft amendments should be 1 January 2016, i.e. the same date of entry into force of the amendments to SOLAS and other mandatory instruments to make the use of the III Code mandatory.

**Draft amendments to MARPOL Annex I on mandatory carriage requirements for a stability instrument**

6.8 The Committee recalled that the draft amendments to MARPOL Annex I on mandatory carriage requirements for a stability instrument, as set out in the annex to document MEPC 66/6/1 (Secretariat), had been developed by SLF 55 and approved by MEPC 65.

6.9 In considering the above-mentioned draft amendments, the Committee instructed the drafting group to adjust the text of new paragraph 28(6) of regulation 28 of MARPOL Annex I to better reflect that the proposed amendments apply both to new and existing ships, and to use uniform wording when referencing recommendatory guidelines.

6.10 Subsequently, the Committee confirmed the contents of the proposed amendments, subject to editorial improvements, if any.

6.11 The Committee agreed that the entry into force date of the above-mentioned draft amendments should be 1 January 2016.

**Draft amendments to the BCH Code**

6.12 The Committee recalled that the draft amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code), as set out in the annex to document MEPC 66/6/4 (Secretariat), had been developed by SLF 55 and approved by MEPC 65.

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

6.14 The Committee agreed that the entry into force date of the above-mentioned draft amendments should be 1 January 2016.

**Draft amendments to the IBC Code**

6.15 The Committee recalled that the draft amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), as set out in the annex to document MEPC 66/6/5 (Secretariat), had been prepared by BLG 17 and SLF 55 and approved by MEPC 65.

6.16 The Committee considered the outcome of PPR 1 concerning the above draft amendments (MEPC 66/11/4, paragraph 2.1), proposing to delete the asterisk at the end of draft new paragraph 15.13.5.1 of the IBC Code. Following discussion, the Committee agreed not to delete the asterisk and instead to use the text of the original footnote to existing paragraph 15.13.5 of the IBC Code as the text of the footnote to new paragraphs 15.13.5.1 and 15.13.5.2.

6.17 In this connection, the Committee also considered comments made by several delegations concerning the perceived inconsistency in the text of proposed new paragraphs 15.13.5.1 and 15.13.5.2 of the IBC Code, as well as the need to align the draft amendments to the IBC Code with the related draft amendments to chapter II-2 of SOLAS. Following consideration, the Committee agreed to replace the word "shall" with the word "may" in the first sentence of paragraph 15.13.5.2. The Committee further instructed the drafting group to consider the need to have any additional text in that paragraph to regulate the timing of application of inert gas by existing ships.

6.18 Subsequently, the Committee confirmed the contents of the draft amendments, as further modified, subject to editorial improvements, if any.

6.19 The Committee agreed that the entry into force date of the above draft amendments should be 1 January 2016.

#### **Draft amendments to MARPOL Annex V on Record of Garbage Discharge**

6.20 The Committee recalled that the draft amendments to MARPOL Annex V on Record of Garbage Discharge, as set out in the annex to document MEPC 66/6/2 (Secretariat), had been approved by MEPC 65, following the consideration of the proposal contained in document MEPC 65/7/6 (Australia, et al.).

6.21 The Committee had for its consideration document MEPC 66/6/9 (Bahamas), suggesting reconsidering the adoption of the draft amendments to MARPOL Annex V, due to perceived discrepancies between the text of the Convention and the form of the Garbage Record Book.

6.22 In the ensuing discussion, the Committee noted the support for the need to address the discrepancies identified in document MEPC 66/6/9. A number of delegations also suggested that the Garbage Record Book should be amended to cater for the recording of

disposing residues of solid bulk cargo, in particular when those cargo residues are classified as harmful to the marine environment.

6.23 Following consideration, the Committee agreed to postpone adoption of the draft amendments to MEPC 67 and invited interested Member Governments and international organizations to submit comments on the circulated draft amendments (MEPC 66/6/2) to that session, for consideration, with a view to adoption.

#### **Draft amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008**

6.24 The Committee recalled that the draft amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008, as set out in the annex to document MEPC 66/6/3 (Secretariat), had been approved by MEPC 65, consisting of the following:

- .1 amendments to regulation 13 of MARPOL Annex VI and the Supplement to the International Air Pollution Prevention (IAPP) Certificate concerning the effective date of the Tier III NO<sub>x</sub> emission standards;
- .2 amendments to regulations 2, 19, 20 and 21 of MARPOL Annex VI concerning the application of the EEDI (extension of its application to LNG carriers, ro-ro cargo ships (vehicle carriers), ro-ro cargo ships, ro-ro passenger ships and cruise passenger ships having non-conventional propulsion and exemption of ships not propelled by mechanical means and cargo ships having ice-breaking capability); and
- .3 amendments to the NO<sub>x</sub> Technical Code 2008 to certify dual-fuel engines.

#### ***Draft amendments concerning the effective date of the Tier III NO<sub>x</sub> emission standards***

6.25 The Committee had for its consideration the following documents, proposing further modifications to the draft amendments concerning the effective date of the Tier III NO<sub>x</sub> emission standards:

- .1 MEPC 66/6/6 and Corr.1 (Canada et al.), commenting on the technical questions raised in document MEPC 65/4/27, expressing the view that the relevant emission control technology is clearly available, and proposing to retain the existing effective date of 1 January 2016, with the exception of a five-year delay for large yachts (greater than 24 metres in length and of less than 500 gross tonnage); and

- .2 MEPC 66/6/10 (Marshall Islands and Norway), proposing that the effective date of 1 January 2016 be retained for the existing NO<sub>x</sub> Emission Control Areas (the North American Emission Control Area and the United States Caribbean Sea Area) with the exception of a five-year delay in implementation for large yachts; and that the effective date be postponed until 1 January 2021 for ECAs that may be designated in the future to control emissions of NO<sub>x</sub>.

6.26 The Committee also had for its consideration the following documents, commenting on the draft amendments concerning the effective date of the Tier III NO<sub>x</sub> emission standards:

- .1 MEPC 66/6/8 and MEPC 66/6/17 (Russian Federation), commenting on document MEPC 66/6/6 and providing additional grounds for the proposed change of the effective date of Tier III NO<sub>x</sub> emission standards to 1 January 2021, as approved by MEPC 65;
- .2 MEPC 66/6/12 (CESA), expressing concerns that a postponement of the effective date of the Tier III NO<sub>x</sub> emission standards would create undue uncertainty in the maritime regulatory framework and would have a detrimental impact on the shipbuilding industry;
- .3 MEPC 66/6/14 (ACOPS), providing cost estimates of Tier III compliant marine Selective Catalytic Reduction (SCR) technology, and supporting the view expressed in document MEPC 66/6/6 that the costs are small when compared to both the total capital and operating cost of a ship and to the substantial human health and welfare benefits that will be achieved from reduced NO<sub>x</sub> emissions;
- .4 MEPC 66/6/15 (BIMCO and WSC), expressing concerns that the draft amendments, as contained in document MEPC 66/6/3, if adopted, would undermine the regulatory stability that MARPOL Annex VI has established, and suggesting that the compromise proposal in document MEPC 66/6/10 may provide a way forward;
- .5 MEPC 66/6/16 (CSC, FOEI, WWF, Pacific Environment), suggesting that postponing the effective date of the Tier III NO<sub>x</sub> emission standards was

not technically justified and would give cause to a series of extremely negative consequences, and suggesting to retain the existing effective date of 1 January 2016.

6.27 In this connection, the Committee noted the information contained in document MEPC 66/INF.4 (EUROMOT) on the application status of Tier III compliant technologies.

6.28 In the ensuing discussion, the majority of the delegations who spoke supported the modifications proposed in document MEPC 66/6/6, i.e. to retain the existing effective date of 1 January 2016, with the exception of a five-year delay for large yachts (greater than 24 metres in length and of less than 500 gross tonnage). Those delegations expressed, inter alia, the following views:

- .1 postponing the effective date is not technologically justified as the review conducted by the correspondence group, in accordance with regulation 13.10 of MARPOL Annex VI, had concluded that technologies for implementing the Tier III NO<sub>x</sub> standards are available, and that the effective date of 1 January 2016 should be retained;
- .2 the newly released report on "Climate Impacts, Adaptation and Vulnerability" by the United Nations Intergovernmental Panel on Climate Change (IPCC), proved the need to use the best available technologies to reduce NO<sub>x</sub> emissions from shipping;
- .3 postponing the effective date would adversely affect future cooperation of industry stakeholders, including engine manufacturers and the shipbuilding industry, which have undertaken huge financial investments to develop compliant engine, and adapt ship designs;
- .4 postponing the effective date would affect the Organization's commitment and ability to address the environmental impact of international shipping; and
- .5 the proposed exception of a five-year delay for large yachts would provide the needed time for relevant industries to comply with the NO<sub>x</sub> Tier III emission standards.

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6.29 The delegations of Benin, Niue and Palau, in supporting document MEPC 66/6/6, made statements as set out in annex [...].

6.30 A number of other delegations indicated their support for the original draft amendments, as circulated, to postpone the effective date by five years. Those delegations expressed, inter alia, the following views:

- .1 the development of the Selective Catalytic Reduction (SCR) technology has not reached an acceptable level, and its serious drawbacks have not been rectified; and using Exhaust Gas Recirculation (EGR) technology or the use of LNG as fuel for ships other than gas carriers is still at a very early stage;
- .2 ammonia slip and generation of CO<sub>2</sub> emissions as part of the SCR chemical reaction and methane slip in gas engines may lead to an environmental impact that negates the benefit of reducing NO<sub>x</sub> emissions, and these concerns should be carefully addressed; and
- .3 the economic burden to shipowners and operators associated with the compliance with NO<sub>x</sub> Tier III emission standards needs to be properly considered.

6.31 With regard to the concerns expressed by a delegation that document MEPC 66/6/6 should be considered as a new proposal for amendments to MARPOL Annex VI, which need to be circulated six months prior to consideration by the Committee, a number of delegations responded that the document in question was submitted to comment on document MEPC 66/6/3 and therefore should be considered as modifications to the basic proposal.

6.32 A number of delegations supported the compromise proposal contained in document MEPC 66/6/10, stressing the need for a pragmatic solution in the spirit of cooperation. Those delegations were of the view that the principle of non-retrofitting for existing ships, which was agreed upon when adopting the revised MARPOL Annex VI, should be maintained in any future amendments. Consequently, the effective date of 1 January 2016 shall only apply to existing emission control areas for NO<sub>x</sub> as listed in paragraphs 6.1 and 6.2 of regulation 13 of MARPOL Annex VI. The effective dates of NO<sub>x</sub> Tier III emission standards for any future emission control areas for NO<sub>x</sub> should be determined for a later date than 1 January 2016.

6.33 Following extensive discussion, the Committee agreed to the further modifications to the draft amendments to regulation 13 of MARPOL Annex VI, as suggested in document MEPC 66/6/6, namely:

- .1 to retain the effective date of 1 January 2016 for the existing emission control areas for NO<sub>x</sub> as listed in paragraphs 6.1 and 6.2 of regulation 13 of MARPOL Annex VI; and
- .2 to place an exception of a five-year delay for large yachts (greater than 24 metres in length and of less than 500 gross tonnage).

6.34 The Committee also agreed to the need to further improve the text of regulation 13 of MARPOL Annex VI, with a view to clarifying the effective dates of NO<sub>x</sub> Tier III emission standards for any future emission control areas for NO<sub>x</sub>.

6.35 In this connection, the Committee considered a compromise text prepared by a group of interested delegations, which, in their view, provided Parties establishing new emission control areas for NO<sub>x</sub> with the flexibility to apply the NO<sub>x</sub> Tier III emission standards to ships constructed on or after the date of circulation of a proposal for adoption of an emission control area. This would effectively mean a maximum of two years prior to establishment of an emission control area and would also give the industry certainty as to when the NO<sub>x</sub> Tier III emission standards could apply, limiting retrospective application.

6.36 The delegation of Ireland, in suggesting that the adoption of these amendments should be postponed to MEPC 67 to allow sufficient time for all Parties to study the full implications of the effects of these significant amendments, made a statement, as set out in annex [...].

6.37 The delegation of China expressed the view that the wording "the date of circulation for adoption of such an emission control area" used in the suggested text of paragraph 5.1.3 of regulation 13 is not the standard language used in regulations, and considered that this would require retroactive compliance with the NO<sub>x</sub> Tier III emission standards, which, in their view, is against the non-retroactive principle agreed by the Committee.

6.38 The delegation of Spain raised the concern that the suggested flexibility for setting up effective dates of new emission control areas for NO<sub>x</sub> would allow ships which need to

comply with NO<sub>x</sub> Tier III emission standards in existing emission control areas to not necessarily to comply with the same standards in the new emission control areas; and would potentially encourage the use of old ships to operate in those areas, in order to avoid compliance with the NO<sub>x</sub> Tier III emission standards, which is against the principle of using best available technologies to protect the marine environment. The delegation of Spain further indicated that they would consider applying MARPOL article 16 (f)(ii) to express that approval will be necessary for their country if the Committee adopts the amendments in question at the current session.

6.39 Notwithstanding the above, the Committee, having noted that the majority of the delegations who spoke were in favour of the compromise text (see paragraph 6.35), agreed to refer it to the drafting group for consideration and finalization.

***Draft amendments concerning the application of the EEDI***

6.40 The Committee had for its consideration the following documents commenting on the draft amendments to regulations 2, 19, 20 and 21 of MARPOL Annex VI concerning the application of the EEDI:

- .1 MEPC 66/6/11 (China), seeking clarification on the interpretation of hybrid propulsion; commenting on size limitation of ro-ro passenger ships; and proposing further modifications to the draft amendments to regulations 5.4.2, 21.1 and 21.4 of MARPOL Annex VI; and
- .2 MEPC 66/6/13 (Japan), proposing further modifications to the draft amendments to regulations 2.38 and 2.43 of MARPOL Annex VI, with a view to clarifying the date on which regulations 20 and 21 of MARPOL Annex VI shall apply to ships.

6.41 The Committee, having considered document MEPC 66/6/11, took the following decisions:

- .1 agreed to replace the words "a ship" in the first sentence of regulation 5.4.2 of MARPOL Annex VI with the words "a new ship";
- .2 instructed the EEDI working group established under agenda item 4 to consider the suggestion that, for table 1 in regulation 21.1 of MARPOL

Annex VI, DWT be used for the size limitation of ro-ro passenger ships, rather than GT, and advise the Committee accordingly;

- .3 did not agree to the proposed modifications to regulation 21.4 of MARPOL Annex VI; and
- .4 agreed to the need to clarify the term "hybrid propulsion" used in the definition of "Non-conventional propulsion" and invited Member Governments and international organizations to submit relevant comments and proposals to MEPC 67 for detailed consideration.

6.42 In this connection, several delegations questioned whether the Committee's agreement on the incorporation in the circulated draft amendments (MEPC 66/6/3) of modifications to regulation 5.4.2 of MARPOL Annex VI had followed the procedure for amendments as set out in article 16 of MARPOL. These delegations were of the view that those modifications to regulation 5.4.2 should be considered as a new proposal, which would need to be circulated six months before being considered by the Committee, as the original draft amendments do not contain any amendments to that regulation.

6.43 The Committee stressed that procedures for amendments should always be strictly followed, moreover, agreed that the proposed modifications should be considered as consequential amendments to MARPOL Annex VI, following the approval of unified interpretations to MARPOL Annex VI (MEPC.1/Circ.795), taking into account that those modifications would have a bearing on the other amendments to the EEDI requirements approved by MEPC 65.

6.44 The Committee, having considered document MEPC 66/6/13, agreed to the proposed new definition of "ships constructed on or after 1 September 2015" as well as further modifications to the definition of "LNG carriers", as set out in paragraphs 6 and 7 of the document.

6.45 The Committee also agreed to further modify the definition of "Conventional propulsion" in new regulation 2.40 of MARPOL Annex VI to read:

"40 Conventional propulsion in relation to chapter 4 of this Annex means a method of propulsion where a main reciprocating internal combustion engine(s) is

the prime mover and coupled to a propulsion shaft either directly or through a gear box."

6.46 In relation to paragraph 6.39.2, the Committee, having considered the relevant part of the report of the working group on air pollution and energy efficiency (MEPC 66/WP.7, paragraphs 5 and 6), concurred with China's proposal for the use of DWT in table 1 of regulation 21.1 of MARPOL Annex VI.

#### ***Draft amendments to the NO<sub>x</sub> Technical Code 2008***

6.47 The Committee agreed to further modify the definitions of "marine diesel engine" in paragraph 1.3.10 of the NO<sub>x</sub> Code to read:

"1.3.10 Marine diesel engine means any reciprocating internal combustion engine operating on liquid or dual fuel, to which regulation 13 applies, including booster/compound systems if applied.

Where an engine is intended to be operated normally in the gas mode, i.e. with the gas fuel as the main fuel and with liquid fuel as the pilot or balance fuel, the requirements of regulation 13 have to be met only for this operation mode. Operation on pure liquid fuel resulting from restricted gas supply in cases of failures shall be exempted for the voyage to the next appropriate port for the repair of the failure."

#### ***Entry into force date of the amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008***

6.48 The Committee agreed that the entry into force date of the above draft amendments should be 1 September 2015.

#### ***Establishment of the Drafting Group on amendments to mandatory instruments***

6.49 The Committee established the Drafting Group on amendments to mandatory instruments and instructed it, taking into account comments, proposals and decisions made in plenary, to prepare:

- .1 the final text of the draft amendments to MARPOL Annexes I, II, III, IV, V and VI to make the use of the III Code mandatory, together with the associated MEPC resolutions;
- .2 the final text of the draft amendments to MARPOL Annex I on mandatory carriage requirements for a stability instrument, together with the associated MEPC resolution;
- .3 the final text of the draft amendments to the BCH Code, together with the associated MEPC resolution;
- .4 the final text of the draft amendments to the IBC Code, together with the associated MEPC resolution;
- .5 the final text of the draft amendments to MARPOL Annex V on Record of Garbage Discharge, together with the associated MEPC resolution; and
- .6 the final text of the draft amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008, together with the associated MEPC resolution.

### **[Report of the Drafting Group]**

6.50 Having considered the report of the drafting group (MEPC 66/WP.10 and MEPC 66/WP.10/Add.1), the Committee approved it in general and took action as indicated hereunder.

### **Adoption of the amendments to MARPOL Annexes I, II, III, IV, V and VI to make the use of III Code mandatory**

6.51 The Committee considered the final text of the draft amendments to MARPOL Annexes I, II, III, IV and V to make the use of III Code mandatory, prepared by the drafting group (MEPC 66/WP.10, annex 1), and adopted the amendments by resolution MEPC [...] (66), as set out in annex [....].

6.52 The Committee considered the final text of the draft amendments to MARPOL Annex VI to make the use of III Code mandatory, prepared by the drafting group (MEPC 66/WP.10, annex 2), and adopted the amendments by resolution MEPC [...](66), as set out in annex [....].

6.53 In adopting resolutions MEPC [...] (66) and MEPC [...] (66), the Committee determined, in accordance with article 16(2)(f)(ii) of the 1973 MARPOL Convention, that the adopted amendments to MARPOL Annexes I, II, III, IV, V and VI shall be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 January 2016, in accordance with article 16(2)(g)(ii) of the Convention.

6.54 The delegation of Greece made a declaration in relation to the adoption of the III Code, as set out in annex [...]. The delegations of Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Sweden and the United Kingdom, associated themselves with the declaration provided by Greece.

6.55 In response to the aforementioned declaration, the delegation of Japan made a statement, which is also set out in annex [...]. The delegations of Australia, the Bahamas, Canada, China, Japan, the Marshall Islands, Panama, the Philippines, the Republic of Korea, Russian Federation, Singapore, Tuvalu, the United States and Vanuatu associated themselves with the statement made by Japan.

#### **Adoption of the amendments to MARPOL Annex I on mandatory carriage requirements for a stability instrument**

6.56 The Committee considered the final text of the draft amendments to MARPOL Annex I on mandatory carriage requirements for a stability instrument, prepared by the drafting group (MEPC 66/WP.10, annex 3), and adopted the amendments by resolution MEPC [...] (66), as set out in annex [...].

6.57 In adopting resolution MEPC [...] (66), the Committee determined, in accordance with article 16(2)(f)(ii) of the 1973 MARPOL Convention, that the adopted amendments to MARPOL Annexes I shall be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 January 2016, in accordance with article 16(2)(g)(ii) of the Convention.

**Adoption of the amendments to the BCH Code**

6.58 The Committee considered the final text of the draft amendments to the BCH Code, prepared by the drafting group (MEPC 66/WP.10, annex 4), and adopted the amendments by resolution MEPC [...] (66), as set out in annex [...].

6.59 In adopting resolution MEPC [...] (66), the Committee determined, in accordance with article 16(2)(f)(iii) of the 1973 MARPOL Convention, that the adopted amendments to the BCH Code shall be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 January 2016, in accordance with article 16(2)(g)(ii) of the Convention.

**Adoption of the amendments to the IBC Code**

6.60 The Committee considered the final text of the draft amendments to the IBC Code, prepared by the drafting group (MEPC 66/WP.10, annex 5), and adopted the amendments by resolution MEPC [...] (66), as set out in annex [...].

6.61 In adopting resolution MEPC [...] (66), the Committee determined, in accordance with article 16(2)(f)(iii) of the 1973 MARPOL Convention, that the adopted amendments to the IBC Code shall be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 January 2016, in accordance with article 16(2)(g)(ii) of the Convention.

**Adoption of the amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008**

6.62 The Committee considered the final text of the draft amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008, prepared by the drafting group (MEPC 66/WP.10/Add.1, annex), and adopted the amendments by resolution MEPC [...] (66), as set out in annex [...].

6.63 In adopting resolution MEPC [...] (66), the Committee determined, in accordance with article 16(2)(f)(ii) of the 1973 MARPOL Convention, that the adopted amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code 2008, shall be deemed to have been accepted on 1 March 2015 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the

Convention) and shall enter into force on 1 September 2016, in accordance with article 16(2)(g)(ii) of the Convention.

### **Instructions to the Secretariat**

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

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

7.1 The Committee noted that of the nine documents submitted under this agenda item, documents MEPC 66/7/1, MEPC 66/7/4, MEPC 66/7/5, MEPC 66/INF.32 and MEPC 66/INF.35, had been considered under agenda item 4 on Air pollution and energy efficiency.

### **Use of electronic record books under MARPOL**

7.2 The Committee recalled that MEPC 65 had established a Correspondence Group on the Use of electronic record books under MARPOL and had instructed it to prepare draft guidance for the use of electronic record books under MARPOL, taking into account the ongoing work of the FAL Committee on electronic access to certificates and documents.

7.3 The Committee considered the report of the correspondence group (MEPC 66/7), providing the text of draft guidance for the use of electronic record books under MARPOL, as well as raising a number of outstanding issues that need further consideration.

7.4 The Committee noted general support for the outcome of the correspondence group, however, a number of delegations highlighted that the use of electronic record books should be considered optional. The Committee also noted concerns on the certification and verification of electronic record books; and that the electronic record book should achieve the same level of integrity as a hard copy required under MARPOL, in particular concerning the requirement that each completed page of the record book shall be signed by the master of the ship.

7.5 Acknowledging the merits of electronic record keeping in general, but realizing that further work on the matter was necessary, the Committee re-established the Correspondence Group on the Use of electronic record books under MARPOL under the coordination of Australia<sup>3</sup>, and instructed it, taking into account the comments and decisions made at MEPC 66, to:

- .1 finalize the draft guidance for the use of electronic record books under MARPOL, on the basis of the annex to document MEPC 66/7 and taking into account the ongoing work of the FAL Committee in this respect;
- 2 consider and prepare any necessary amendments and/or unified interpretations to annexes of MARPOL, as appropriate, in order to allow for the use of electronic record books;
- .3 consider the need for any consequential amendments to the *Procedures for port State control, 2011* (resolution A.1052(27)); and
- .4 submit a written report to MEPC 68.

#### **Boiler/economizer washdown water**

7.6 The Committee had for its consideration document MEPC 66/7/2 (Japan, Panama, ICS and INTERCARGO), presenting the environmental testing results for boiler/economizer washdown water; proposing that it should be regarded as "other similar discharges" essential to the operation of a ship, rather than "operational waste"; and providing proposed amendments to the 2012 *Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.219(63)) as well as a draft MEPC circular on Best management practice for boiler/economizer washdown water.

7.7 Following discussion and acknowledging that more work was needed to prepare adequate guidance, the Committee reiterated the Committee's decision taken at MEPC 65

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that any Member Government wishing to pursue the matter further should submit a proposal for a new output to be included in the biennial agenda of the PPR Sub-Committee to the Committee for its consideration.

### **Proposed amendments to regulation 43 of MARPOL Annex I**

7.8 The Committee considered document MEPC 66/7/3 (United Kingdom and United States), proposing draft amendments to regulation 43 (Special requirements for the use or carriage of oils in the Antarctic area) of MARPOL Annex I to prohibit ships from carrying heavy grade oil on board as ballast for use as fuel outside of the Antarctic area.

7.9 Following discussion, the Committee approved the draft amendments as set out in annex [...], with a view to adoption at MEPC 67.

### **Information flyer on revised Guidance on the management of spoilt cargoes**

7.10 The Committee noted the information contained in document MEPC 66/INF.5 (Secretariat), concerning a flyer on the revised *Guidance on the management of spoilt cargoes*, prepared by the London Convention/Protocol Scientific Group, as an information resource for outreach and technical cooperation activities.

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

8.1 The Committee recalled that this had been a permanent agenda item which enabled consideration of the report of the OPRC-HNS Technical Group, as well as other submissions and proposals related to the preparedness, response to, and cooperation in case of pollution incidents involving oil and hazardous and noxious substances.

8.2 The Committee recalled also that in accordance with the review and reform initiatives of the Organization reflected in the outcome of MSC 92 and MEPC 65 on the restructuring of the sub-committees, the OPRC-HNS Technical Group, which used to meet in the week preceding MEPC, met from 28 to 31 January 2014 and reported to the first session of the Sub-Committee on Pollution Prevention and Response (PPR), held from 3 to 7 February 2014. As provided by the Committee's Guidelines (MSC-MEPC.1/Circ.4/Rev.2, paragraph 6.9), the outcome of PPR 1 regarding OPRC-HNS will be reported to MEPC 67, due to the close proximity of PPR 1 to this session of the Committee.

8.3 The Committee noted that, having approved the arrangements for the future work on matters relating to the OPRC Convention and the OPRC-HNS Protocol, PPR 1 agreed that the OPRC-HNS Technical Group would cease to meet as an intersessional working group and its work has been integrated in the work programme of the PPR Sub-Committee.

8.4 The Committee recalled further that, having considered document MEPC 65/8 (Secretariat) with regard to the finalized draft text of the Manual on chemical pollution to address legal and administrative aspects of HNS incidents, and having noted that several delegations supported the need for a more in-depth review of the Manual, MEPC 65 deferred a decision on the matter and invited interested delegations to submit any comments on the draft Manual to MEPC 66, accordingly.

8.5 Having considered document MEPC 66/8 (United States) which sets out the suggested changes to the finalized draft text of the Manual on chemical pollution to address legal and administrative aspects of HNS incidents, the Committee agreed with the changes proposed and, following a proposal by ICS supported by others, decided to replace the word "should" in paragraph 2.3.2 of Part II of the draft Manual with the word "must".

8.6 The Committee approved the Manual on chemical pollution to address legal and administrative aspects of HNS incidents and instructed the Secretariat to carry out the final editing and to prepare the Manual for publication through the IMO Publishing Service.

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

9.1 The Committee had for its consideration documents MEPC 66/9 and Corr.1 (Secretariat), regarding draft text for a footnote to reflect consequential changes in pollution categories carried by certain types of ships listed in annex 3, section II (Collision avoidance, navigation, routing measures) of resolution MEPC.101(48) (Identification of the Wadden Sea as a Particularly Sensitive Sea Area), resulting from the revision of MARPOL Annex II.

9.2 Having reconsidered the draft text and the comments made, the Committee agreed that the footnote should read as follows:

"(\*) As a consequence of the revision of MARPOL Annex II that entered into force on 1 January 2007, the categorization of noxious liquid substances has been revised for the types of ships described. The consequential

amendments to the existing Deep-Water Route and Traffic Separation Scheme from North Hinder to the German Bight via the Frisian Junction were adopted by MSC 83 (MSC 83/28, annex 24) and disseminated by means of COLREG.2/Circ.59."

and instructed the Secretariat to reflect this footnote in the electronic version of the resolution on the IMO website and in any new edition of the IMO PSSA publication.

9.3 The Committee reminded Member Governments which have ships operating in the area of a designated PSSA, to bring any concerns regarding the associated protective measures to IMO so that any necessary adjustments may be made. Additionally, Member Governments that originally submitted the application for designation with the associated protective measures, should also bring any concerns and proposals for additional measures or modifications to any associated protective measure or the PSSA itself to IMO (Assembly resolution A.982(24)).

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

- .1 MEPC 66/INF.6 (Secretariat), concerning a communication by the Secretariat of the Convention on Biological Diversity regarding summary reports on the description of areas that meet the criteria for Ecologically and Biologically Significant Marine Areas (EBSAs); and
- .2 MEPC 66/INF.20 (Australia), informing the Committee of the outcome of a Regional Workshop on Particularly Sensitive Sea Areas and other IMO tools for area-specific management.

## **10 INADEQUACY OF RECEPTION FACILITIES**

### **MEPC circulars related to port reception facilities**

10.1 The Committee recalled that MEPC 65 approved the update and revision of five circulars related to port reception facilities and instructed the Secretariat to consolidate all five circulars into one and submit the consolidated version to MEPC 66 for consideration.

10.2 The Committee considered document MEPC 66/10 (Secretariat), providing in the annex the consolidated version of all five circulars. The observer from IHMA, supported by the observer from IAPH, suggested that MARPOL Annex VI waste, including ozone-depleting

substances and equipment containing such substances, and exhaust gas-cleaning residues, should be added to the table in appendix 2 (Standard format of the advance notification form for waste delivery to port reception facilities) of the draft consolidated guidance. The Committee agreed to the proposal.

10.3 Consequently, the Committee approved MEPC.1/Circ.[...] on Consolidated guidance for port reception facility providers and users.

### **Regional workshop on port reception facilities**

10.4 The Committee noted the information provided by the United States in document MEPC 66/INF.37 on the outcome of the second of two IMO regional workshops on port reception facilities.

### **Availability of port reception facilities**

10.5 The Committee urged all Parties to the MARPOL Convention, in particular port States, to fulfil their treaty obligations to provide reception facilities for wastes generated during the operation of ships, and all Member Governments to keep the information in the port reception facility database on GISIS regarding the availability of reception facilities in their ports and terminals up to date.

## **11 REPORTS OF SUB-COMMITTEES**

11.1 The Committee had for its consideration the outcome of STW 44 and DSC 18, as well as urgent matters emanating from PPR 1 and SDC 1.

### **OUTCOME OF STW 44**

11.2 The Committee noted that the Sub-Committee on Standards of Training and Watchkeeping (STW, now Sub-Committee on Human Element, Training and Watchkeeping (HTW)), had held its forty-fourth session from 29 April to 3 May 2013 and that the report of that session has been issued as document STW 44/19. Matters of relevance to the work of the Committee are reported in document MEPC 66/11/1.

### **Guidelines for the reactivation of the Safety Management Certificate following an operational interruption of the SMS due to lay-up**

11.3 The Committee approved the draft MSC-MEPC circular on *Guidelines for the reactivation of the Safety Management Certificate following an operational interruption of the*

*SMS due to lay-up over a certain period*, as set out in annex 1 to document STW 44/19, subject to concurrent approval by MSC 93.

### **Guidance on safety when transferring persons at sea**

11.4 The Committee approved the draft MSC-MEPC circular on *Guidance on safety when transferring persons at sea*, set out in annex 2 to document STW 44/19, subject to concurrent approval by MSC 93.

### **Proposed ISM Code amendments**

11.5 Having noted the discussions of STW 44 regarding proposed amendments to the ISM Code concerning the transfer of ship maintenance and failure records, the Committee endorsed the decision of the Sub-Committee not to develop relevant amendments to the Code, subject to concurrent endorsement by MSC 93.

### **OUTCOME OF DSC 18**

11.6 The Committee noted that the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC, now Sub-Committee on Carriage of Cargoes and Containers (CCC)), had held its eighteenth session from 16 to 20 September 2013 and that the report of that session had been circulated under document symbol DSC 18/13. Matters of relevance to the work of the Committee are reported in document MEPC 66/11.

### **New section for environmentally hazardous substances under the IMSBC Code**

11.7 The Committee noted the Sub-Committee's discussions with regard to the establishment of a new section for environmentally hazardous substances within the IMSBC Code, in relation to the revised MARPOL Annex V, by developing an indicative list of solid bulk cargoes, and its agreement to establish a correspondence group to undertake this work.

### **Consequential amendments to MARPOL Annex III**

11.8 The Committee approved consequential amendments to MARPOL Annex III developed by the Sub-Committee, in relation to the latest set of draft amendments to the IMDG Code, as set out in annex [...], for circulation with a view to adoption at MEPC 67, to ensure harmonization with other modes of transport with respect to the exclusion of class 7 material from Marine Pollutants/Environmentally Hazardous Substances requirements.

**Biennial agenda and report on status of planned outputs of the HLAP**

11.9 The Committee noted that points 3 and 4 of the action requested of the Committee (MEPC 66/11, paragraphs 2.3 and 2.4) related to the biennial agenda of the CCC Sub-Committee for 2014-2015, the provisional agenda for CCC 1 and the report of planned outputs of the HLAP, had been considered under agenda item 18 on Work programme of the Committee and subsidiary bodies (see paragraphs [...] to [...]).

**URGENT MATTERS EMANATING FROM PPR 1**

11.10 The Committee noted that the Sub-Committee on Pollution Prevention and Response (PPR) had held its first session from 3 to 7 February 2014 and that the report of that session had been issued as document PPR 1/16. Matters of relevance to the work of the Committee requiring urgent action are reported in document MEPC 66/11/4, while the remaining matters will be considered at MEPC 67.

11.11 The Committee also noted that of the action requested of it (MEPC 66/11/4, paragraph 2), point 1 concerning draft amendments to the IBC Code, point 7 concerning ballast water management, and points 8 and 9 concerning air pollution from ships had been dealt with under agenda items 2, 4 and 6 respectively; while points 10 to 12 concerning the biennial agenda of the Sub-Committee had been considered under agenda item 18.

**Evaluation of new products**

11.12 The Committee endorsed PPR 1's evaluation of new products, as set out in annex 1 to document PPR 1/16, for inclusion in list 1 of the associated MEPC.2 circular on Categorization of liquid substances, with validity for all countries and no expiry date.

**Evaluation of trade-named mixture products**

11.13 The Committee endorsed PPR 1's evaluation of trade-named mixtures presenting safety hazards, as set out in annex 2 to document PPR 1/16, for inclusion in list 3 of the MEPC.2 circular, with validity for all countries and no expiry date.

**Evaluation of cargo tank cleaning additives**

11.14 The Committee endorsed PPR 1's evaluation of cargo tank cleaning additives found to meet the requirements of regulation 13.5.2 of MARPOL Annex II, as set out in annex 3 to document PPR 1/16, for inclusion in the next edition of the MEPC.2 circular.

### **Clarification on the use of cleaning products**

11.15 The Committee endorsed the Sub-Committee's decision to include new text in annex 10 of the MEPC.2 circular, providing clarification on the use of cleaning products, as set out in annex 4 to document PPR 1/16.

### **Guidance on products requiring oxygen-dependent inhibitors**

11.16 The Committee approved the draft MSC-MEPC circular on Products requiring oxygen-dependent inhibitors, as set out in annex 5 to document PPR 1/16, subject to concurrent approval by MSC 93.

## **URGENT MATTERS EMANATING FROM SDC 1**

### **General**

11.17 The Committee noted that the Sub-Committee on Ship Design and Construction (SDC) had held its first session from 20 to 24 January 2014 and the report of that session had been issued as document SDC 1/26. Matters of relevance to the work of the Committee were reported in document MEPC 66/11/2.

11.18 The Committee recalled that the outcome of SDC 1 concerning ship recycling, in particular with regard to the threshold values for asbestos, had been considered under agenda item 3 (see paragraphs [...] to[...]).

### **Polar Code matters**

11.19 The Committee noted that SDC 1 had agreed, in principle, to the draft International Code for ships operating in polar waters (Polar Code) and associated draft SOLAS and MARPOL amendments to make the Polar Code mandatory, as set out in annexes 1 to 3 to document SDC 1/26, for submission to MEPC 66 and MSC 93 for further consideration, with a view to their adoption at future sessions, taking into account that a number of provisions still remained in square brackets throughout the draft Code.

### ***Application of part II-A of the Polar Code***

11.20 The Committee noted that, while SDC 1's Polar Code Working Group had agreed that the application of the Code should be harmonized with the application provisions of SOLAS, which would make the Code mandatory under that Convention, some delegations had pointed out that the proposed provisions in part II-A were negotiated with the understanding that

MARPOL applicability for each of the parent annexes would be extended to the corresponding chapters of part II-A, with exceptions provided on a regulation-by-regulation basis.

11.21 The Committee had for its consideration the following documents:

- .1 MEPC 66/11/5 (Netherlands and Panama), commenting on the definition of the Polar Code, certification and documentation, and the draft amendments to MARPOL; and supporting extending the applicability of the relevant MARPOL Annexes to the corresponding chapters of part II-A and that discharge requirements should apply to all ships;
- .2 MEPC 66/11/11 (CESA), suggesting that the two-step approach, i.e. first step SOLAS ships, next step non-SOLAS ships, should also apply to part II-A and the need to differentiate between new and existing ships; and
- .3 MEPC 66/11/12 (United States), supporting extending the applicability of the relevant MARPOL Annexes to the corresponding chapters of part II-A, and the application of part II-A to new and existing ships, with exemptions for some provisions that require structural requirements or significant machinery additions.

11.22 Following discussion, the Committee agreed that the applicability of the relevant MARPOL Annexes should be extended to the corresponding chapters of part II-A; that operational requirements should be applied to both new and existing ships; and that exemptions should be considered for any additional structural requirements.

### ***Goal-based approach***

11.23 The Committee recalled that SDC 1, having noted concerns that the goal of MARPOL is wider than that of the Polar Code, had agreed to refer the matter to the Committee for further consideration.

11.24 In this connection, the Committee considered document MEPC 66/11/13 (United States), proposing to delete or clarify functional requirements in part II-A due to the perceived ambiguity as to the legal obligations for Member Governments.

11.25 In the ensuing discussion, the majority of the delegations who spoke supported the proposal by the United States, stressing that the goal-based approach is not suitable for the environmental part of the Code and that the Committee should focus on approving appropriate prescriptive provisions.

11.26 Several other delegations suggested that the goal-based approach should be retained in the environmental part of the Code as it had been agreed since the beginning of the development of the Code. Those delegations were of the view that goal-based standards are clear, verifiable, long-standing and implementable, providing sufficient flexibility for alternative designs and arrangements and encouraging technology development in the long term.

11.27 Following consideration, the Committee agreed that the goals and functional requirements be deleted from part II-A of the Code and that each chapter in part II-A should consist only of prescriptive requirements. The Committee further agreed that any interested delegations wishing to explore the future use of the draft goals and functional requirements, as set out in annex 3 of document SDC 1/26, should submit a proposal for a new output in accordance with the Committees' Guidelines.

#### ***Prevention of pollution from oil***

11.28 The Committee noted that SDC 1, having recalled the decision of MEPC 65 concerning the prohibition of any discharge into the sea of oil or oily mixtures from any ships, had not agreed to the changes to paragraph 1.5.1.2 of chapter 1 of part II-A of the draft Code proposed by the Russian Federation (SDC 1/3/18).

11.29 The Committee considered document MEPC 66/11/3 (Russian Federation), proposing to allow ships operating in Arctic waters to discharge oily mixtures from machinery spaces under the conditions stipulated for special areas under MARPOL Annex I, but, noting that it did not receive sufficient support, did not agree to the proposal.

#### ***Prevention of pollution from noxious liquid substances (NLS)***

11.30 The Committee recalled that SDC 1, having considered paragraph 2.4.2.2 of part II-A of the Code, which states that, for new category A and B ships, all tanks used for carriage of NLS shall be separated from the outer shell by a distance of not less than 760 mm and, having noted concerns that this structural requirement, which is not included in

the current IBC Code, would have an impact on Type III chemical tankers, had referred the matter to the Committee for further consideration.

11.31 In the ensuing discussion, a number of delegations supported the inclusion of the above-mentioned new requirement, however, other delegations expressed their support to the view as described in paragraph 5 of document MEPC 66/6/5, i.e. that additional structural requirements should first be subject to a full impact assessment regarding pros and cons and consequences to other IMO Conventions and Codes.

11.32 Following discussion, the Committee instructed the correspondence group to consider the matter in detail and advise it accordingly.

#### ***Requirements for port reception facilities***

11.33 The Committee recalled that SDC 1, having considered proposals concerning the provision of port reception facilities in Arctic waters (SDC 1/3/1, SDC 1/3/19 and SDC 1/3/23), had agreed to invite the Committee to further consider the matter as it is of policy nature.

11.34 In this connection, the Committee had for its consideration document MEPC 66/11/8 (Canada), suggesting that the availability of waste reception facilities within polar areas should not impede or delay the implementation of the prohibition of discharges of oil and oily mixtures as part of the Polar Code.

11.35 During the discussion, the following views were, inter alia, expressed:

- .1 "zero tolerance of illegal discharges from ships" can only be effectively enforced when there are adequate reception facilities in ports and the intention of the proposed regulatory text on port reception facilities is to provide support to the international shipping industry and to ensure that the Code can fully stand the test of time;
- .2 the proposed requirements on port reception facilities for ports within the Arctic area would be excessively burdensome on Arctic States and affected communities; and

- .3 the current capacity for waste reception in polar regions is aligned with current demand and should be considered adequate; and commonly-used practices as well as new technologies are available that allow ships to comply with the discharge prohibition.

11.36 Following discussion, the Committee agreed to the need for the provision of reception facilities in Arctic waters, but also, that this should not constitute a condition for the implementation of the Code. The Committee instructed the correspondence group to prepare relevant text for inclusion in part II-A of the Code, taking into account regulation 38 (Reception facilities) of MARPOL Annex I, as well as the proposals in documents SDC 1/3/1 and SDC 1/3/19.

#### ***Certification and documentation***

11.37 The Committee recalled that SDC 1 had noted that the certification and verification regime, in terms of the status of the Polar Ship Certificate, the Polar Water Operational Manual and the implementation of the certification requirements with respect to existing statutory certification in SOLAS and MARPOL, requires further consideration, and that the documentation of the operational capabilities and limitations expected to be included in the Certificate remains to be defined.

11.38 Following consideration, the Committee agreed that, with a view to alleviating the administrative burden, compliance with the Polar Code should be reflected in the existing certificates, manuals and record books under the relevant Annexes to MARPOL. The Committee further instructed the correspondence group to conduct a comprehensive review of certificate and documentation requirements in the Polar Code, taking into account the existing requirements in MARPOL, and consider including provisions for single voyages.

#### ***Other proposals relating to the draft Polar Code***

11.39 The Committee, having considered document MEPC 66/11/6 (Finland), commenting on the recommendatory guidance in part II-B concerning the use of non-toxic biodegradable lubricants or water-based systems for lubricated components located outside the underwater hull, agreed to the modifications to paragraph 3.3 of part II-B of the Code, as set out in paragraph 6 of that document.

11.40 The Committee, having considered document MEPC 66/11/10 (Germany), commenting on the titles of part II-A and part II-B; the text of paragraph 4.4.3 of part II-A concerning the discharge of sewage; as well as text of some guidance in part II-B, agreed to refer the proposals to the correspondence group for detailed consideration, bearing in mind the Committee's decision on certification and verification (see paragraph 11[...]).

***Draft amendments to MARPOL to make the Polar Code mandatory***

11.41 The Committee recalled that SDC 1 had agreed, in principle, to draft amendments to MARPOL Annexes I, II, IV and V, as set out in annex 1 of the report of SDC 1 (SDC 1/26), subject to the Committee's decisions on the text remaining in square brackets.

11.42 The Committee had for its consideration the following documents:

- .1 MEPC 66/11/9 (Germany), supporting the structure of the draft MARPOL amendments, as contained in annex 1 to document SDC 1/26, and commenting on the text for regulation 1 on definitions and regulation 2 on application;
- .2 MEPC 66/11/14 (United States), proposing that the relevant environmental regulations under the Polar Code be given effect by being placed directly in the text of the relevant MARPOL Annexes, rather than through incorporation of part II-A of the Code by reference, and identifying issues that must be addressed in the amendments and introduction of the Polar Code if the Committee decides to retain the structure of the draft MARPOL amendments as agreed by SDC 1;
- .3 MEPC 66/11/15, MEPC 66/11/16, MEPC 66/11/17 and MEPC 66/11/18 (United States), providing text of draft amendments to MARPOL Annexes I, II, IV and V, respectively, using the approach suggested in document MEPC 66/11/14; and
- .4 MEPC 66/11/5 (Netherlands and Panama), paragraphs 9 and 10, proposing to make the Polar Code mandatory via a separate chapter in every relevant Annex to MARPOL using a similar structure as the proposed chapter XIV of SOLAS to make the Polar Code mandatory.

11.43 With regard to the structure of the amendments to MARPOL to make the relevant part of the Polar Code mandatory, the Committee noted that a slight majority of the delegations who spoke supported the approach as described in paragraphs 9 and 10 of document MEPC 66/11/5.

11.44 A number of other delegations supported the proposal in document MEPC 66/11/14, stressing that it enhances clarity and simplicity and ensures all regulations are appropriately treated with respect to cross-references and generally applicable exceptions.

11.45 Several delegations, in supporting the structure of the draft MARPOL amendments agreed by SDC 1, as set out in annex 1 to document SDC 1/26, raised concerns over the proposal to develop a separate chapter in every relevant Annex to MARPOL, in particular as to how these chapters relate to the various existing MARPOL provisions for ships operating in the Antarctic area.

11.46 Following discussion, the Committee agreed to use the approach as described in paragraphs 9 and 10 of document MEPC 66/11/5 for the development of associated MARPOL amendments to make the Polar Code mandatory. Subsequently, the Committee instructed the correspondence group to prepare such draft amendments, also taking into account paragraphs 6 to 10 of document MEPC 66/11/14, which identify issues that need be addressed in developing MARPOL amendments and the introduction part of the Polar Code, as well as document MEPC 66/11/9, commenting on the text of definitions and application of the draft MARPOL amendments.

#### **Proposed savings clause**

11.47 The Committee, having considered document MEPC 66/11/7 (Canada), proposing the inclusion of a clause in the draft MARPOL amendments to clarify the relationship between the Polar Code, other international agreements and international law, did not agree to the proposal. The Committee noted that the majority of the delegations who spoke were of the view that Article 9(2) of MARPOL already brings sufficient precision as to the nature of the relationship between the provisions contained in the Polar Code and other relevant international law; that the inclusion of a saving clause would cause confusion and potential legal uncertainty; and that the provisions of the Polar Code do not conflict with any other international laws.

11.48 Following the Committee's decision on the matter, the delegation of Canada made a statement, as set out in annex [...].

### ***Establishment of a Polar Code Correspondence Group***

11.49 The Committee noted that SDC1 had requested that maximum resources should be made available and allocated by the Committees, with a view to ensuring the Code is completely developed prior to adoption.

11.50 In response to SDC 1's request, the Chairman proposed that the Committee, following a detailed deliberation in plenary, should establish a correspondence group and instruct it to finalize part II-A and part II-B of the Code, together with the draft associated amendments to MARPOL. A working group on the Polar Code could be established at MEPC 67 where the Committee would be expected to approve the Polar Code and the associated draft amendments to MARPOL, with a view to their adoption at MEPC 68.

11.51 Some delegations questioned that this suggested timeline for adoption of the Polar Code and the associated amendments to MARPOL was different from the one discussed at SDC 1. The Chairman responded that, due to other priorities, regrettably no working group on the Code could be established at this session.

11.52 Several delegations proposed an Intersessional Polar Code Working Group to be held the week before MEPC 67, to allow sufficient time for the work, while some other delegations raised concerns over the limited resources of small delegations to cope with additional intersessional groups. The Committee agreed to consider this matter under agenda item 18 (see paragraph 18...).

11.53 Following discussion, the Committee established a Polar Code Correspondence Group under the coordination of the United Kingdom\* and instructed it, taking into account the comments and decisions made in plenary, using annexes 1 and 3 to document SDC 1/26 as the basis and taking into account documents MEPC 66/11/3, MEPC 66/11/4 (paragraphs 6 to 10), MEPC 66/11/5, MEPC 66/11/6, MEPC 66/11/9, MEPC 66/11/10 and MEPC 66/11/12, to:

- .1 finalize parts II-A and II-B of the draft International Code of Safety for Ships Operating in Polar Waters;

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\* Coordinator: [details to be provided]

- 
- .2 finalize the draft amendments to MARPOL to make the Polar Code mandatory; and
  - .3 submit a written report to MEPC 67.

## 12 WORK OF OTHER BODIES

12.1 The Committee had for its consideration the outcome of FAL 38 (MEPC 66/12), MSC 92 (MEPC 66/12/2), C 110 (MEPC 66/12/1), C 111 and C/ES 27 (MEPC 66/12/3) and A 28 (MEPC 66/12/4).

### Outcome of FAL 38

12.2 The Committee noted that the thirty-eighth session of the Facilitation Committee (FAL 38) had been held from 8 to 12 April 2013 and that the report of that session had been circulated under document FAL 38/15. The matters of interest to the Committee were summarized in document MEPC 66/12 (Secretariat).

12.3 The Committee considered two action items relevant to its work, as contained in paragraph 3 of document MEPC 63/12. With regard to the first action item, the Committee, in considering FAL.5/Circ.39 on Interim Guidelines for use of printed versions of electronic certificates, as requested by FAL 38, noted that MSC 92, having considered the same request and having noted that the FAL Committee had established a Correspondence Group on Electronic Access to Certificates and Documents which should, inter alia, put together lessons learned through the implementation of the above-mentioned Interim Guidelines, had instructed the III Sub-Committee to consider the Interim Guidelines in detail at III 1 and to report to MSC, as appropriate.

12.4 Taking the above into consideration, the Committee agreed to defer consideration of the matter to MEPC 67, where the outcome of the work being undertaken by the III Sub-Committee, as well as the outcome of FAL 39, could be taken into account.

12.5 The Committee noted that point 2 of the action requested, concerning the revised Facilitation Committee's *Guidelines on the organization and method of work* of the Facilitation Committee (FAL.3/Circ.209), had been considered under agenda item 19 on Application of the Committees' Guidelines (see paragraph 19.[...]).

**Outcome of MSC 92, C 110, C 111, C/ES 27 and A 28**

12.6 The Committee noted the decisions of MSC 92 (MEPC 66/12/2), C 110 (MEPC 66/12/1), C 111 and C/ES 27 (MEPC 66/12/3) and A 28 (MEPC 66/12/4) and further noted that the outcome of C/ES 27 concerning the Council's request to the Committee to review a number of outputs had been considered under agenda item 18 on Work programme of the Committee and subsidiary bodies (see paragraphs [...] to [...]).

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

13.1 The Committee noted that the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS Convention) had been in force since 17 September 2008 and that, to date, the Convention has 66 Parties, representing 82.32% of the gross tonnage of the world's merchant fleet. Consequently, the Committee invited those States that have not yet ratified the Convention to do so at the earliest opportunity.

13.2 The Committee noted document MEPC 66/INF.21 (ISO), providing information on ISO standard 13073 on risk assessment on anti-fouling systems on ships, consisting of:

Part 1: Marine environmental risk assessment method of biocidally Active Substances used for anti-fouling systems on ships (published on 1 August 2012);

Part 2: Marine environmental risk assessment method for anti-fouling systems using biocidally Active Substances on ships (published on 1 June 2013);  
and

Part 3: Human health risk assessment for the application and removal of anti-fouling systems (under voting for new work item proposal).

13.3 The Committee also noted document MEPC 66/INF.23 (Australia and New Zealand) on anti-fouling and in-water cleaning guidelines to support local decision making on anti-fouling and in-water cleaning activities, in line with the AFS Convention, and the *Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species* (resolution MEPC.207(62)).

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

14.1 The Committee, having recalled that this is a standing item in the work programme of the Committee with the purpose of fostering compliance and dealing with implementation issues in respect of MARPOL and other related instruments, mandatory or recommendatory, noted that no submissions have been received under this agenda item.

**[15 TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT**

15.1 The Committee noted the information provided in document MEPC 66/15 (Secretariat) on the Organization's technical cooperation activities related to the protection of the marine environment, implemented between 9 February and 27 December 2013, under the Integrated Technical Cooperation Programme (ITCP) as well as under the major projects which are financed through external sources. These activities were aimed at assisting Member States in the implementation of the provisions of the relevant IMO Conventions (AFS, BWM, MARPOL, OPRC, OPRC-HNS, Ship Recycling), including the London Protocol. The Committee noted that during the reporting period, a total of 55 technical cooperation activities were implemented at global, regional and national level.

15.2 The Committee further noted that, during the period under review, significant progress has been achieved in executing a number of projects financed mainly by external sources, which have been implemented under the direct supervision of the Marine Environment Division of the Organization.

15.3 The Committee also noted the information provided in document MEPC 66/15/1 (Secretariat) on the additional activities, carried out with support from the REMPEC during the reporting period, related to the implementation of the Protocol to the Barcelona Convention concerning cooperation in preventing pollution from ships and, in case of emergency, combating pollution of the Mediterranean Sea.

15.4 Summarizing, the Chairman recalled that the constituent programmes of IMO's ITCP could only be delivered if the required funding is secured from internal resources and/or external donor contributions. He expressed appreciation for all the financial and in kind contributions to the ITCP and major projects and invited Member States and international organizations to continue and, if possible, increase their appreciable support for IMO's

technical cooperation activities so that successful delivery of the programme could be achieved.]

## **16 ROLE OF THE HUMAN ELEMENT**

16.1 The Committee recalled that MSC 89 and MEPC 62 agreed to entrust a leading and coordinating role to the Sub-Committee on Standards of Training and Watchkeeping (STW) (now the Human Element, Training and Watchkeeping (HTW) Sub-Committee after the restructuring of the Sub-Committees agreed in 2013) to address the issue of the human element.

16.2 The Committee recalled also that MEPC 63 agreed that it would refer human element issues relating to the environment directly to the Joint MSC/MEPC Working Group on the Human Element, and that the Working Group should consider the issues referred to it without further discussion in the plenary of the STW Sub-Committee (now HTW Sub-Committee).

16.3 The Committee further recalled that MEPC 65, while having noted that no documents had been submitted under this agenda item, agreed to keep the item on the agenda to consider any human element related issues and the outcome of the STW Sub-Committee (now HTW Sub-Committee) on the matter, as appropriate.

16.4 The Committee, having noted that no submissions had been received under the agenda item for two consecutive sessions, agreed to the deletion of this item from its agenda in view of the terms of reference of the HTW Sub-Committee which include the promotion and implementation of the Organization's human element strategy, and instructed the HTW Sub-Committee to report future matters related to the human element to the Committee under the agenda item on Reports of sub-committees.

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

17.1 The Committee had for its consideration the outcome of work undertaken by the DE Sub-Committee to develop technical guidelines to address the issue of underwater noise from commercial shipping and its adverse impacts on marine life (MEPC 66/17).

17.2 The Committee recalled that MEPC 65 had noted that DE 57 was held from 18 to 22 March 2013 and its report had been circulated under document DE 57/25. The

Committee also recalled that, due to the close proximity between DE 57 and MEPC 65, MEPC 65 had decided to consider the outcome of DE 57 on the matter of underwater noise at this session.

17.3 The Committee noted that DE 57 had agreed to a draft MEPC circular on *Guidelines for the reduction of underwater noise from commercial shipping*, as set out in the annex to document MEPC 66/17, for consideration, with a view to approval, by the Committee.

17.4 The Committee, having agreed to remove the square brackets around paragraph 1.3 of the Preamble of the draft Guidelines, approved MEPC.1/Circ.[...] on *Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life* and instructed the Secretariat to issue the circular as soon as possible.

17.5 In considering the issue of future work on this topic, as set out in paragraph 6 of document MEPC 66/17, the Committee noted, inter alia, that:

- .1 there remained a large number of gaps in knowledge and no comprehensive assessment of this issue was possible at this stage. In this context it was highlighted that sound levels in the marine environment and the contribution from various sources was a complex issue. The wide variety of ship types, sizes, speeds and operational characteristics all contributed to this complexity;
- .2 given these complexities, setting future targets for underwater sound levels emanating from ships was premature and would be difficult to evaluate at this time; and
- .3 more research was needed, in particular on the measurement and reporting of underwater sound radiating from ships.

17.6 Given the importance of this issue, the Committee invited Member Governments who wished to pursue these matters further to submit proposals for appropriate new outputs to a future session, in accordance with the Committee's Guidelines.

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

### **Outcome of C/ES.27**

18.1 The Committee noted that the 27th extraordinary session of the Council was held on 21 and 22 November 2013 and that the Council, having considered document C/ES.27/3 on the report of the 13th session of the Ad Hoc Working Group on the Organization's Strategic Plan (CWGSP 13), requested the committees to take specific actions as follows:

- .1 strict discipline regarding unplanned outputs should be observed at all levels; and
- .2 before any work is undertaken during a biennium, an appropriate output should be formulated and included in the High-level Action Plan (HLAP) of the Organization, in accordance with the relevant procedures; it being understood that minor corrections/issues could continue to be considered by the committees under the agenda item "Any other business".

18.2 The Committee noted that CWGSP 13 reviewed the HLAP and noted that a number of planned outputs, as set out in the annex, part A of document MEPC 66/18 (i.e. outputs 5.2.3.6, 5.3.1.1, 7.2.2.1, 10.0.1.1 and 10.0.1.2) were not sufficiently specific to allow the clear identification of the actual product from each planned output and recommended that the Council request the relevant committees to review these outputs, and examine if they can be more clearly identified.

18.3 In this connection, the Committee noted that output 5.2.3.6 on Amendments to MARPOL Annex I and associated circulars is a continuous item under the purview of MEPC and was being referred to the Committee by CWGSP 13 for consideration of scope.

18.4 Having considered comments made by the Netherlands, supported by a number of delegations, the Committee noted that output 5.2.3.6 was open-ended and not properly specified in SMART terms as defined in paragraph 8.5 of resolution A.1062(28) and agreed to delete the output from the HLAP. The Committee requested the Secretariat to inform the Council accordingly.

18.5 The Committee also noted that output 7.2.2.1 on the Safety and pollution hazards of chemicals and preparation of consequential amendments to MARPOL Annex II and the

IBC Code taking into account recommendations of GESAMP-EHS, is a continuous item under the purview of MEPC and was being referred to the Committee by CWGSP 13 for consideration of scope.

18.6 The Committee, in considering comments made by the Netherlands, supported by a number of delegations, agreed that the output should be amended to read: "Safety and pollution hazards of chemicals and preparation of consequential amendments to the IBC Code, taking into account recommendations of GESAMP-EHS" given that the output related specifically to Chapters 17 and 18 of the IBC Code, and not to consequential amendments to MARPOL Annex II and to amend the biennial agenda of the PPR Sub-Committee and requested the Secretariat to inform MSC and the Council accordingly.

18.7 In considering outputs 5.3.1.1 on Harmonization of PSC activities; 10.0.1.1 on Goal-based new ship construction standards for tankers and bulk carriers; and 10.0.1.2 on Goal-based ship construction standards for all types of ships, including safety, security and protection of the marine environment; as set out in the annex, part A, of document MEPC 66/18, the Committee noted that these are continuous outputs under the purview of MSC and MEPC, except for output 10.0.1.2 with 2015 as the target completion year, and are being referred to the Committee by CWGSP 13 for consideration of scope.

18.8 Having considered that the above outputs are within the scope of the HLAP and having noted that CWGSP 13 also requested MSC to review them, the Committee decided to defer any discussion on the three outputs to MEPC 67, to take into account the outcome of MSC 93 on the matter.

18.9 The Committee noted that CWGSP 13 reviewed the HLAP and recommended that the Council request the MEPC to provide clarification on the procedure followed for the acceptance of new planned outputs 7.1.2.9 and 7.2.3.2, as set out in the annex, part B, of document MEPC 66/18.

18.10 In considering output 7.1.2.9 on Revised Section II of the Manual on Oil Pollution – Contingency Planning, the Committee recalled that MEPC 61, having considered a submission by Sweden (MEPC 61/8/4) setting out key requirements for the establishment of a response system for oil and HNS spill incidents, had concluded by referring the document to the OPRC-HNS Technical Group (TG) and instructing it to assess and prioritize the information and to submit the results of this analysis to MEPC 62 for further consideration.

The Committee also recalled that MEPC 62 requested the OPRC-HNS TG to submit a more comprehensive assessment to MEPC 64.

18.11 The Committee recalled that OPRC-HNS TG 15 had agreed that the development of elements for HNS contingency planning was a high priority item and suggested that delegations submit to MEPC 64 a proposal for a new output.

18.12 The Committee also recalled that in the case of contingency planning for offshore units, sea ports and oil handling facilities, the Group had also considered these items as priority and thus had agreed that the revision of Section II of the Manual on Oil Pollution to address contingency planning for offshore units, sea ports and oil handling facilities was a more suitable way forward, rather than establishing a new instrument and, consequently, the issue was approved by MEPC 65 as a post-biennial planned output for the 2014-2015 biennium.

18.13 In considering output 7.2.3.2 on Updated OPRC Model training courses, the Committee recalled that MEPC 62 had endorsed the OPRC-HNS TG's participation in reviewing and updating the OPRC model training courses, levels 1 to 3, to be undertaken by the Secretariat and as an activity under IMO's ITCP, having recognized that the information contained therein is dated and the look and feel of the courses required modernization.

18.14 The Committee recalled that, at OPRC-HNS TG 13, the Group had agreed to draft the terms of reference for the redevelopment of the Level 3 Model training course and had endorsed the Secretariat's proposal to engage a consultant to undertake the work, and, at OPRC-HNS TG 15, reviewed the revised and updated Level 3 Model training course materials, which were subsequently finalized by the Secretariat based on the recommendations of OPRC-HNS TG 15.

18.15 The Committee recalled that MEPC 65 had approved the draft planned output and provisional agenda of the OPRC-HNS TG 16, wherein output 7.2.3.2 was accepted as a post-biennial planned output for the 2014-2015 biennium. The Committee also noted that OPRC-HNS TG 16 agreed with the recommendation of the Secretariat to put the publication of the Level 3 Model training course materials in abeyance until the completion of the Levels 1 and 2 course materials to ensure editorial consistency amongst all the course materials across levels.

18.16 Having reviewed the information clarifying the acceptance process of outputs 7.1.2.9 and 7.2.3.2 at previous sessions of MEPC and noting comments made by the Bahamas on the need for sufficient oversight and adherence to the Committees' Guidelines, the Committee concurred with the request of the Council to take specific actions consistent with paragraph 18.1 above when undertaking any work during a biennium, and noted the Chairman's request to continue to follow the Committees' Guidelines and to inform the Council accordingly.

**[Items on the biennial agendas of the CCC, HTW, NCSR, SDC and SSE Sub-Committees relating to environmental issues**

18.17 The Committee, having considered the annex to document MEPC 66/WP.2, which contains the items on the agendas of the CCC, HTW, NCSR, SDC and SSE Sub-Committees relating to environmental issues for the 2014-2015 biennium, noted that the Chairmen of the CCC, HTW, NCSR, SDC and SSE Sub-Committees prepared the biennial status report in consultation with the Secretariat, on the basis of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan* (resolution A.1062(28)), taking into account that planned outputs included in the HLAP should explicitly form the basis of the biennial work of all IMO organs.

18.18 The Committee also noted that the biennial agendas of the CCC, HTW, NCSR, SDC and SSE Sub-Committees contained in the annex of the *High-level Action Plan of the Organization and Priorities for the 2014-2015 Biennium* (resolution A.1061(28)) and taking into account the outcome of the SDC, HTW and SSE Sub-Committees, which held their first sessions, respectively, before MEPC 66, were updated accordingly.

18.19 The Committee, subject to the concurrent decision of MSC 93, approved the items in the biennial agendas of the CCC, HTW, NCSR, SDC and SSE Sub-Committees relating to environmental issues, as set out in annex [...].

**Biennial agenda of the PPR Sub-Committee and provisional agenda for PPR 2**

18.20 The Committee, in considering the biennial agenda of the PPR Sub-Committee and the provisional agenda for PPR 2, as contained in document MEPC 66/WP.3, annex 1, noted that PPR 1, which met from 3 to 7 February 2014, revised and agreed on the planned outputs of the Sub-Committee for the 2014-2015 biennium and also agreed on the provisional agenda for PPR 2, taking into consideration the biennial status report of the

Sub-Committee as contained in the *High-level Action Plan of the Organization and Priorities for the 2014-2015 Biennium* (resolution A.1061(28)).

18.21 The Committee also noted that PPR 1 made the following proposals related to outputs 2.0.1.2 and 7.1.2.13:

- .1 output 2.0.1.2 on *Guidelines for port State control under the 2004 BWM Convention*, including guidance on ballast water sampling and analysis should be split into two outputs: one on Port State control Guidelines under the BWM Convention, with the III and PPR Sub-Committees as coordinating and associated organ, respectively; and the other one on Guidance on ballast water sampling and analysis, with the PPR and III Sub-Committees as coordinating and associated organ, respectively; and
- .2 for output 7.1.2.13 on Code for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels, the SSE Sub-Committee should be added as an additional associated organ.

18.22 Subsequently, the Committee approved the revised biennial agenda of the PPR Sub-Committee and the provisional agenda for PPR 2, taking into account the outcome of this session, as set out in annex [...].

#### **Biennial agenda of the III Sub-Committee and provisional agenda for III 1**

18.23 The Committee, having considered document MEPC 66/WP.3, annex 2, recalled that MSC 92 and MEPC 65 approved the biennial agenda of the III Sub-Committee and the provisional agenda for III 1, noted that the relevant outputs are included in the *Strategic Plan and the High-level Action Plan of the Organization and Priorities for the 2014-2015 Biennium* (resolution A.1061(28)).

18.24 The Committee, subject to the concurrent decision of MSC 93, confirmed the biennial agenda of the III Sub-Committee and the provisional agenda for III 1, taking into account the outcome of this session, as set out in annex [...].

**Status of the planned outputs of the MEPC for the 2014-2015 biennium**

18.25 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.1062(28)), the reports on the status of the planned outputs included in the *High-level Action Plan and Priorities for the 2014 – 2015 Biennium* (resolution A.1061(28)) should be prepared and annexed to the report of each session of the Sub-Committees and Committees, and to the biennial report of the Council to Assembly and that such reports should separately identify unplanned outputs accepted for inclusion in the biennial agendas.

18.26 The Committee further noted that, pursuant to resolution A.1061(28), the Assembly requested MEPC to ensure to report progress towards fulfilling the Organization's aims and objectives using the framework of strategic directions, high-level actions and planned biennial outputs, in particular concerning table 2 on the High-level actions and related planned outputs, in full observance of the Guidelines contained in resolution A.1062(28).

18.27 Subsequently, the Committee approved the status of planned outputs for the 2014-2015 biennium, prepared by the Secretariat on the basis of the report on the status of planned outputs and proposals for HLAP agreed by MEPC 65, as contained in annexes 45 and 46 of document MEPC 65/22 and in table 2 of resolution A.1061(28), taking into account the progress made at this session, as set out in annex [...].

**Items to be included in the agendas of MEPC 67 and MEPC 68**

18.28 The Committee, having considered document MEPC 65/WP.4 and taking into account decisions made at this session, approved [the deletion of the agenda item on Interpretation of, and amendments to, MARPOL and related instruments, and the agenda item on Implementation of the OPRC Convention and the OPRC-HNS Protocol and relevant Conference resolution, from its agenda as these are already included in the agenda of the PPR Sub-Committee and the deletion of the agenda item on Harmful anti-fouling systems for ships, due to no related output having been established as well as] the items to be included in the agendas for MEPC 67 and MEPC 68 and the proposed groups to be established, as set out in annex [...].

### **Dates for MEPC 67 and MEPC 68**

18.29 The Committee noted that MEPC 67 has been scheduled to be held from 13 to 17 October 2014 and that MEPC 68 has been tentatively scheduled to be held in May 2015.

### **Working /review/drafting groups at MEPC 67**

18.30 The Committee taking into account the decisions made under various agenda items, agreed, in principle, that the following working/review/drafting groups should be established at MEPC 67:

- .1 Working or Drafting Group on Recycling of Ships;
- .2 Working Group on Air Pollution and Energy Efficiency;
- .3 Working Group on Further Technical and Operational Measures for Enhancing the Energy Efficiency of International Shipping;
- .4 Working Group on Mandatory Code for Ships Operating in Polar Waters;
- .5 Drafting Group on Amendments to Mandatory Instruments;
- .6 Review Group on Ballast Water Treatment Technologies; and
- .7 Review Group on Review of Nitrogen and Phosphorus Removal Standards.

### **Correspondence groups**

18.31 The Committee agreed to establish the following intersessional correspondence groups, which would report to MEPC 67:

- .1 Correspondence Group on the Polar Code;
- .2 Correspondence Group on Ship Recycling;
- .3 Correspondence Group on the Use of Electronic Record Books Under MARPOL;

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- .4 Correspondence on Further Technical and Operational Measures for Enhancing the Energy Efficiency of International Shipping; and
  - .5 Correspondence Group on the Review of Fuel Oil Availability as Required by Regulation 14.8 of MARPOL Annex VI.

### **Intersessional meeting**

18.32 The Committee taking into account the decisions made under various agenda items at this session, approved the following intersessional meetings:

- .1 ESPH Working Group, to be held in September/October 2015; and
- .2 Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships, to held in the week before MEPC 67 on October 2014, which should report to MEPC 67;

and invited the Council to endorse these decisions.]

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

19.1 The Committee noted the revised *Guidelines on the organization and method of work of the Facilitation Committee* (FAL.2/Circ.209), and considered if the editorial improvements made by FAL 38 should also be included in the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.2).

19.2 The Committee also noted, in this connection, that MSC 92 had requested the Secretariat to prepare a document for consideration at MSC 93, setting out any proposed revisions to the Committees' Guidelines as a consequence of the revision of the Guidelines of the FAL Committee, as approved by FAL 38, so that MSC may take a decision on the matter (MEPC 66/12/2, paragraph 2.13).

19.3 Consequently, the Committee agreed, in the context of the revised Guidelines of the FAL Committee, to await the further consideration by the MSC of the relevant document prepared by the Secretariat (MSC 93/19), including any working papers prepared during MSC 93, before taking any decision.

19.4 The Committee also noted that C 110, in noting the efficiency and austerity measures adopted by the Organization to date, urged the Committees to follow strictly both their Rules of Procedure and the Committees' Guidelines, including the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)) (MEPC 66/12/1, paragraph 2).

## **20 ANY OTHER BUSINESS**

### **Workshop on biofouling and formation of a Biofouling Management Expert Group under IMarEST**

20.1 The Committee noted document MEPC 66/INF.19 (IMarEST) regarding the Workshop on Biofouling Management for Sustainable Shipping organized by Australia/New Zealand/Pacific (ANZPAC) and the formation of the Biofouling Management Expert Group (BMEG) by IMarEST to assist and promote further discussions and international consultation on the development and implementation of practical, effective and globally consistent biofouling management measures for shipping.

### **Cooperation between the Basel Convention and IMO**

20.2 The Committee also noted document MEPC 66/INF.26 (UNEP Secretariat of the Basel Convention) providing an overview of decision BC-11/17 on cooperation between the Basel Convention and IMO adopted by the eleventh meeting of the Conference of the Parties to the Basel Convention (28 April to 10 May 2013).

## **21 ACTION REQUESTED OF OTHER IMO BODIES**

*[to be prepared by the Secretariat after the meeting]*

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## **ANNEXES**

*[to be prepared by the Secretariat after the session]*

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