日本財団 The Nippon Foundation 助成

平 成 22 年 度

海事の国際的動向に関する調査研究
＝海洋汚染防止関係＝
事業報告書

平 成 23 年 3 月

社団法人 日本海難防止協会

ありがとう競艇

「この報告書は競艇の交付金による日本財団の助成金を受けて作成しました」

ま　え　が　き

この報告書は、当協会が日本財団の助成金を受け、平成22年度に実施した「海事の国際的動向に関する調査研究（海洋汚染防止関係）」事業を取りまとめたものである。

平成23年3月

社団法人　日本海難防止協会

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緒　　言

IMO（国際海事機関）において、1990 年代以来継続中であった「船舶バラスト水及び沈殿物の管制及び管理のための国際条約（バラスト水管理条約）」に関しては、2004 年 2 月の外交会議において採択され、その後同条約に基づく 14 件のガイドラインの作成のための審議が海洋環境保護委員会(MEPC)とばら積み液体及びガス小委員会(BLG)にて継続された。2008 年 10 月開催の第 58 回海洋環境保護委員会において、残る最後のガイドラインが採択され、全 14 件のガイドラインが出揃ったが、条約発効後の円滑な履行に向けて、船舶が同条約の要件を遵守していることを確認するための寄港国検査のバラスト水サンプル採取及び分析手法等の内容が不十分な項目について協議されている。同条約の批准状況も 2011 年 1 月現在で批准国数 27 カ国、世界の合計商船船腹量 25.32%と条約発効条件（30 カ国以上で世界商船船腹量(G / T)の 35%以上が批准書等を寄託した日から 1 年を経過した日から発効）の約 2/3 を満たしている現状おいて、IMO での議論も最終段階に近づいている。

本事業では、IMO を中心とする海洋汚染防止に係る国際的動向を的確に把握し、関係するこうした条約の国内法への導入及び行政の円滑な運営等に寄与するため、関係当局、関係民間団体及び学識経験者が一体となって問題点の検討を行い、情報の連絡を密にして IMO の関係会議に対する国内意見の統一、調整及び対応の強化の一助とするなどの作業を学識経験者、専門家及び関係団体からなる委員会を設置して進めてきた。

本報告書は、平成 22 年度における海洋汚染防止に関する国際的動向をとりまとめたものである。

本報告書の作成に当たり、ご協力をいただいた関係各位に厚く感謝の意を表するとともに、本書が海洋環境保全の一助としてお役に立てば幸いである。

委員会名簿

（順不同、敬称略）（　）内氏名は前任者）

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北口 卓	国土交通省海事局船舶産業課 中小造船係
成瀬 英治	国土交通省港湾局国際・環境課 港湾環境政策室長
池田 剛士	国土交通省港湾局国際・環境課 係長
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鈴木 美和	社団法人 日本海難防止協会海洋汚染防止研究部 主任研究員

Ⅰ　研　究　概　要

１．実施の目的

海洋環境保全問題は海上交通の性格上、国内だけでは推進できるものではなく、国際協調が不可欠であることから、常に国際的動向に注目して、これらを斟酌し官民一体となって対応する必要がある。

現在、IMO においては、現行各規則の解釈と改正に加え、バラスト水管理の法規制化、船舶のリサイクル問題、船舶からの大気汚染の防止問題、船舶からの GHG 排出の削減、OPRC-HNS 議定書批准のための包括的な作業、MARPOL 条約及び関係コードの解釈及び改正、船舶の防汚塗料の使用による有害影響、特別海域及び特に敏感な海域の指定等、多彩かつ複雑な問題が議論されている。これら問題はいずれもその推移によっては、我が国産業界の活動及び政府の施策に大きく影響することとなる。

以上のことから、我が国として積極的にこれらの検討に参画する必要があるため、これら海洋汚染防止の関連事項を中心に各国の動向を調査し、国内関係者への周知とともに、当協会ロンドン連絡事務所の協力のもと、IMO 関連会議に調査員を派遣し、これらの会合における我が国の対応に寄与することを目的として実施した。

２．実施方法

本事業の推進に当っては、MEPC 等での審議議題に関し、国際会議前における詳細な国内検討を必要とする課題について、当該課題の関係者及び関係団体によって構成される専門委員会等において集中的な議論及び意見交換を行うこととした。

本年度は昨年度に引き続き、MEPC 等において最優先議題の一つとなっているバラスト水中の有害水生生物問題を主要検討課題とし、集中的に取り上げることとした。

３．実施経過

平成 22 年 9 月 17 日

第一回委員会を開催した。第 61 回海洋環境保護委員会（以下 MEPC61）におけるバラスト水問題に関する我が国の対処方針について最終検討を行った。

9 月 27 日～10 月 1 日

MEPC61 に調査員として、古谷健太郎ロンドン連絡事務所ロンドン研究室長代理及び松澤亘主任研究員を出席させ政府代表を補佐するとともに、担当議題に関しあらかじめ指定された対処方針に従い、我が国意見の反映に努めた。また、会議全般の情勢を把握し、国際情報及び関係資料の収集を行った。

平成 23 年 1 月 18 日

第二回委員会を開催した。同委員会では、第 15 回ばら積み液体及びガス小委員会における議題５.バラスト水問題に関する我が国の対処方針について最終検討を行った。

2 月 7 日～11 日

第 15 回ばら積み液体及びガス小委員会（以下 BLG15）に調査員として、鈴木美和主任研究員を出席させ、政府代表を補佐するとともに、担当議題に関しあらかじめ指定された対処方針に従い、我が国意見の反映に努めた。また、会議全般の情勢を把握し、国際情報及び関係資料の収集を行った。

４．本事業の成果

本事業は、海洋汚染防止条約等に関する国際海事機関（IMO）の動向を把握するとともに、関係当局及び関係団体等で構成する委員会を開催して、国際会議の審議事項の検討を行い、わが国対処方針の策定及び行政の円滑な運営に寄与した。

また、国際会議（MEPC 等）に調査員を派遣して政府代表を補佐するとともに、国際会議の関係資料の収集、翻訳及び解析を行い、これらから得た情報は当局をはじめ、海運業界等に提供するなど有効な活用を図った。

さらに、関係資料のうち必要な事項については報告書に掲載し、海洋汚染防止のための参考資料として関係機関をはじめ関係団体等に広く配布し、関係者の海洋環境の保全に貢献するところ大であった。

Ⅱ　研究の内容

12 April 2010

海洋環境保護委員会第 60 回次会合の報告書（一部仮訳）

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2	バラスト水中の有害水生生物	2.1－2.34
3	船舶のリサイクリング	3.1－3.17
4	船舶からの大気汚染の防止	4.1－4.95
5	強制的協議に対する修正の検討及び採択	5.1－5.14
6	MARPOL 及び関連法規の解釈及び改正	6.1－6.51
7	OPRC 条約及び OPRC-HINS プロトコール及び関連会議決議の実施	7.1－7.16
8	特別地域特に敏感海域の特定及び保護	8.1－8.15
9	受入れ施設の不備	9.1－9.4
10	小委員会の報告	10.1－10.4
11	他の機関の活動	11.1－11.18
12	条約の現況	12.1－12.2
13	船舶の有害生物付着防止システム	13.1－13.2
14	MARPOL 及び関連法規の実行の推進及び施行	14.1－14.5
15	海洋環境保護のための技術協力サブプログラム	15.1－15.16

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17　公式の安全評価　17.1－17.14

18　商業海運からの騒音及び海洋生態への影響　18.1－18.12

19　委員会及び下部組織の作業プログラム　19.1－19.13

20　委員会のガイドラインの適用　20.1－20.3

21　他の関連事項　21.1－21.16

附属書のリスト

ANNEX1　決議 MEPC.188(60)　－　バラスト水管理条約(BWM 条約)に含まれる適用日に合わせた新造船へのバラスト水管理システムの搭載

ANNEX2　ROPME 海域内でのバラスト水管理方策に関する ROPME による声明

ANNEX3　香港条約に結びついているガイドラインの発展についての作業計画と予定の提案

ANNEX4　GHG 問題に関係する方針並びに原則についての各国代表団による声明

ANNEX5　改訂版 MARPOL 附属書Ⅵの補遺 I の改訂案（IOPP 証明書の書式修正）

ANNEX6　船舶のエネルギー効率に関する作業グループの第 1 回中間会合での考慮事項

ANNEX7　作業グループレポート(MEPC60/WP.9)の考慮すべき船舶に強制的な技術的及び運航エネルギー効率方策に関する各国代表による声明

ANNEX8　実行可能性分析と可能な経済的手法の影響評価に関する専門家グループ(MBM-EG)での考慮事項

ANNEX9　経済的手法と他の関連する問題に関する専門家グループの設立についての各国代表の表明

ANNEX10　決議 MEPC.189(60)　－　船舶の汚染防止国際条約、1973 に関連する 1978 年のプロトコールの附属書の改訂（MARPOL 附属書 I に新しい第 9 章を追加）

ANNEX11　決議 MEPC.190(60)　－　船舶の汚染防止国際条約、1973 に関連する 1997 年のプロトコールの附属書の改訂。それに加えて関連する 1978 年プロトコールによる修正として（北米排出規制海域）

ANNEX12　OPRC-HNS 技術グループの作業プログラムの変更

ANNEX13　OPRC-HNS 技術グループの第 11 回会合の暫定議題

ANNEX14　決議 MEPC.191(60)　－　MARPOL 附属書Ⅴ第 5 規則(1)(h)発効日の制定について拡大カリブ諸国の特別海域への指定

ANNEX15　MARPOL 附属書Ⅲの改正案

ANNEX16　MEPC の作業完了計画の状況報告

ANNEX17　MEPC 61, MEPC 62 及び MEPC 63 の議題に含まれるべき項目

ANNEX18　MEPC60 に出席するためのビザに関するイラン代表団による声明

1　序文

1.1　海洋環境保護委員会の第 60 次会合は議長 Mr. Andreas Chrysostomou(キプロス)の下で IMO 本部で 2010 年 3 月 22 日から 3 月 26 日に開催された。委員会の副議長である Captain Manuel Nogueira(スペイン)もまた出席した。

1.2　IMO の以下のメンバーの代表団が会期に参加した：

アルジェリア
アンゴラ
アンチグア・バルブーダ
アルゼンチン
オーストラリア
バハマ
バーレン
バングラディシュ
バルバドス
ベルギー
ベリーズ
ボリビア
ブラジル
ブルガリア
カナダ
チリ
中国
コロンビア
クック諸島
コスタリカ
コート ジボアール
クロアチア
キューバ
キプロス
北朝鮮
デンマーク
エクアドル
エジプト
エストニア
フィンランド
フランス
ドイツ
ガーナ
ギリシャ
インド
インドネシア
イラン
アイルランド
イスラエル
イタリア
ジャマイカ
日本
ケニア
ラトビア
リベリア
リビア
リトアニア
ルクセンブルグ
マダガスカル
マレーシア
マルタ
マーシャル諸島
メキシコ
モナコ

モロッコ
オランダ
ニュージーランド
ナイジェリア
ノルウェー
オマン
パナマ
パプアニューギニア
ペルー
フィリピン
ポーランド
ポルトガル
カタール
韓国
ルーマニア
ロシア
セントキッツネビス
サンマリノ
サウジアラビア
セネガル
シンガポール
スロベニア
南アフリカ
スペイン
スリランカ
スウェーデン
シリア
タイ
トンガ
トリニダードトバゴ
チュニジア
トルコ
ツバル
ウクライナ
英国
米国
ウルグアイ
バヌアツ
ベネズエラ

以下の IMO 準メンバー：

香港

以下の国連プログラム、国連専門機関及び国連関連機関の代表者：

国際原子力機関(IAEA)
国連環境計画(UNEP)
国際労働機関(ILO)
食糧農業機関(FAO)
国連気候変動枠組み条約(UNFCCC)
地中海地域海洋汚染緊急対策センター(REMPEC)
地域緊急海洋汚染情報訓練センター(RAC-REMPETIC-)

以下の多国間政府組織からのオブザーバー：

欧州委員会(EC)
国際油濁補償基金(IOPC FUND)
西部及び中央アフリカ海事機関(MOWCA)
海洋環境保護地域機関(ROPME)
国際海事衛星機構(IMSO)
COMMISSION ON THE PROTECTION OF THE BLACK SEA AGAINST POLLUTION(BSC)

以下の非政府組織のオブザーバー(顧問として)：

国際海運会議所(ICS)
国際標準化機構(ISO)
国際海運連盟(ISF)
国際海上保険連合(IUMI)
国際港湾協会(IAPH)
バルチック国際海運同盟(BIMCO)
国際海上無線委員会(CIRM)
国際船級協会連合(IACS)
欧州化学品製造者連盟協議会(CEFIC)
石油会社国際海事評議会(OCIMF)
国際水先人協会(IMPA)
国際地球の友(FOEI)
国際海洋産業協会(ICOMIA)
国際船長協会連盟(IFSMA)
ヨーロッパ造船協議会共同体(CESA)
国際独立タンカー船主協会(INTERTAKO)
P & I 保険協会(P&I CLIBS)
国際タンカー船主汚染防止連合会(ITOPF)
国際自然保護連合(IUCN)
海洋保護諮問委員会(ACOPS)
国際ガスタンカー･係留施設管理者協会(SIGTTO)
グリーンピースインターナショナル
クルーズライン国際協議会(CLIA)
国際ドライバルク貨物船主協会(INTERCARGO)

世界自然保護基金(WWF)
ヨーロッパ内燃機関製造者協会(EUROMOT)
国際石油産業環境保全協会(IPIECA)
海洋エンジニアリング、科学及び技術機構(IMarEST)
国際船舶管理者協会(INTERMANAGER)
国際パーセルタンカー協会(IPTA)
国際セーリング連盟(ISAF)
国際海事契約協会(IMCA)
INTERNATIONAL OCEAN INSTITUTE (IOI)
世界原子力輸送協会(WNTI)
国際港湾マスター協会(IHMA)
英国造船学会(RINA)
国際海上輸送協会(INTERFERRY)
国際バンカー産業協会(IBIA)
海洋大学国際協会(IAMU)
国際運輸労働者連盟(ITF)
国際塗料印刷インク評議会(IPPIC)
国際動物保護ファンド(IFAW)
国際防食技術者協会(NACE　INTERNATIONAL)
航海学会(NI)
世界海運審議会(WSC)

1.3　Mr. Jeffrey G. Lantz(米国),理事会議長、R.Adm. Giancado Olimbo(イタリア)技術協力委員会議長、Mr. Sveinung Oftedal(ノルウェー),ばら積み液体及びガスに関する小委員会議長、及び Mme Olga Pestel Lefevre(フランス),危険物、固体貨物及びコンテナ小委員会議長もまた出席した。

IMO 事務局長の開会の辞

1.4　IMO 事務局長は出席者を歓迎し開会の辞を述べた。その全文は文書 MEPC 60/INF.24 に再生されている。

議長の所見

1.5　議長は事務局長の開会の辞に感謝を表し、また事務局長が挨拶の中で述べた助言と要請は委員会の審議の中ですべて考慮すると表明した。

地震への哀悼の表明

1.6　委員会はチリ、ハイチ及びトルコにおいて人命を失う原因となった最近の地震により犠牲となった政府や家族と友人に哀悼の意を表明した

沖合の海底油田探査による国境を越える汚染被害

1.7　インドネシア代表団は、IMO の援助を受けてマラッカ海峡とシンガポールの海洋電子ハイウエイについての発展を委員会に報告した。さらに、代表団はオーストラリア海域に位置しているモンタラ沖合のオイルプラットホームの噴出によって引き起こされたインドネシアへの国境を越えた汚染被害と汚染に対処するためにオーストラリアとインドネシアの両方によってなされた処置と今後同じような事故によって引き起こされる被害を補償するための信託資金を設立することについての考慮を委員会に報告した。沖合の油田探査によって引き起こされた国境を超える汚染被害を扱う国際的な法律手段がないので、インドネシアの代表団は今後の検討のために心に留めておくように委員会に促した。

1.8　委員会は議題(MEPC 60/1)及び会期中のガイダンスの暫定的日程(MEPC 61/1/1 附属書 2) を採択した。この議題の下で検討される文書のリストを含む採択された議題は、文書 MEPC 60/INF.26 に記されている。

信任状

1.9　委員会は代表団の会合への信任状が正当で適切なものであることを認めた。

2　バラスト水中の有害水生生物

2.1　委員会は”船舶のバラスト水及び沈殿物の制御と管理の国際条約“(BWM 条約)が 2005 年 5 月 31 日からいかなる国も加盟が可能になったことを喚起し、また前回の MEPC 会期より新たに 4 カ国(クック諸島、マーシャル諸島、韓国及びスウェーデン)が批准したことを認めた。これにより条約批准政府は 22 カ国となり全世界の商船トン数の 22.65%を占めることとなった。委員会は他のメンバー国に早急に批准するよう要請した。

GESAMP-BWWG の第 10 回、第 11 回及び第 12 回会議の報告

2.2　委員会は前回の MEPC 以降 GESAMP-バラスト水作業部会が Mr. Jan Linders 議長の下、IMO 本部で第 10 回会議(2009 年 9 月 14 日から 18 日)、第 11 回会議(2009 年 10 月 19 日から 24 日)、第 12 回会議(2009 年 12 月 7 日から 11 日）の 3 回に開催されたことを認めた。3 回の会議期間中 GESAMP-BWWG は中国、デンマーク(2 件)、ドイツ(3 件)、日本、ノルウエイ、韓国(4 件)及び南アフリカより提出された合計 13 件の活性物質を使用するバラスト水管理システムの承認申請を検証した。

2.3　委員会はこの仕事を遂行し、また新しいバラスト水技術の時宜を得た開発を促進した GESAMP-BWWG のメンバーによる努力に対し感謝を表明した。

基本承認

2.4　委員会は、”GESAMP-BWWG の第 10 回会議の報告“（MEPC 60/2/11）の附属書 6 に含まれる推薦、”GESAMP-BWWG の第 11 回会議の報告“（MEPC 60/2/12）の附属書 6 及び 7 に含まれる推薦、及び”GESAMP-BWWG の第 12 回会議の報告”（MEPC 60/2/16）の附属書 4, 5, 6 及び 7 に含まれる推薦を検討した結果、以下に対し基本承認を与えることに合意した：

.1　文書 MEPC 59/2/11 でドイツより提出された SiCURE バラスト水管理システム；

.2　文書 MEPC 60/2/3 で中国より提出された Sunrui バラスト水管理システム;

.3　文書 MEPC 60/2/4 でデンマークより提出された DESMI Ocean Guard バラスト水管理システム;

.4　文書 MEPC 60/2/5 で韓国より提出された Blue Ocean Guardian(BOG) バラスト水管理システム；

.5　文書 MEPC 60/2/6 で韓国より提出された Hyundai Heavy Industries Co., Ltd.(HHI)バラスト水管理システム(HiBallast);

.6　文書 MEPC 60/2/7 で韓国より提出された Kwang San Co.,Ltd(KS)バラスト水管理システム"En-Ballast";

.7　文書 MEPC 60/2/8 でノルウエーより提出された OceanGurd バラスト水管理システム；

.8　文書 MEPC 60/2/9 でドイツより提出された Seven Trent DeNora BalPure バラスト水管理システム;

2.5　委員会は中国、デンマーク、ドイツ、ノルウエー及び韓国の主管庁に対しシステムの今後の開発段階で前述の報告書(第 10 回報告書の附属書 6、第 11 回報告書の附属書 6、7 及び 8 並びに第 12 回報告の附属書 4、5、6 及び 7)でなされたすべての勧告を考慮するよう要請した。

2.6　委員会は、"GESAMP-BWWG の第 11 回報告"(MEPC 60/2/12)の附属書 4 に含まれている勧告を検討した結果、上記報告の附属書 4 で説明された理由により文書 MEPC 60/2 でデンマークより提出された ATLAS DANMARK バラスト水処理システムに対し基本承認を与えることに合意しなかった。

最終承認

2.7　委員会は、"GESAMP-BWWG の第 10 回会議報告"(MEPC 60/2/11)の附属書 4、及び 7 に含まれる推薦及び" GESAMP-BWWG の第 11 回会議報告"(MEPC 60/2/12)の附属書 5 に含まれる推薦を検討した結果、以下に対し最終承認を与えることに合意した：

.1　文書 MEPC 59/2/7 で韓国より提出された GloEn-Patrol バラスト水管理システ

ム;

.2　文書 MEPC 59/2/10 で南アフリカより提出された Resource Ballast Technologies システム ;

.3　文書 MEPC 60/2/2 で日本より提出された JFE バラスト水管理システム (JFE-BWMS);

2.8　委員会は日本、韓国、及び南アフリカの主管庁に対し前述の報告書(それぞれ、第 10 回報告の付属書 4 及び 7 同様に 11 回報告の附属書 5)でなされたすべての勧告が型式承認証明書の発行前に完全に対応されていることを立証するよう要請した。

2.9　南アフリカの代表団は、委員会と GESAMP BW-WG に南アフリカより提出した Resource Treatment Technology の最終承認の評価において、その努力と広範囲にわたる作業に謝意を表した。また、南アフリカは BWM 条約の最終目標を支援するために適切で効果的な技術を提供することによって国際的な成果に貢献できたことを喜んだ。そして、南アフリカの技術が、型式承認の試験のためとビジネス上の目的として 2 隻の船に搭載されたことを委員会に報告した。解決策の高い要求を表明している市場の要望を伴って 2010 年に更なる 4 つのビジネスとしての搭載の完了が予定されていた。ノルウエーの大手供給者とのライセンス契約により、この技術は、大きな世界的要求に対しすぐに対応できる。

2.10　広くて、価値があり傷つきやすい沿岸をもつ国として南アフリカは、外来侵入生の脅威から国際的な海洋を保護することが大事なことと考えている。いくつかの国の 7 つの主要な港は複雑な本来の生態系の中に生物多様性と国際経済を支えることに関連した資源をともなって位置している。南アフリカは、バラスト水管理条約の批准を含んでいて、自然資源の安全を保つために重要なステップを踏んだ。今日利用できる処理技術が条約を実施のためなされた努力を正当化すると信じていた。条約が効力を発することで、これらの技術が世界の船団のこれらの目的を果たすことが出来、すべての海域の保護を助けるために、南アフリカは、加盟国にバラスト水管理条約の迅速な批准を考慮するように強く勧めた。

2.11　委員会は、第 11 回報告” (MEPC 60/2/11)の附属書 5 に含まれている勧告を検討した結果、委員会は上記報告の附属書 5 で説明された理由により文書 MEPC 59/2/9 でドイツより提出された Ecochlor バラスト水処理システムに対し最終承認を与えることに合意しなかった。

2.12　これに関して、ドイツ代表団はMEPC59とこの会議の間の相当な作業負荷に対処するための作業メンバーによる大変な努力が認められ、GESAMP BWWGにより大変な業務を実施したことに感謝の意を表した。それでも、代表団は Ecoclor システムの承認の申請はドイツの適格な官庁のよって審査されたそして、総残留オキシダントのパラメータはこの特別な状況のもとでは適切ではないとの GESAMP 審査の結果により合意することができなかったと表明した。
上記にもかかわれず、ドイツは、Ecochlor バラスト水管理システムの最終承認の提案を再提出する意向を示した。

2.13　韓国より提案されたHHIバラスト水管理システムの最終承認の文書MEPC60/2/1の検討で、委員会は、このシステムの基本承認申請(MEPC59/2/4)の審査の際に、GESAMP BWWGは、この申請は、最終承認のG9のすべての要求事項をみたしており、今後、最終承認の審査をする必要がないとのことだったことを想起した。委員会は、GESAMP-BW=WGの前回の推薦にもとづき、HHIバラスト水管理システム(Eco Ballast)に最終承認を与えることに合意した。

基本・最終承認に関する対外秘でない情報量

2-14　委員会は基本承認及び最終承認で提出される対外秘でない情報が 110 ページに達するものがあり、事務局の作業負担を著しく増加していることを認め、メンバーに可能な限り最大30ページとすることを要請した。

GESAMP-BWWG の今後の作業

2.15　委員会はGESAMP-BWWGの次回定例会議即ち第13回会議は暫定的に2010年 5月24日より28日に開催されることを認めた。またメンバーに対しMEPC61で審査するためのバラスト水管理システムの承認申請書(申請文書)及び非極秘記述文書(MEPC 用)を可及的速やかに遅くとも2010年4月1日までに提出するよう要請した。

2.16　委員会は、4つ以上の提案がMEPC61による検証及び承認のために提出される可能性を認識し、GESAMP-BWWGが会議を組織するのに必要な条件がすべて整う前提にできる限り多くの提案に対応するために追加会議を開催する可能性があることを表明したことを委員会はさらに認めた。

2.17　その点に関し委員会は主管庁に対し手順(G9)に基づき機関に提案を提出する前に申

請文書を完全に評価し、またそれらが完璧で満足するものであることを確認するよう再度、要求した。

GESAMP-BWWG の会合より生じた他の問題点

2.18　委員会は、バラスト水処理のためにシステムで使用または製造される全残留酸化物濃度(TRO)または全残留塩素濃度(TRC)は、Cl_2に換算して mg/L TRO または TRC 表現しなければならないとの GESAMP-BWWG の提案に同意した。

2.19　紙の申請書類から電子媒体の申請書類に変えるという GESAMP BW-WG の要望を検討した結果、委員会は、加盟国に GESAMP BW=WG の審査プロセスを促進するために実行可能な限り申請書類を電子フォームで提出するよう要請した。

2-20　GESAMP-BW WG の TOR についてコメントしている提案文書 MEPC60/2/15 の説明において、ドイツ代表団は、申請書の審査過程において、不明確な問題を明らかにするために GESAMP BW-WG は、製造者/主管庁と会合(対面または電話会議によって)をもつべきであると提案した。そうでなければ、申請プロセスが著しく遅れたことについて誤解を生じるかもしれない。また、申請者と GESAMP BW-WG との間の直接接触や確立された説明プロセスの不足は、申請者の正当な承認プロセスを激しく邪魔することになる。

2.21　GESAMP-BWWG 議長は、2005 年に GESAMP へ与えられた TOR のどんな変更や修正も注意深く考慮されなければならず、そして、そのような変更の影響を完全に評価しなければならないと明言した。議長は、委員会に現行の方法論により提案された申請に関したあらゆる側面を明確にするためにグループ(GESAMP-BWWG)は、申請者/主管庁と連絡をとっており、この連絡は、ロンドンと申請者の国との時差がある事や提供された情報の書かれた記録を保存する必要があるために主に電子メールフォームで行われていると説明した。
議長は提案書で求められているように、それぞれの申請書に２時間を割当てることによって、これらの会合を正式化すると１日かかり、その結果として、グループの申請書の処理限度は１回の会合当たりわずか３件になると述べた。
GESAMP-BWWG 議長は、グループが技術面の説明を求めるために申請者と連絡できる準備ができているが、委員会に対してなされる勧告について、意に反して非常に長い討論を導くことになるであろう討議になることに関して、気が進まないと説明している。
GESAMP-BWWG 議長は、グループはドイツの提案とすべての起こりうる結果を完全に考慮して、MEPC61 に報告することをいとわないと結論づけた。

2.22　大半の代表団は､試行としてGESAMP-BWWGと申請者/主管庁の間で限られた時間を割り当て討議するドイツの提案を賛成したが、一方、他の代表団は、既に２者間で意志疎通は行われており、現在のプロセスは十分に明白であるとの見解で、委員会は、GESAMP-BWWGに主管庁からの要求と最終承認評価の期間の場合に限り実施しなければならないそのような会合のTOR改定に関し次の委員会で-試行ベース-で討議することを要求した。GESAMP-BWWGは、それらの結果と知り得たことをMEPC61に報告することを要請した。この件については、GESAMP-BWWGの報告を考慮に入れMEPC61でバラスト水レビューグループに委託される。

2.23　日本の代表団は、GESAMP-BWWGの相当な作業負担について、委員会の注意を引き、グループの作業の妨げになるどんな追加負担も最小限に保つよう要求した。

GESAMP-BWWGの活動に関する第２回実情調査研究会

2.24 MEPC59において、作業負担のかなりの増加に適応させる手段としてGESAMP-BWWGの効率向上に適した”道具”の開発を継続させるための第２回研究会開催の勧告に合意したことを想起し、委員会はGESAMP-BWWGの活動に関する第２回実情調査研究会がMr. Jan Lindersの議長の下で2009年10月26日から28日にロンドンのIMO本部で開催されたことを認めた。

2.25　研究会の報告書(MEPC60/2/13)を考慮し、委員会は、人間への暴露シナリオ、バラスト水排出の環境リスク評価モデルとバラスト水処理中の化学副生成物のデーターベースについてさらに実行されていることを認めた。委員会は、作業を完了させるために2010年の四半期に追加の研究会が必要であろうことも認め、上記に関して新しい”道具”としてMEPC61で承認のための検討と新しいBWM技術サーキュラーとして周知することも含め“情報収集及びGESAMP-BWWGの作業行動のための方法論”を最新版にすることを考慮することに合意した。

BWM 条約に規定される適用日に従う新造船へのバラスト水管理システムの搭載に関するMEPC議決

2.26　委員会はMEPC59が、2010年に建造された船で利用可能な、規則B-3.3に従う十分な最終承認されたバラスト水処理技術あるという事を決論付け、並びにBWM条約に規定される適用日に従う新造船へのバラスト水管理システムの搭載を促進することを主管庁に求め、この会合で考慮し、採択するMEPC決議(案)の準備を事務局に指示したことを想起した。

2.27　スペイン、南アフリカ及び IUCN の代表団は、議決を支持することを表し、バラスト水管理に関する情報の普及について GloBallast による重要な役割が増加すると提案した。IUCN は特に GloBallast の世界海事大学と北海バラスト水プロジェクトとの協力による組織した行事の成功例を引き合いにだして、すべての関係する団体にとって利益があることが判明したこの決定に従うことを推奨した。

2.28　バハマとシンガポールの代表団は､時宜を得たバラスト水管理条約の批准に興味を示したが、サンプリング手順の点について確実性の不足に関する彼らの懸念が繰り返され、これが条約の批准を延ばしている主な理由として分かった。

2.29　委員会は、加盟国からの BLG15 でこのような文章の完了を促進するために、MEPC61 でバラスト水レビューグループによって考慮されるべき件についての技術的寄与に関する BLG14 による緊急の要求と同様に、とても必要とされるサンプリングに関するガイドライン文書と分析プロトコールの案を作成するために欧州海上保安機関(EMSA)の現在の主導権に関する欧州委員会のオブザーバーによって提供された情報を銘記した。

2.30　委員会は、ブラジル国会による BWM 条約の最近の承認についてのブラジル代表団から提供された情報と、近い将来条約の批准は機関の事務局に寄託されるだろうことを銘記した。

2.31　新造船のバラスト水管理システム搭載に関する MEPC 条約の原案(MEPC60/2/10)の考慮に従い、また述べられた懸念を銘記して委員会は、条約の適用されているパラグラフ１の修正に合意し、読み上げた：

“まだ BMW 条約を採択、受け入れ、承認もしくは受諾していない加盟国のみなさん、最も早い都合の付く時にそれをして下さい。”
付属書１に示されている議決 MEPC.188(60)を採択した。

バラスト水管理と制御に関連する他の情報

2.32　委員会は以下の文書に含まれる情報の評価を銘記した：

.1　自己検証型バラスト水報告書式の更新 MEPC60/2/14 (インド);

.2 ROPME 特別海域外でのバラスト水交換の実施 MEPC60/INF.2(ROPME/MEMAC) ;

.3 インドでのバラスト水管理プログラムの実施 MEPC 60/INF.11(インド) ;

.4 NK-O3 BlueBallast System(オゾン)の型式承認について(型式承認証書は 2009 年 11 月 24 日に発行された)MEPC 60/14(韓国) ;

.5 バラスト水の影響による牛のサルモネラ病発生の可能性に関して MEPC 60/INF.15 (ノルウエー) ;

.6 トルコでのバラスト水管理の実施に関して(西部地中海の港へ入港する船舶のバラスト水交換に関する要求事項 MEPC 59/INF.16 (トルコ) ; 及び

.7 ロイドレジスター作成の「バラスト水処理技術のガイド」第２回更新版について MEPC 60/INF.17 (英国).

2.33 ROPME のオブザーバーからの要求である ROPME 海域内で施行されたバラスト水管理方策に関する声明は annex2 に記されている。

2.34 文書 MEPC60/INF.2 についての説明の要求に応えて、ROPME のオブザーバーは、文書 MEPC60/INF.2 の annex の１ページのパラグラフ２はバラスト水管理条約の規則 B-4 のパラグラフ１に含まれた規定に従うことと解釈されなければならないと明言した。さらに、ROPME オブザーバーは、提供した文書 MEPC59/INF.3(ROPME.MEMAC)の中にある地図に ROPME 海域の説明が示されており、すべての船舶は、ROPME 海域の外でバラスト水を交換することが、義務づけられると説明した。

6 October 2010

海洋環境保護委員会第 61 回次会合の報告書（一部仮訳）

項目		パラグラフ番号
1	序文	1.1－1.9
2	バラスト水中の有害水生生物	2.1－2.41
3	船舶のリサイクリング	3.1－3.18
4	船舶の大気汚染の防止	4.1－4.43
5	船舶からの GHG 排出の削減	5.1－5.90
6	強制的協議に対する修正の検討及び採択	6.1－6.15
7	MARPOL 及び関連法規の解釈及び改正	7.1－7.40
8	OPRC 条約及び OPRC-HINS プロトコール及び関連会議決議の実施	8.1－8.22
9	特別地域特に敏感海域の特定及び保護	9.1－9.6
10	受入れ施設の不備	10.1－10.4
11	小委員会の報告	11.1－11.15
12	他の機関の活動	12.1－12.22
13	条約の現況	13.1－13.2
14	船舶の有害付着生物防止システム	14.1－14.4
15	MARPOL 及び関連協議の実行及び施行の推進	15.1－15.2
16	海洋環境保護のための技術協力サブプログラム	16.1－16.7

17　人的要因の役割	17.1－17.4
18　公式の安全評価	18.1－18.8
19　商業海運からの騒音及び海洋生態への悪影響	19.1－19.7
20　委員会及び下部組織の作業プログラム	20.1－20.18
21　委員会のガイドラインの適用	21.1－21.16
22　2011 年度の議長及び副議長の選出	22.1
23　他の案件	23.1

附属書のリスト

ANNEX1　決議 MEPC.192(61) － 船舶の使用に供給される燃料油の世界的平均硫黄含有量をモニターするガイドライン 、2010

ANNEX2　改正版 MARPOL 附属書Ⅵの規則 13 と 14 と補遺Ⅶの改正案

ANNEX3　船舶からの GHG 排出の削減に関する方針並びに原則についての各国代表団による声明

ANNEX4　(GHG に関する)財政上と技術方策に関する中国代表団を支持するキューバ代表団の声明

ANNEX5　MEPC 61/WP.10 に含まれた船舶のエネルギー効率方策についての各国代表団による改訂提案

ANNEX6　国連気候変動枠組み条約の事務局による活動

ANNEX7　船舶からの GHG 排出に関する作業グループの第三回中間会合(GHG-WG.3)での考慮事項

ANNEX8　海運からGHG排出を削減するための経済的手法に関する専門家グループの報告に関するインド代表団と中国代表団の声明

ANNEX9　決議 MEPC.193(61) －　船舶の汚染防止国際条約、1973 に関連する 1978 年のプロトコールの変更（MARPOL 附属書Ⅲの改訂）

ANNEX10　決議 MEPC.194(61) －　船舶の汚染防止国際条約、1973 に関連する 1978 年のプロトコールの変更。それに関連する 1978 プロトコールによる修正として（IOPP 証明書の書式修正）

ANNEX11　MARPOL 附属書Ⅴの改正案　－　船舶からの廃棄物による汚染防止に関する規則　（MARPOL 附属書Ⅴの改訂）

ANNEX12　廃物カーゴの特徴とその処置に関する質問状

ANNEX13　MARPOL 附属書Ⅳの改正案　－　船舶からの廃棄物による汚染防止に関する規則

ANNEX14　MARPOL ANNEX Ⅰの規則 12.2　12.3 と 12.4 の統一解釈

ANNEX15　BONIFACIO 海峡を PSSA に指定する提案に関する米国代表団とシンガポール代表団の声明

ANNEX16　決議 MEPC.195(61) －　船舶の汚染防止システムの検査と証書に関するガイドライン 2010

ANNEX17　BLG 小委員会の 2 年間の議題と BLG15 の暫定的議題

ANNEX18　FSI 小委員会の 2 年間の議題と FSI19 の暫定議題

ANNEX19　環境問題に関連する DSC, NAV 及び DE 小委員会の 2 年間の議題の項目

ANNEX20　2010-2011　2 年間の MEPC 作業結果状況の報告

ANNEX21　MEPC 62, MEPC 63 及び MEPC 64 の議題に含まれるべき項目

ANNEX22　MSC/MEPC サーキュラー案 － 海上安全委員会と海洋保護委員会及び下部機関の組織の作業方法と期間のガイドライン

1　序文

1.1　海洋環境保護委員会の第 61 次会合は議長 Mr. Andreas Chrysostomou(キプロス)の下で IMO 本部で 2010 年 9 月 27 日から 10 月 1 日に開催された。委員会の副議長である Captain Manuel Nogueira(スペイン)もまた出席した。

1.2　IMO の以下のメンバーの代表団が会期に参加した：

アルジェリア
アンゴラ
アンチグア・バルブーダ
アルゼンチン
オーストラリア
オーストリア
バハマ
バングラディシュ
ベルギー
ベリーズ
ボリビア
ブラジル
ブルガリア
カナダ
チリ
中国
コロンビア
クック諸島
コート ジボアール
クロアチア
キューバ
キプロス
北朝鮮
デンマーク
ドミニカ
エクアドル
エジプト
エストニア
エチオピア
フィンランド
フランス
グルジア
ドイツ
ガーナ
ギリシャ
ホンジュラス
ハンガリー
アイスランド
インド
インドネシア
イラン
アイルランド
イスラエル
イタリア
ジャマイカ
日本
ケニア
ラトビア
リベリア
リビア
ルクセンブルグ
マレーシア
マルタ
マーシャル諸島

メキシコ
モロッコ
オランダ
ニュージーランド
ナイジェリア
ノルウェー
オマン
パキスタン
パナマ
ペルー
フィリピン
ポーランド
ポルトガル
カタール
韓国
ルーマニア
ロシア
セントキッツネビス
セントビンセントグレナディーン
サウジアラビア
セネガル
シンガポール
南アフリカ
スペイン
スリランカ
スウェーデン
スイス
シリア
タイ
トンガ
チュニジア
トルコ
ツバル
ウクライナ
英国
タンザニア
米国
バヌアツ
ベネズエラ

以下の IMO 準メンバー：

香港

以下の国連プログラム、国連専門機関及び国連関連機関の代表者：

国連環境計画(UNEP)
世界気象機関(WMO)
国際労働機関(ILO)
食糧農業機関(FAO)
国連気候変動枠組み条約(UNFCCC)
地中海地域海洋汚染緊急対策センター(REMPEC)
地域活動センター/カリブ海広域、緊急海洋汚染情報訓練センター(RAC/REMPETIC-CARIB)

以下の多国間政府組織からのオブザーバー：

欧州委員会(EC)
西部及び中央アフリカ海事機関(MOWCA)
ヘルシンキ委員会(HELSINKI COMMISSION)
国際海洋探査協議会(ICES)
海洋環境保護地域機関(ROPME)
北東太平洋海洋環境保護委員会(OSPAR COMMISSION)
国際海事衛星機構(IMSO)
紅海及びガルフ地域の環境保存地域機関(PERSGA)
黒海汚染防止協定委員会(BSC)

以下の非政府組織のオブザーバー(顧問として)：

国際海運会議所(ICS)
国際標準化機構(ISO)
国際海上保険連合(IUMI)
国際海上無線委員会(CIRM)
国際港湾協会(IAPH)
バルチック国際海運同盟(BIMCO)
国際船級協会連合(IACS)
欧州化学品製造者連盟協議会(CEFIC)
石油会社国際海事評議会(OCIMF)
国際水先人協会(IMPA)
国際地球の友(FOEI)
国際海洋産業協会(ICOMIA)
国際船長協会連盟(IFSMA)
ヨーロッパ造船協議会共同体(CESA)
国際独立タンカー船主協会(INTERTAKO)
P & I 保険協会(P&I CLIBS)
国際自然保護連合(IUCN)
海洋保護諮問委員会(ACOPS)
国際ガスタンカー･係留施設管理者協会(SIGTTO)
クルーズライン国際協議会(CLIA)
国際ドライバルク貨物船主協会(INTERCARGO)
世界自然保護基金(WWF)

ヨーロッパ内燃機関製造者協会(EUROMOT)
国際石油産業環境保全協会(IPIECA)
海洋エンジニアリング、科学及び技術機構(IMarEST)
国際船舶管理者協会(INTERMANAGER)
国際パーセルタンカー協会(IPTA)
国際セーリング連盟(ISAF)
国際海事契約協会(IMCA)
世界原子力輸送協会(WNTI)
国際バルクターミナル協会(IBTA)
英国造船学会(RINA)
国際海上輸送協会(INTERFERRY)
国際バンカー産業協会(IBIA)
海洋大学国際協会(IAMU)
国際運輸労働者連盟(ITF)
国際塗料印刷インク評議会(IPPIC)
国際漏洩抑止機構(ISCO)
世界海運審議会(WSC)
国際防食技術者協会(NACE INTERNATIONAL)
航海学会(NI)
PACIFIC ENVIRONMENT
CLEAN SHIPPING COALITION(CSC)

1.3　Mr. Jeffrey G. Lantz(米国),理事会議長、Mr. Neil Frank R. Ferrer(フィリピン)海上安全委員会議長、Adm. Giancado Olimbo(イタリア),技術協力委員会議長、Mr. Sveinung Oftedal(ノルウェー),ばら積み液体及びガスに関する小委員会議長、Dipl-log. Anneliese Jost(ドイツ)船舶設計設備小委員会議長及び Capt. Dwain Hutchinson(バハマ),旗国小委員会議長もまた出席した。

IMO 事務局長の開会の辞

1.4　IMO 事務局長は出席者を歓迎し開会の辞を述べた。その全文は文書 MEPC 61/INF.27 に再生されている。

議長の所見

1.5　議長は事務局長の開会の辞に感謝を表し、また事務局長が挨拶の中で述べた助言と要請は委員会の審議の中ですべて考慮すると表明した。

メキシコ湾の“Deepwater Horizon”掘削基地の事故とそれによる汚染

1.6　Deepwater Horizon 事故とそれによる汚染について言及した事務局長のあいさつに関して、米国の代表団は、事故に関する調査を実施しそれについてのレポートが結論づけられた後 IMO に提出され、よって IMO はこのレポートを見直し、海上の安全と環境保護を高めるために管理体制の中で必要な処置を検討する立場に立たされるだろうと述べた。

1.7　マーシャル諸島の代表団は、MODU の旗国としてその海運関係主管庁もまた関連する国際条約のもと、独自の独立した旗国調査を責務に応じて実施していた。その調査チームは事故に関しての事実を集め、入手可能な情報全てを分析し、独自の観点から考えられうる原因を特定し、将来類似の事故の防止となる勧告をつくりあげるよう委ねられた。そのレポートも完成されれば、適切な行動として IMO へ提出されるだろう。

議題の採択

1.8　委員会は議題(MEPC 61/1) を採択し、それぞれの日の進行具合によって調整しなければならない事を理解した上で、暫定的日程(MEPC 61/1/1 附属書 2) に会期中は従う事を合意した。この議題の下で検討される文書のリストを含む採択された議題は、文書 MEPC 61/INF. に記されている。

信任状

1.9　委員会は会合への代表団の信任状の対応が正当で適切なものであること認めた。

2　バラスト水中の有害水生生物

2.1　委員会は”船舶のバラスト水及び沈殿物の制御と管理の国際条約“(BWM 条約)が 2005 年 5 月 31 日からいかなる国も加盟が可能になったことを喚起し、また前回の MEPC 会期より新たに 4 カ国(ブラジル、カナダ、クロアチア及びオランダ)が批准したことを認めた。これにより条約批准政府は 26 カ国となり全世界の商船トン数の 24.44%を占めることとなった。委員会は他のメンバー国に早急に批准するよう要請した。

バラスト水レビューグループの設置

2.2　委員会は MEPC59 が 2012 年の適用期日前にバラスト水技術の状況再調査を実施するため、今会合においてバラスト水レビューグループを再設置することに同意したことを喚起した。多忙な任務であることを考慮して委員会はグループにいかなる BLG14 から出た顕著な問題、２つのガイダンス文書すなわち“基本承認を取得したバラスト水管理システムと同じ活性物質または製剤を別のシステムに使用できるかを決定するための枠組み”と“ガイドライン（G8）による主管庁のためのバラスト水管理システムの型式承認プロセスのガイダンス”に関する懸案問題に早急に取り組み、任命された付託事項のうち残っているサブアイテムについて後の段階で検討するためプレナリーに再び参加するよう指示した。

GESAMP-BWWG の第 13 回及び第 14 回会議の報告

2.3　2010 年 9 月 29 日(水)この議題項目の検討を再開し、委員会は GESAMP-バラスト水作業部会の第 13 回及び第 14 回会議が Mr. Jan Linders 議長の下、IMO 本部で 2010 年 5 月 24 日から 28 日と 2010 年 7 月 19 日から 23 日に開催されたことを認めた。２つの会議期間中 GESAMP-BWWG は中国、ドイツ(2 件)、日本(3 件)、ノルウエイ及び韓国(3 件)より提出された合計 10 件の活性物質を使用するバラスト水管理システムの承認申請を検証した。

基本承認

2.4　委員会は”GESAMP-BWWG の“第 13 回会議の報告（MEPC 61/2/15）” の附属書 4 及び 5 に含まれる推薦及び”GESAMP-BWWG の“第 14 回会議の報告(MEPC 60/2/21）”

の附属書 6 に含まれる推薦を検討した結果、以下に対し基本承認を与えることに合意した：

.1 文書 MEPC 61/2 で韓国より提出された Techwin Eco Co.,Ltd.(TWECO)バラスト水管理システム；

.2 文書 MEPC 61/2/1 で韓国より提出された AquaStar バラスト水管理システム;

.3 文書 MEPC 61/2/6 で日本より提出された Kuraray バラスト水管理システム。

2.5 委員会は日本及び韓国の主管庁に対しシステムの今後の開発段階で前述の報告書(それぞれ第 13 回報告の附属書 4、5 及び第 14 回報告の附属書 4)でなされたすべての勧告を考慮するよう要請した。

2.6 文書 MEPC61/2/3(日本)に述べられている“MES バラスト水管理システム (FineBallast MF) ”の基本承認の申請に関して、委員会は、処理過程の間に活性物質が使われていないので、このシステムは調剤を使用する場合の手順(G9)に従って評価する必要はないとの GESAMP-BWWG の推薦と意見が一致した。その結果として、委員会は日本の主管庁にバラスト水管理システムの承認のガイドライン(G8)のみに従って、このシステムの今後の評価の実施を要請した。

最終承認

2.7 委員会は”GESAMP-BWWG の“第 13 回会議の報告 (MEPC 61/2/15) ” の附属書 6, 8 及び 9 に含まれる推薦及び”GESAMP-BWWG の“第 14 回会議の報告(MEPC 61/2/21) ”の附属書 5, 6 及び 7 に含まれる推薦を検討した結果、以下に対し最終承認を与えることに合意した：

.1 文書 MEPC 61/2/2 で日本より提出された Special pipe Hybrid バラスト水管理システム combined with Ozone treatment version:

.2 文書 MEPC 61/2/5 で韓国より提出された ARA Ballast バラスト水管理システム;

.3 文書 MEPC 61/2/4 で中国より提出された BalClor バラスト水管理システム;

.4 文書 MEPC 61/2/7 でノルウエーより提出された OceanGuard™バラスト水管理システム;

.5　文書 MEPC 61/2/8 でドイツより提出された Ecochlor®バラスト水管理システム;

.4　文書 MEPC 61/2/9 でドイツより提出された Seven Trent De Nora BalPure®バラスト水管理システム;

2.8　委員会は中国、ドイツ、日本、ノルウエー及び韓国の主管庁に対し前述の報告書(第 13 回報告の付属書 6, 8 及び 9 同様に 14 回報告の附属書 5, 6 及び 7 でなされたすべての勧告が型式承認証明書の発行前に完全に対応されていることを立証するよう要請した。

GESAMP-BWWG の今後の会合

2.9　委員会は基本あるいは最終のいずれかの承認のため 13 の提出文書が GESAMP-BWWG により評価されたことを認めた。しかしながら MEPC の連続する 2 つの会期間の時間的制約のために、GESAMP-BWWG は 2 回しか会合を持つことができず(GESAMP-BWWG13 及び GESAMP-BWWG14)提出の時系列順に 10 の承認申請しか評価できなかった。できる限り多くのバラスト水管理システムの検討を促進する目的で、また 2011 年度の増加する作業量の懸念により、GESAMP-BWWG が文書 MEPC61/2/10(日本)、MEPC61/2/11(ギリシャ)、及び MEPC 61/2/12(シンガポール)に含まれる残る三つの提案を評価するために 2010 年 12 月 13 日から 17 日にかけて特別会議(GESAMP-BWWG15)を開催することに合意したことを委員会は感謝した。その成果は MEPC62 に報告されるだろう。

2.10　委員会は GESAMP-BWWG の次回定例会議即ち第 16 回会議は暫定的に 2011 年 2 月 28 日より 3 月 4 日に開催され、加盟国のメンバーに対し承認の提案（申請書類）とバラスト水管理システムの非秘密文書を MEPC62 に可及的速やかに遅くとも 2010 年 12 月 17 日までに提出するよう要請した。

2.11　4 つ以上の提案が MEPC62 による検証及び承認のために提出される可能性を認識し、GESAMP-BWWG が会議を組織するのに必要な条件がすべて整う前提でできる限り多くの提案に対応するために 2011 年 4 月あるいは 5 月に追加会議を開催する可能性があることを表明したことを委員会はさらに認めた。

GESAMP-BWWG 会合から生じる他の問題

2.12　委員会は前回の会議において、GESAMP-BWWG に対し主管庁/申請者との討議を主管庁からの要請があり、最終承認評価の間にのみ実施されるべきだとの修正をもつ

MEPC60/2/15（ドイツ）に含まれる追加の付託事項―試行段階―に従い、実施するよう要求されたことを喚起した。

2.13　ドイツの主管庁代表者と Ecochlor と Seven Trent de Nora Balpure バラスト水管理システムの製造者との第 14 回会合の間に実施された討議の後のグループの結果報告の中から、GESAMP-BWWG の議長は委員会のメンバーに対し以下の点を注意するよう引き出した。

.1 グループは時系列の提出順を完全に固守することによって不透明なことをなくし全ての主管庁の提案者に対し公平に扱うことを保証した。しかしながら、その準備に多大な時間（2 時間の労働）と、2 回にわたる討議会合の開催（4 時間の労働）が必要とされた。

.2 主管庁/申請者との討議はグループの質疑に対し e-メールにより文書としてすでに応答された情報について繰り返し言及された。そのため新しい情報は得られなかった。

.3 徹底的に秘密情報について検討する前に、全ての潜在的不透明な面や申請書類の不十分な点を予測するのは不可能で、そもそも秘密情報の検討においてその評価の多くが、評価期間の最後の一日にまで延長してしまった。このことは会議のスケジュールを大幅に混乱させてしまった。そして

.4 グループが対面会議を実施しなかった 13 回会合では、6 件の提案を評価することが出来た。逆に 14 回会合では長い労働時間（21:00 まで）にもかかわらず、グループは 4 件の評価しか出来なかった。グループは 2 回の討議会合の実施により追加のメリットを見出すことが出来なかった。

2.14 主管庁/申請者との対面会議や、ドイツ代表団による介入を通して得た GESAMP-BWWG の成果を考慮して、委員会はバラスト水レビューグループに対し、MEPC61/2/21 の文書に含まれている GESAMP-BWWG の結論をふまえつつ、MEPC60/15（ドイツ）の文書に含まれている提案を検討するように指示することで同意した。

BWM 条約による D-2 基準の順守と証明に関する説明

2.15　委員会は、MEPC59 で合意した BWM 条約の B-3.1 規則に含まれる適用期日に関する BWM.2/Circ.19 に基づいた IACS による説明を喚起した。文書 61/2/16(IACS)の上記に関連したサーキュラーの修正するための提案とそれに加えた BWM 条約の D-2 基準についての船舶の順守と証明ついての IACS 理解の提供とそれに関連したロシアによる問題提起

を検討した結果、委員会は“船舶の基準日”と“建造日”の取り扱い関する代表団の認識の不一致点を検討することを BW レビューグループに指示した。

バラスト水処理技術の状況のレビュー

2.16　委員会は、2010 年に建造される船にバラスト水管理システムの十分な数が提供されることを確認し、船に設置されており又バラスト水処理技術が利用できると MEPC59 において結論したことを想起した。MEPC59 は、この会合で D-5.1 規則に含まれる規定に従うバラスト水管理の他の方法とバラスト水技術の状況の新たな再検証を実施することについても合意している。

2.17　委員会は 9 つの文章を銘記した。; MEPC61/2/14(オランダ)、MEPC61/2/17(日本)、MEPC61/2/18(ICS)、MEPC61/INF.3(ノルウエー)、MEPC61/INF.4(ノルウエー)、MEPC61/INF.16(ドイツ)、MEPC61/INF.17(オランダ)、MEPC61/INF.19(オーストラリア)と MEPC61INF.21(日本)はこの議題の項目のもとに提出されたバラスト水処理技術の開発に関連した情報として提供されており、バラスト水処理技術の再検証の間にこれら 9 つのすべての文章を参照にバラスト水レビューグループで詳細な検討することに合意した。

2.18　委員会は、それぞれの主管庁から 4 つのバラスト水管理システムの型式承認証明書受領した。GloEn-Patrol バラスト水管理システム(MEPC61/2/19,韓国)、PureBllast バラスト水管理システム(MEPC61/INF.3, ノルウエー)、OptiMarin バラスト水管理システム(MEPC61/INF.4 ノルウエー)と Hitachi バラスト水管理システム(MEPC61/INF.21 日本)すなわち、式承認されたシステムは 10 システムになることを特に銘記した。

2.19　委員会は以下の文書に含まれた情報を正確に銘記した。: MEPC61/INF.16（ドイツ）PERACLEAN Ocean を使用するバラスト水管理システムの排出制御と中和オプション；MEPC61/INF.17 特定の種類の船への適切な技術を得るために、諸問題の技術情報詳細の提供 ; MEPC61/INF19.（オーストラリア）バラスト水管理システムの検証のための手段

バラスト水管理に関連した BLG 小委員会の活動成果

2.20　委員会は、バラスト水レビューグループに BLG 小委員会が用意した更なる二つのガイダンス文書（パラグラフ 2.2 参照）を考慮するように指示したことを踏まえ、バラスト水管理に関連する BLG14（2010 年 2 月 8~12 日）の成果に関与した残りの項目を検討し、次のように合意した。

1　議題項目“2004BWM 条約の統一的な実施に関するガイドラインと他の文書の作成”

の目標完成期日を 2012 年に延長する。

2　BWM 条約の統一的な実施に必要とされる残りの文書を作成するための小委員会による改訂版活動計画（BLG14/17,annex6）を銘記する。

バラスト水管理と制御に関する組織の構成と他の情報

2.21　委員会は国際海洋探査協議会（ICES）からのオブザーバーによる、船による水中侵入生物の移送に関連した問題に際して進行中の ICES と IMO 間の協力を促進し公式なものとするための提案（MEPC61/2/13）を考慮した。二つの組織間の協力を想起し、ICES のオブザーバーは政策と科学的知識の非常に必要な繋がりを得るために ICES、ユネスコの国際海洋学委員会（IOC）と IMO との間で公式な協定を確立(締結)するよう提案した。

2.22　委員会は事務局に対し、現存する協力を公式化しまた、バラスト水及び船舶に起因する影響に関する専門調査委員会（WGBOSV）で入手される、侵入水生生物に関する IMO の活動向上のための科学的知識を促進するため、ICES と IOC の事務局と連絡を保つように指示した。

2.23　時間の制約のために文書 MEPC61/INF.5(事務局)と MEPC61/2/20(CEFIC)の考慮は MEPC62 に延期された。

2.24　委員会は以下の文書に含まれた情報を正確に銘記した。

1. MEPC61/INF.13(ドイツ)バラスト水排出に関する調和された(合理的な)排出シナリオ文書(ESD)の開発

2. MEPC61/INF.15(黒海委員会)での、IMO 技術協力活動の実施についての ICS-BSC PS 覚書(MoU)と GloBallast 地域法定研修コースの更新と BWM 条約の実施上の地域戦略開発ワークショップ

3. MEPC61/INF.20(ホンジュラス)での地域バラスト水管理の法的履行のための研修の実施

バラスト水レビューグループへの今後の指示

2.25　委員会は以下の付託事項に関しバラスト水レビューグループの設立に合意した。

”本会議でなされたコメントを考慮しバラスト水レビューグループは以下を指示された：

.1 “基本承認を取得したバラスト水管理システムと同じ活性物質または製剤を別のシステムに使用できるかを決定するための枠組み”（BLG14/17，annex3）を、技術回覧文書として周知することを委員会によって承認させるために検討する。

.2 “ガイドライン（G8）に沿ったバラスト水管理システムの型式承認プロセスに関する主管庁のためのガイダンス”（BLG14/17，annex4）を、技術回覧文書として周知することを委員会によって承認させるために検討する。

.3　文書 MEPC61/2/14(オランダ)，MEPC61/2/17(日本)，MEPC61/2/18(ICS)，MEPC61/INF.3(ノルウエイ)，MEPC61/INF.4(ノルウエイ)，MEPC61/INF.16（ドイツ），MEPC61/INF.17(オランダ)，MEPC61/INF.19（オーストラリア），MEPC61/INF.21(日本)及び MEPC60/INF.17(英国)に含まれる情報を考慮に入れて、現状のバラスト水処理技術の状況を特定する。

.4　バラスト水容量 5000 ㎥以上で 2012 年以降に建造された船のグループに関して、バラスト水処理技術の実現性を決定する。

.5　規則 B-3,1 に記載された船の適用要件と、規則 D-5.1 に記載された規定に関して条約の付属書に述べられた他のバラスト水管理の側面を調査する。

.6 文書 MEPC61/2/21 に含まれた GESAMP-BWWG の結論を考慮して、文書 MEPC60/2/15(ドイツ)に含まれた提案を検討する。

.7　BWM 条約の付属書 1 に含まれた“建造期日”と、規則 B-3.2 に含まれた“引き渡し期日”の取り扱いに関するロシア代表団による特定の不一致を調査する。

8.　2010 年 9 月 30 日（木）の本会議に実施されたその結果と推奨事項を含む再調査の報告書を提出する。

バラスト水レビューグループの報告の検討

2.26　バラスト水レビューグループの報告(MEPC 61/WP.8)を受領後、委員会はそれを一般論として認め、また以下のパラグラフに概要が記されているように行動を起こした。

基本承認を取得したバラスト水管理システムと同じ活性物質または製剤を別のシステムに使用できるかを決定するための枠組み

2.27　委員会は、レビューグループが再検討した”基本承認を取得したバラスト水管理システムと同じ活性物質または製剤を別のシステムに使用できるかを決定するための枠組み”（BLG14/17，annex3）をガイダンス文書としての承認に合意し、BWM.2/Circ.27 によって周知するために事務局に指示することを銘記した。

ガイドライン（G8）に沿ったバラスト水管理システムの型式承認プロセスに関する主管庁のためのガイダンス

2.28　パラグラフ 3.1.12 で与えられた説明を銘記し、BLG 小委員会(BLG14/17,annex4)によって作成されたガイドライン（G8）に沿ったバラスト水管理システムの型式承認プロセスに関する主管庁のためのガイダンスにレビューグループにより小修正がなされたこのガイダンスを委員会は、承認に合意し、事務局に BWM.2/Circ.28 での周知を指示した。

バラスト水処理技術の入手可能性の再検討

2.29　レビューグループが、バラスト水処理技術に関連した情報を提供する文書 MEPC61/2/14(オランダ)、MEPC61/2/17(日本)、MEPC61/2/18(ICS)、MEPC61/2/19(韓国)、MEPC61/INF.3(ノルウエー)、MEPC61/INF.4(ノルウエー)、MEPC61/INF.16(ドイツ)、MEPC61/INF.17(オランダ)、MEPC61/INF.19(オーストラリア)、MEPC61/INF.21(日本)と MEPC60/INF.20(英国)を検討したことを認めた後、委員会は、2011 年に建造されバラスト水容積 5000 ㎥未満の船について十分な技術が入手でき、その数が増加しているとの、レビューグループの結論と一致したことを認めた。

2.30　特別なタイプの船、特に海洋無人バージ、半潜水船や重量物クレーン船などに関するチャレンジはまだ取り組まれていないことを確認した後、委員会は加盟国とオブザーバーに現実的な解決策提案や確認されたチャレンジを要請し、今後の会合の中でそのような提案を討議するための十分な時間を割り当てることに合意した。

2.31　バラスト水管理システムを型式承認したことの情報が、韓国、ノルウエー、日本の表団から提出されたこと及び事実としていくつかのケースでその情報が不十分らしいこと

を認め、委員会は型式承書を発行するすべての主管庁に対し、そのような情報を機関に提出する際には、決議 MEPC175(58)の規定と、主管庁のための型式承認ガイダンスのどちらも注意深く読み従うよう促し、合意した。

2.32 ポートステートコントロール職員によるバラスト水管理システムの検証について有益なツールを提供する文書 MEPC61/INF.19(オーストラリア)関するレビューグループの推奨を検討し、委員会は FSI19 で、現在、FSI 小委員会によって現在開発中の PSC ガイドラインをこのオーストラリア文章を考慮するよう指示することに合意した。

2.33 バラスト水管理システムを船上に搭載やレトロフィットするためのシップヤードの限られたキャパシティ―に関するレビューグループの懸念を認めた後、議決 MEPC188(60)の規定を喚起して、とりわけ新造船にそのようなシステムの搭載を勧め、委員会は、加盟国にこの条約を出来るだけ早く適用するように要請した。

2.34 条約が効力を発するとすぐにバラスト水処理技術の評価の必要性について説得力のある ICS(MEPC61/2/18)による評価を支持する一方、インド代表団は大きなフローレートで大きな船舶についての技術の入手可能性についての懸念を表明した。そのような技術の入手可能性に関した情報の共有を加盟国政府に要請することを委員会に要求した。

2.35 2012 年中に BWM 条約が発効することを見越して、委員会は、MEPC62 において大型船(バラスト水容量 5000 ㎥以上で、特に高い流量レートの場合)に必要となるだろうことに焦点を当てたバラスト水処理技術の新たな評価することに合意し、その会合で、レビューグループを再設立することを決定した。

文書 MEPC61/2/21(事務局)に含まれた GESAMP-BWWG の成果と文書 MEPC60/2/15(ドイツ)での提案の考慮

2.36 GESAMP-BWWG と主管庁/申請者との対面会議に関するレビューグループの結論を検討した結果、委員会はそのような会議の“試行期間”を延長することに合意した。
そして、その会議は十分な知見を得るために、少なくとも GESAMP-BWWG の 2 期間の間行われるべきである。そして、GESAMP-BWWG の期間に、全ての参加国が確実に対面形式の会議ができるようにするために、この試行期間の延長には、MEPC が開かれていない期間全体が含まれているべきである。委員会は、これらの会議が不適切な遅れの原因となることなしにそのプロセスに価値を加え、手順が最終承認を申請している主管庁だけの要求に適用されることを確実にし、また、1 申請当たり 1 時間に制限されるということに焦点を当てるべきであると強調した。

2.37　申請者が GESAMP-BWWG の勧告と申請者の意見が合わない時のために、提案者主管庁によってつくられた契約書に含まれた論争条項の解決の現実的な実施と可能な解明の仕組みに関してレビューグループの討議において見解が割れた事を認めた後、委員会は、この件についての見解を MEPC62 に提出することを加盟国に促進することに合意した。

表現 ”船の引き渡し日” と “建造日” の取扱いに関する不一致点

2.38　委員会は、表現 ”船の引き渡し日” と “建造日” の取扱いに関するレビューグループの検討結果と２つの選択肢は BWM 条約が発効してから適用されることを銘記した。

2.39　表現 ”船の引き渡し日” と “建造日” に関する不一致点についてのレビューグループによる２つの選択肢の提案への返答として、IACS からのオブザーバーは、引き渡し日は国際油汚染防止証書の補遺(フォーム A と B の両方)、 BWM 条約(400GT)と同じような法定証明書を持つ船の出発点(基準点)扱いによって容易に規定することが出来る、と述べた。

2.40　委員会は、MARPOL 附属書 I の規則 21 と 22 の施行を経てすでに実在することを銘記されている表現 ”船の引き渡し日” の使用に関する法律先例と重要な経験を銘記したうえで、文書 MEPC61/2/16 の中で IACS によって示された理解のこの文脈の表現を使用することに合意し、事務局に BWM.2/Circ.19 をそれに従って改正するよう指示した。

委員会により取られた行動

2.41　レビューグループにより要請された行動及び種々の代表団よりなされたコメントを検討した結果、委員会は下記を実行した：

1. “基本承認を取得したバラスト水管理システムと同じ活性物質または製剤を別のシステムに使用できるかを決定するための枠組み” を承認し、文書 BWM.2/Circ.27 によって周知することを事務局に指示した。

2. “ガイドライン（G8）に沿ったバラスト水管理システムの型式承認プロセスに関する主管庁のためのガイダンス” を承認し、文書 BWM.2/Circ.27 によって周知することを事務局に指示した。

3. 型式承認書を発行する主管庁に対し、決議 MEPC175(58)の規定と、主管庁のための型式承認ガイダンスの情報を機関に提出する際には、どちらも注意深く読み

従うよう強調した。

4. FSI19 において、現在 FSI 小委員会によって開発中の、オーストラリアの PSC ガイドラインを参考に文書 MEPC61/INF.19 を考慮するよう指示した。

5. バラスト水量 5000 ㎥未満で 2011 年に建造される船舶について、十分な技術が入手可能であり、その数も増加しているというレビューグループの結論と一致した。

6. 加盟国とオブザーバーに、ある特別なタイプの船、特に“海洋無人バージ、半潜水船や重量物クレーン船”に関して、現実的な解決案提案や確認したチャレンジを要請し、そして、今後の会合の中でそのような提案を討議するために十分な時間を割り当てることに合意した。

7. BWM 条約に含まれる適用日に従って、新造船にバラスト水管理システムを搭載を加盟国政府に促進し、会議決議 MEPC188(60)を出来るだけ早く適用することを加盟国に推進した。

8. MEPC62 でレビューグループを再設立することに合意し、加盟国政府が技術の入手可能性の情報を共有することを強調した。

9. GESAMP-BWWG と主管庁/申請者との対面会議の”試行期間”をこれらの会議がプロセスに価値を加え過度の遅れを引き起こさないことを確実にして、十分な情報を得られるまで、MEPC と MEPC の間の全期間を含め延長した。

10. 加盟国にバラスト水管理システムの承認申請に関連して契約書の条件のもと論争条項の解決のさらなる進展を検討し、MEPC62 に、それぞれの見解を提出するように要請した。

11. BWM.2/Circ.19 附属書のパラグラフ.3 の中にある表現”船の基準日”を船の検査期間についての IACS 理解と一致した”船の引き渡し日”に変えることに合意し、事務局に BWM.2/Circ.19 をそれに従って改正するよう指示した。

BMW.2/Circ.27
5 October 2010
（仮訳）

船舶のバラスト水および沈殿物の制御と管理の国際条約、2004

あるバラスト水管理システムに対し許可された基本承認が、同一の活性物質あるいは製剤を使用する別のシステムに適用される場合の決定の枠組み

1　海洋環境保護委員会は第 61 回会合(2010 年 9 月 27 日より 10 月 1 日)で、あるバラスト水管理システムに対し許可された基本承認が、同一の活性物質あるいは製剤が使用される別のシステムに適用される際、附属書に示されているように、BLG 小委員会の第 14 回会合で作成された決定の枠組みを承認した。

2　メンバー政府はこの回覧に関係する全ての団体の関心を喚起するよう要請されている。

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附属書（仮訳）

あるバラスト水管理システムに対し許可された基本承認が、同じ活性物質あるいは製剤を使用する別のシステムに適用される際の決定の枠組み

1　序文

1.1　”活性物質を使用するバラスト水管理システム承認のための手順(G9) “(手順(G9))は機関により策定された基準に対する評価に従い、活性物質あるいは製剤が、異なるバラスト水管理システム(BWMS)の承認のためのプロトタイプあるいは型式承認試験に使用可能であると定義している。

1.2　この文書の目的は最初の基本承認に基づく申請を準備する製造者、主管庁及び他の関係する団体のために、また手順(G9)に基づく最終承認のため GESAMP-BWWG による継続する評価のためにガイダンスを提供することにある。

1.3　活性物質あるいは製剤は既に基本承認を入手した活性物質あるいは製剤と同一のものでなければならない。また、その処理濃度は最初の基本承認より低いかあるいは同等でなければならない。さらに中和および最大許容排出濃度(MADC)の検討のために MEPC による推奨事項は適用される必要がある。

1.4　文書はシステムの物理的性質、活性物質あるいは製剤の化学的性質、および譲渡される情報とデータの法律的、また商業的に繊細な性格の直接的比較を可能にする基準を含む枠組みを提供する。

1.5　申請を検討する際、活性物質あるいは製剤の使用は、基本承認を取得した最初の申請と極めて似かよっている必要がある。これはそれが使用される BWMS に関連して検討される必要がある。活性物質あるいは製剤のそれ自体の性質を変えるのは、活性物質あるいは製剤を使用するシステムが大きく異なるためである。例えば、過酸化水素はそれ自体化学処理剤として、あるいは二次的方法の組み合わせで触媒として使用可能である。

1.6　別のシステムとして基本承認の使用を許可されたいかなる BWMS でも、手順(G9)に記されているように最終承認プロセスを受ける必要がある。

1.7　別のシステムとして基本承認の使用を検討しているいかなる BWMS も、委員会により最初の基本承認に対し課せられた条件あるいは要求をまた満足する必要がある。

1.8　別のシステムとして基本承認を使用する申請書の作成を検討する前に、申請者は 2 つのシステムの間に類似点が少ないほどより多くのデータが申請の評価のために提出される必要があることを考える必要がある。

2　定義

このガイダンスの目的のために手順(G9)および下記の定義が適用される：

2.1 “申請者”は BWMS の開発で、ある特定の活性物質に対し、最初の基本承認の使用を意図する BWMS の開発中メンバー国あるいは主管庁と、作業する製造者あるいは開発業者を意味する。

2.2　活性物質あるいは製剤の”使用”に関係する“十分な類似性”は、BWMS に対する活性物質あるいは製剤の適用方法及び注入箇所が承認を許可されたシステムのそれと著しく異ならないことを意味する。

3　遵守される手順

3.1　同一の活性物質あるいは製剤を使用する BWMS のその後の最終承認を取得する目的で活性物質あるいは製剤を使用する BWMS に対する最初の基本承認の使用を求める製造者は、BWMS がこのガイダンスに規定されている基準をどの程度満足するかを評価する必要がある。

3.2　法律問題が的確に処理されている証明が、最初の承認の使用を模索する製造者により主管庁に提出される必要がある。

3.3　最初の基本承認を使用する申請書類を入手した主管庁は、この書類のガイダンスを考慮し申請を検証せねばならない。主管庁がそのような転用が容認されることに満足であれば、それは決定を適切に機関に通知する必要がある。機関はそれに従い情報を回覧する必要がある。

3.4　主管庁は手順(G9)の項目 8.2 に基づき可及的速やかに、機関に対して最終承認の申請を提出せねばならない。

3.5　GESAMP-BWWG は申請が完璧であり適切であることに合意すれば、BWMS の最終承認の段階に進む必要がある。

3.6　GESAMP-BWWG は申請が完全でないあるいは不適切である(或いはその両方)と判断する場合、GESAMP-BWWG は手順(G9)で規定されているように委員会による検討のために結論を報告せねばならない。

3.7　手順(G9)の下で、機関の委員会は提案の承認を拒否する GESAMP-BWWG の推奨を受けるかいなかの最終結論を下す。

4　活性物質あるいは製剤の同一性を評価するための基準

4.1　活性物質および製剤の記述は手順(G9)項目４．１に要求されているようにシステムに関連する化学物質を含まねばならない。また、この評価の際に適用される GESAMP-BWWG 方法論の関連項目にその詳細が記述されねばならない。

4.2　特定された化学物質のいずれかが最初の基本承認申請に列挙されていない場合、基本承認の転用は適切ではない。

4.3　活性物質および製剤の貯蔵、生成および処理の適切な箇所での記述された濃度が最初の基本承認申請のそれと同等かあるいは以下でなければならない。

4.4　最大許容排出濃度あるいは最悪の場合の排出濃度は、最初の基本承認申請のそれと同等かあるいは以下でなければならない。

4.5　活性物質あるいは製剤の成分および構造に関する分析データは、活性物質及び製剤が同等であることを実証するために提出されねばならない。

5　活性物質あるいは製剤の適用方法

5.1　BWMS 設計は、システムに使用された物理的プロセス、バラスト水への注入の方法、使用されたいかなる機械的分離、ポンプ及び配管、処理段階(取り入れ、排出時あるいはその両方)およびいかなる必要な中和を含め十分に類似している必要がある。

5.2　活性物質および製剤の BWMS での適用は以下を含め十分に類似している必要がある:

－　活性物質あるいは製剤の注入の時点；および

－　活性物質あるいは製剤の生成方法(例えば電解発生)。

6　法律問題に関するガイダンス

6.1　最初の基本承認の情報の利用が許される法的な拘束のある合意は以下を含む：

.1　基本承認の権利が共有される人物の名前及び住所；

.2　共有される基本承認のデータの個々の項目の特定：

.1　活性物質および製剤の名前あるいはデータのアイテム；

.2　排他的使用合意の場合、排他的使用保護の期間はいつ終了するか；

.3　研究を実施した人物あるいは実験場の名前；

.4　申請者と承認所有者がいかなる偽りの供述も国際、国内或いは地域の法律の下で罰則を受けることを理解している陳述書；及び

.5　申請者および承認所有者の名前、署名及び肩書き及び署名した日付；

.3　さらに承認保有者は申請者を拘束するために合意に署名している人物が承認保有者により認められていることを確認する公正証書を主官庁に提出せねばならない。

6.2　最終承認の目的で活性物質あるいは製剤を使用する BWMS の基本承認の使用を求める製造者は、全ての関連する国際、国内及び地域の法律が遵守されたことを保証する必要がある。

BWM.2/Circ.28
5 October 2010
（仮訳）

船舶のバラスと水および沈殿物の制御および管理の国際条約、2004

ガイドライン(G8)に基づくバラスト水管理システムの型式承認過程に関する主管庁のための指導要領

1　海洋環境保護委員会は第61回会合(2010年9月27日より10月1日)で附属書に示されているBLG小委員会の第14回会合で作成されたガイドライン(G8)に基づくバラスト水管理システムの型式承認過程に関する主管庁のための指導要領を承認した。

2　メンバー政府はこの回覧に全ての関係する団体の関心が向くよう要請されている。

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附属書（仮訳）

ガイドライン(G8)に基づくバラスト水管理システムの型式承認過程に関する主管庁のための指導要領

1　目的

1.1　この文書は、バラスト水管理システム承認のためのガイドライン(G8)に基づくバラスト水管理システム(BWMS)の型式承認申請の評価のための手続きに関する主管庁のための指導要領を提供する。この文書は、主管庁のための覚書として活用可能であるが、いかなる場合においても主官庁の権限を阻害する目的とはしない。

1.2　この文書は、ガイドライン(G8)の解釈に関する指導要領を提供するがこれらのガイドラインの要求に取って代わるものではない。

1.3　この文書は、委員会に報告される型式承認の詳細に関し主管庁に指導要領の提供を意図している。

2　重要な文書

2.1　BWMS の型式承認申請を評価する際、以下の文書の最新版が参照される必要がある：

- 船舶バラスト水および沈殿物の制御と管理のための国際条約、2004(BWMS 条約);
- バラスト水管理システム承認のためのガイドライン(G8);
- 活性物質を使用するバラスト水管理システム承認のための手順(G9);
- バラスト水サンプリングのためのガイドライン(G2);
- バラスト水を処理するために使用される化学物質および製剤の安全な取り扱いおよび貯蔵ならびに処理過程に起因する船舶の乗組員へのリスクの安全手順の作成を確実にするためのガイダンス；
- 決議 MEPC.175(58) - 型式承認が承認されたバラスト水管理システムに関する情報報告；

－　GESAMP-BWWG の情報取集および作業実施の方法論

－　他の関連するバラスト水管理決議、指導要領および回章。

3　製造者あるいはその代理者の要求のための推奨事項

3.1　BWMS の型式承認を早めるために、主管庁は製造者あるいはその代理店に最低以下の点を保証せねばならない：

.1　型式承認プロセスの一部あるいは全てについて、主管庁が第三者の品質保証機関(例えば認定組織、指定団体、船級協会、サーベイヤー)にサービスを委託する場合、その旨の通知；

.2　この文書の項目 2. に列挙されている文書に示されているプロセスのステップおよび要求の理解；

.3　型式承認の過程に使用可能な完全に稼動するシステム。試験された装置の製造手順および材質は継続的生産ユニットと同一である必要性が認識されねばならない；

.4　そのＢＷＭＳが利用可能であり、BWM 条約の D-2 基準を満足し、船上で稼動し、またシステムが環境に対し容認できない危険性をもたらさないと断定することを確実にするための初期試験を行う；

.5　毒性試験を含む、認知された試験設備で完成される必要のある試験の範囲に対する理解；

.6　主管庁に対し最低以下を含む初期試験の記述の提供；

.1　サンプリング地点を含む試験準備；

.2　初期試験の全てあるいは一部に対し責任を有する人物/組織；

.3　試験設備の可能な品質管理計画(QMP)；

.4　使用される試験場；

.5　初期試験に対する品質保証計画(QAPP)：および

.6　要求される場合試験設備の調査報告；

.7　最低以下を含む初期試験結果の詳細な報告の提供：

.1　毒性データ；

.2　関係する場合の活性物質；および

.3　プロセス中に生成される他のいかなる化学物質；

.8　検討中のシステムが BWM 条約で規定されている活性物質を使用するかに関する理解。それが活性物質を使用する場合システムは手順(G9)の下での追加承認を必要とする、一方活性物質を使用しないシステムはガイドライン(G8)の下での承認のみが必要とされる；

.9　ガイドライン(G8)の下で必要とされる船上試験の実施を該当船舶の船主との契約合意；

.10　型式承認中の設備を稼動するために陸上試験設備に訓練された人員を派遣すること、および船上試験のために乗組員が設備に精通しまた設備を運転するよう十分訓練されていることを保証すること；

.11　船上試験を受ける船舶が登録されていること、また BWMS の搭載の承認を得ていることを船級協会に問い合わせる；

.12　どんな拡大あるいは縮小のスケールリングについても、装置が承認されることになる型およびサイズが船上における最終的な機能および効果に影響しないことを数学的モデルおよび/あるいは計算または、フルスケール船上試験によって実証すること。その際製造者は、機関により作成された全ての関連するガイダンスを考慮する必要がある；

.13　最低以下を含むガイドライン(G8)附属書 Part 1 に基づく型式承認申請書の準備；

.1　BWMS の設計、構造、運転および機能の詳細な記述：

.2　提案されたシステムの腐食影響の初期評価：

.3　初期試験結果；

.4　技術マニュアル；

.5　BWMS 配管および設備の配置図(P&ID)

.6　バラスト水管理プランで要求されている規定との整合性；

.7　環境および公衆衛生上の影響；および

.8　試験を受ける特定の塩分；

.14　型式承認申請を提出する際、以下の点が明確化されること；

.1　稼動範囲(即ち流速、圧力低下、塩分、ほか)の明確化；

.2 処理能力(TRC)の明確化；

.3　安全あるいは追加試験の R&D に関連する設置の改善のための提言；および

.15　試験結果および文書を要求されたように主管庁の閲覧に供すること。

4　型式承認評価の促進のための提案

4.1　第三者の品質保証機関を採用する主管庁のために、型式承認プログラムを開始する前にそれらの準備が全て整っているよう注意が払われるべきである。

4.2　主管庁は申請者に対し、接触相手の詳細、提出から結論までの予想される時間およびこの文書の項目 2 に記されている手順および要求とは異なる他の要求を記載する文書を提供せねばならない。

4.3　主管庁は基本および最終承認中に委員会より提起された推奨事項が、型式証明書の発行以前に対応されたことを明確にする必要がある。決議 MEPC.175(58)に基づき、主管庁

はIMOに対する型式承認の通知とあわせ、陸上および船上試験の最終報告を提出する必要がある。報告は加盟国が入手可能でなければならない。

4.4　主管庁は同一の原理および技術を採用する一連の能力の BWMS を証明可能であるがスケールの拡大あるいは縮小により生ずる能力の限界に対し正当な注意が払われる必要がある。

4.5　主管庁は国際基準がいまだ確立されていない標準稼動手順(SOP)を特に検証する必要がある。

5　承認プロセス

5.1　BMW 条約の規定の下で、BMWS はガイドライン(G8)および必要な場合手順(G9)に基づき承認される必要がある。

5.2　主管庁は以下の問題点が製造者により特別にされたことを明確にする必要がある。またシステムの評価が第三者機関により実施された場合これらの問題点が結論を可能にするように主管庁に引き継がれる必要がある。

.1　BWM 条約の D-2 基準を満足するために、製造者により採用された物理的/生物化学的処理の包括的説明。これは製造者により実施されねばならないまた補完的データは文書で提出されねばならない。条約に準拠するために生物を排除する過程で活性物質、関連化学物質あるいは遊離基を使用するあるいは発生するいかなるシステムも手順(G9)の下での検証のために機関に提出されねばならない(手順(G9), パラグラフ 3.3)；

.2　BWMS が活性物質を使用するかしないかは、責任ある主管庁の専権事項である。その決定を下す際、主管庁はシステムが手順(G9)の下で承認を得る必要があるかについては関連する GESAMP-BWWG および委員会の決定を考慮する必要がある。主管庁は BWMS が手順(G9)に従うか不確実な場合、そのシステムをその手順(G9)の下での検証に提出する選択が可能である(MEPC 59/24.パラグラフ 2.16)；

.3　主管庁がガイドライン(G8)の附属書のパラグラフ 2.3.6 および 2.3.30.4 に規定されているように手順(G9)に従属しないと判断する BWMS については、システムが処理水に変化をもたらすことが合理的に推測され、受け入れ水域に悪影響が排出の際発生する場合、手順(G9)のパラグラフ 5.2.2 および 5.2.7 の毒性試験手続きが採

用されねばならない；

.4　部品および材質規格と併せ、配管および設備配置図を含まねばならない承認文書。さらに配線図、制御およびモニター設備の機能記述および BWMS の制御器回路の記述；

.5　初期試験に関する情報(方法論、試験水の成分、試験された塩分、サンプリング、分析試験施設、ほか)；

.6　陸上試験に対し製造者により使用される品質管理計画(QMP)および品質保証計画(QAPP)を含むガイドライン(G8)陸上試験施設あるいはバージ等で構成された試験場の信用性；

.7　陸上および船上試験に使用される設備の設計、構造、操作および機能の承認およびその後の検証；

.8　ガイドライン(G8),手順(G9)および GESAMP-BWWG の情報収集および作業実施の方法論と適切に(要求される複数試験の免除)整合している試験水の成分、試験される特定の塩分を含む、陸上および船上試験方法の承認およびその後の検証；

.9　サンプルの収集および保管に使用された方法、実験室の試験、サンプリングの頻度および陸上および船上試験のサンプルに対する分析手続きの承認およびその後の検証；

.10　試験に使用された設備の設計、構造、操作および機能の承認およびその後の検証；

.11　システムが活性物質を使用する場合、最終承認の申請は、機関に対して承認提案をする前に主管庁によりチェックされ、承認される。更に GESAMP-BWWG により提供された科学的サービスの原価回収費用は提出される必要がある；

.12　化学物質の貯蔵および取り扱いの安全評価は、機関により策定された技術的ガイダンスに沿って実施され、承認される；

.13　BWMS の操作、特に乗組員への潜在的影響に対する安全性評価は、機関により策定された技術的ガイダンスに沿って実施され、承認される；

.14　BWMS の操作に使用される電気設備は、それが設置される危険場所に関しては、適用される国内法および国際基準により要求される安全が証明されたタイプでなければならない；および

.15　ガイドライン(G8)の付属書の Part 3 に規定されている環境試験の結果。

5.3　型式承認証明書の発行のために主官庁は以下の要求および規定を定める必要がある：

.1　承認の有効期限は適切に更新される必要がある；

.2　承認の期限切れの前の適切な時期に、製造者はシステムに関連する科学的研究の結果および入手可能であればポートステートコントロールの結果を含めシステムによる来歴の詳細を記述した報告を準備せねばならない；

.3　BWMS 作動の予想外の有害な結果の発生は、製造者により即刻主管庁に報告される必要がある；

.4　型式承認証明書は、システムが承認されている定格処理能力である特定の一つの TRC を規定する必要がある；

.5　型式承認証明書は試験が実施された特定の水パラメーター、すなわちガイドライン(G8)に基づく型式承認過程の塩分、温度、pH および TSS を明確に示す必要がある；

.6　型式承認証明書は各々の部品の製造者を含む型式承認された BWMS の部品並びに温度および固有の塩分を含む作動範囲を特定せねばならない。また他の類似部品(例えばフィルターのように)の使用の可能性、およびそのような使用が許される基準を規定せねばならない；

.7　別個の型式承認証明書が BWMS の個々の型あるいはモデルに対し発行される必要がある。しかしながら主管庁が別の方法を希望する場合、異なる型およびモデルが明確に記載されまた個々の型およびモデルが実施した試験が試験結果、作動範囲、塩分、TRC などとあわせ明確に参照されることが推奨される；

.8　BWMS に関連する全ての事故(例えば不慮の露出、漏洩)は、報告されねばならない；

.9　システムの作動が BWM 条約により規定された標準、ガイドラインおよび/あるいは主官庁により決定された規定に達していないことが示される場合、製造者は主管庁に即刻報告する必要がある；

.10　これらの要求が満足されない場合、主官庁は承認を撤回する機会を有する必要がある：および

.11　MSC 回覧 MSC.1/Circ.1221-“海洋製品に対する型式承認証明の有効期限 “が適用される必要がある。

6　型式承認の報告

6.1　主管庁は型式承認プロセスを機関に報告せねばならない(決議 MEPC.175(58)).

6.2　手順(G9)の下で最終承認が GESAMP-BWWG による推奨事項とあわせ許可された場合特に、これらの推奨事項が型式承認で十分に対応された証明が機関に提出されねばならない。報告は手順(G9)に基づき非守秘義務情報とあわせ主管庁の結論を特定する必要がある。

Ⅲ　参　　考

INTERNATIONAL MARITIME ORGANIZATION

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MARINE ENVIRONMENT PROTECTION COMMITTEE
60th session
Agenda item 22

MEPC 60/22
12 April 2010
Original: ENGLISH

REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE ON ITS SIXTIETH SESSION

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1 INTRODUCTION

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

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

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

TUVALU
UKRAINE
UNITED KINGDOM
UNITED STATES
URUGUAY
VANUATU
VENEZUELA (BOLIVARIAN REPUBLIC OF)

the following Associate Member of IMO:

HONG KONG, CHINA

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

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

by observers from the following intergovernmental organizations:

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

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL SHIPPING FEDERATION (ISF)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
INTERNATIONAL GROUP OF P & I ASSOCIATIONS (P & I CLUBS)

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

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

The Secretary-General's opening address

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

Chairman's remarks

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

Recent earthquakes and expression of compassion and condolences

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

Trans-border pollution damage caused by offshore oil exploration

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

Adoption of the agenda

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

Credentials

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

2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

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

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

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

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

Basic Approval

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

.1 SiCURE™ Ballast Water Management System, proposed by Germany in document MEPC 59/2/11;

.2 Sunrui Ballast Water Management System, proposed by China in document MEPC 60/2/3;

.3 DESMI Ocean Guard Ballast Water Management System, proposed by Denmark in document MEPC 60/2/4;

.4 Blue Ocean Guardian (BOG) Ballast Water Management System, proposed by the Republic of Korea in document MEPC 60/2/5;

.5 Hyundai Heavy Industries Co., Ltd. (HHI) Ballast Water Management System (HiBallast), proposed by the Republic of Korea in document MEPC 60/2/6;

.6 Kwang San Co., Ltd. (KS) Ballast Water Management System "En-Ballast", proposed by the Republic of Korea in document MEPC 60/2/7;

.7 OceanGuard™ Ballast Water Management System, proposed by Norway in document MEPC 60/2/8; and

.8 Severn Trent DeNora BalPure® Ballast Water Management System, proposed by Germany in document MEPC 60/2/9.

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

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

Final Approval

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

.1 GloEn-Patrol™ Ballast Water Management System, proposed by the Republic of Korea in document MEPC 59/2/7;

.2 Resource Ballast Technologies System, proposed by South Africa in document MEPC 59/2/10; and

.3 JFE Ballast Water Management System (JFE-BWMS), proposed by Japan in document MEPC 60/2/2.

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

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

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

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

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

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

Length of non-confidential information for Basic or Final Approvals

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

Future meetings of the GESAMP-BWWG

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

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

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

Other matters emanating from the GESAMP-BWWG meetings

2.18 The Committee concurred with the GESAMP-BWWG's proposal that information on Total Residual Oxidants (TRO) or Total Residual Chlorine (TRC) should be provided in the form of mg/L TRO or TRC as Cl_2, for those systems using or producing oxidants to treat ballast water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OTHER INFORMATION RELATED TO BALLAST WATER MANAGEMENT AND CONTROL

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

.1 MEPC 60/2/14 (India) on the update of the Self-validating e-Ballast Water Reporting Form;

.2 MEPC 60/INF.2 (ROPME/MEMAC) on implementation of ballast water exchange area outside the ROPME Special Area;

.3 MEPC 60/INF.11 (India) on the implementation of the Ballast Water Management Programme in India (BAMPI);

.4 MEPC 60/INF.14 (Republic of Korea) on the type approval of the NK-O3 BlueBallast System (Ozone) (a Type Approval Certificate was issued on 24 November 2009);

.5 MEPC 60/INF.15 (Norway) on the outbreak of *Salmonella* in cattle possibly due to infection through ballast water;

.6 MEPC 60/INF.16 (Turkey) on ballast water management implementation in Turkey, including ballast water exchange requirements for ships entering ports in the eastern Mediterranean Sea; and

.7 MEPC 60/INF.17 (United Kingdom) on the second update of the Lloyd's Register Industry Guide on ballast water management systems.

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

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

3 RECYCLING OF SHIPS

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

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

GENERAL STATEMENTS

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

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

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

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

PLANNING OF THE WORK

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

.1 under the heading "Development of the guidelines", to consider eight documents addressing the development of the guidelines for safe and environmentally sound ship recycling; and

.2 under the heading "Other matters", to consider two documents concerning guidance for the recycling of flagless and non-Party ships, and threshold levels for radioactive substances in relation to the Guidelines for the development of the Inventory of Hazardous Materials.

DEVELOPMENT OF THE GUIDELINES

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

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

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

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

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

OTHER MATTERS

Guidance for the recycling of flagless and non-Party ships

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

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

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

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

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

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

ESTABLISHMENT OF THE WORKING GROUP ON GUIDELINES FOR SHIP RECYCLING

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

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

.1 further develop the "guidelines for safe and environmentally sound ship recycling", taking into account the comments and proposals in documents MEPC 60/3/4 (Japan), MEPC 60/3/5 (Japan), MEPC 60/3/6 (Denmark), MEPC 60/3/8 (Norway), MEPC 60/3/1 (IAEA) and MEPC 60/3/7 (IACS);

.2 commence the development of the "guidelines for the development of the Ship Recycling Plan", taking into account document MEPC 60/3/4 (Japan);

.3 develop a work plan with an appropriate timetable for the future development of the guidelines associated with the Hong Kong Convention, in line with resolutions 4 and 5 of the 2009 International Conference on the Safe and Environmentally Sound Recycling of Ships, for the approval of the Committee (taking into account the relevant comments made by Norway in document MEPC 60/3/8);

.4 consider the proposals in documents MEPC 60/3/3 (Marshall Islands) and MEPC 60/3/2 (IAEA) and propose appropriate courses of action;

.5 develop draft Terms of Reference for an intersessional correspondence group on ship recycling guidelines; and

.6 submit a written report to plenary on Thursday, 25 March 2010."

REPORT OF THE WORKING GROUP ON GUIDELINES FOR SHIP RECYCLING

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

.1 noted the progress made by the group on the development of the draft guidelines for safe and environmentally sound ship recycling (paragraphs 4 to 12);

.2 noted that the group had commenced work on the guidelines for the development of the Ship Recycling Plan (paragraphs 13 to 15);

.3 endorsed the work plan and proposed schedule for the further development of the guidelines associated with the Hong Kong Convention (paragraph 16), which is set out in annex 3;

.4 noted the outcome of the consideration of the group regarding the development of guidance for the recycling of flagless and non-Party ships by Parties to the Convention (paragraph 17);

.5 endorsed the addition of a footnote to Appendix 1 of the Guidelines for the Development of the Inventory of Hazardous Materials, as adopted by resolution MEPC.179(59), addressing threshold levels for radiation substances, when these guidelines are published together with the Convention as an IMO publication (paragraphs 18 and 19); and

.6 agreed to the re-establishment of the intersessional correspondence group on ship recycling guidelines, under the coordination of Japan* with the specified draft Terms of Reference (paragraph 20).

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

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

4 PREVENTION OF AIR POLLUTION FROM SHIPS

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

AIR POLLUTION ISSUES AND MATTERS RELATED TO MARPOL ANNEX VI

4.2 The Committee recalled that MEPC 58 had unanimously adopted the revised MARPOL Annex VI by resolution MEPC.176(58), and the NO_x Technical Code 2008, by resolution MEPC.177(58) and, following the termination of the acceptance period on 1 January 2010, they will enter into force as expected on 1 July 2010.

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Equivalents

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

Specification of marine fuels

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

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

Ozone-depleting substances and coordination with UNEP

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

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

IAPP Certificate – revised MARPOL Annex VI

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

Technical information to facilitate the development of VOC Management Plans

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

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

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

CONTROL OF GREENHOUSE GAS EMISSIONS FROM INTERNATIONAL SHIPPING

Outcome of COP 15

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

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

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

Information on the UNFCCC process

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

> The IMO Secretariat had participated in relevant preparatory meetings and had submitted three documents to the Copenhagen Conference, which may be found annexed to document MEPC 60/INF.9:
>
> .1 a position note – outlining IMO's objectives for the Conference;

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

.3 the Executive Summary of the Second IMO GHG Study 2009.

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

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

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

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

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

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

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

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

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

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

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

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

the World Maritime University for their assistance;

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

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

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

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

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

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

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

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

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

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

General statements

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

Chairman's proposal for further progress

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

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

Order of discussions

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

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

.2 market-based instruments, in line with the work plan agreed by MEPC 59 including methodology and criteria for feasibility study and impact assessment;

.3 reduction targets for international maritime shipping; and

.4 other GHG matters (including black carbon and the Arctic).

Technical and operational measures

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

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

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

MEPC 60/4/45	ITTC	Proposal for an Energy Efficiency Design Index Verification Process
MEPC 60/4/46	OCIMF and INTERTANKO	Comments on the outcome of the United Nations Climate Change Conference held in Copenhagen, Denmark
MEPC 60/4/47	Austria, Bulgaria, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom and the European Commission	Comments on the interim guidelines on the method of calculation of the Energy Efficiency Design Index for new ships based on a study on tests and trials of the EEDI formula
MEPC 60/4/48	INTERFERRY and CESA	Comments related to trial calculations of the EEDI for subgroups of ro-ro cargo ships
MEPC 60/4/52	INTERTANKO	Tanker Energy Efficiency Management Plan (TEEMP)
MEPC 60/4/56	CLIA	Consideration of the Energy Efficiency Design Index (EEDI) for cruise ships
MEPC 60/INF.6	Finland and Sweden	Impact of the ice-class correction factors f_i and f_j on calculation of EEDI
MEPC 60/INF.18	Secretariat	Assessment of IMO energy efficiency measures for the control of GHG emissions from ships
MEPC 60/WP.6	Secretariat	Communication with IPCC on CO_2 Conversion Factors

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

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

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

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

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

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

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

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

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

4.28 Some delegations expressed the view that the EEDI formula still needed extensive work and some expressed concerns related to specific ship types. Further concerns were put across that the EEDI could lead to underpowered ships, resulting in unsafe ships in harsh weather conditions, and that an engine power to DW ratio should be included in the regulations. The Committee was reminded by a number of delegations that Annex VI already regulates ozone-depleting substances and that such substances are closely related to GHGs. The Committee was also reminded that CO_2 is one of the primary contributors to ocean acidification.

4.29 A number of delegations expressed the view that MARPOL Annex VI was not the proper legal instrument to include energy efficiency measures for ships, that such measures were not within its scope, and that the structure of Annex VI prevented such measures from being effective. In their view, CO_2 was not technically a pollutant and therefore had no place in the MARPOL Convention. Concern was also expressed over the maturity of the measures and a number of delegations advocated that further development was needed, followed by a suitable period for trials and testing, before consideration of mandatory measures would commence. A number of delegations supported the further development of the energy efficiency measures but objected to considering such measures as mandatory.

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

4.31 The delegation of Vanuatu suggested an alternative approach for IMO to provide a short-term contribution to reducing GHG emissions from vessels. It stated that the possibility exists to reduce vessel emissions of Methane from marine sanitary devices. Since Methane has a warming potential approximately 20 times as effective as CO_2 in the atmosphere, even just flaring these gases would provide a beneficial result. It had been shown that Methane in the atmosphere eventually decays to CO_2 anyway, so doing this would not result in *additional* CO_2 in the atmosphere. As a longer term policy, IMO could consider what some cruise ships are already currently trialling; that is, using Methane to power auxiliary machinery. IMO could possibly follow this trend in requiring the used Methane-supplemental power generation concepts as a vehicle for pursuing GHG "indulgences" if emissions trading or other market-based schemes come to fruition. Currently the technology does exist that could make use of even smaller vessels to install Methane power-cell generators. Cruise ships and livestock carriers could probably, even now, generate enough power to significantly supplement hotel load power generation.

Intervention by the Secretary-General

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

> "The Committee will recall that, in suggesting, in my opening speech yesterday, the objectives we should aim at achieving, I proposed that we should finalize the technical and operational measures we have been working on for some considerable time – by approving them, as amendments to MARPOL Annex VI, at this session of the Committee and adopting them at the September/October session.
>
> I did so within my assessment of the overall situation, in which I had taken into account, with due care and concern, not only the technical but also the political aspects of the matter, especially, the need to ensure that IMO's response to present and real issues of global nature, such as climate change, should be timely and appropriate.
>
> I have no doubt that the Committee Members know and understand fully the repercussions, time-wise, of a decision not to seek cover under MARPOL Annex VI but, instead, to opt for a stand-alone instrument.
>
> I do understand the argumentation behind this Organization's decision to go for a new instrument in the case of the BWM and Ship Recycling Conventions, as articulated by the delegation of India.
>
> And I do understand and respect the legal concerns at national level invoked by the delegation of China.
>
> At the same time, I hope that the Committee would duly appreciate that, in suggesting the Annex VI avenue I did yesterday, I would not risk advising the Committee to do something, which would eventually jeopardize the Organization's credibility in case it had, for well-meant reasons, opted for a solution the legal grounds of which would be questionable.
>
> It is for this reason that I asked the Legal Office to consider the issue and advise the Committee whether there was any legal barrier to the Annex VI Parties agreeing to expand the scope of Annex VI to accommodate the proposed technical measures.
>
> Mr. Young, Deputy Director of the Legal Office, has, together with Dr. Balkin, examined the issue and is here to advise the Committee."

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

> "The basic amendment procedures are set out in article 16 of MARPOL 1973 (extended by article VI of the 1978 Protocol). Article 16(2)(iii) allows for tacit acceptance of amendments to an Annex adopted after consideration by the Organization.
>
> The 1997 Protocol added Annex VI to the MARPOL Convention and provided, in article 4, that "In applying article 16 of the Convention to an amendment to Annex VI

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

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

Taking into account the fact that Assembly resolution A.963(23) noted that resolution 8 of the 1997 Air Pollution Conference "invited the MEPC to consider what CO_2 reduction strategies may be feasible given the relationship between CO_2 and atmospheric pollutants, especially NO_x, since NO_x emissions may exhibit an inverse relationship to CO_2 reductions", a sound substantial relationship would appear to be established between the proposal and the current Annex VI. This can be said to meet part (a) of the test under paragraph (7) of article 16.

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

As a further example, the term "Harmful substance" is defined in the Convention as meaning "any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life", etc. It may be recalled that resolution 8 of the 1997 Air Pollution Conference recognized that "CO_2 emissions, being greenhouse gases, have an adverse effect on the environment". Therefore, the harmful impact, as required under MARPOL, would appear to be an accepted fact for purposes of the present discussion. Furthermore, the fact that the MARPOL definition refers to substances "introduced into the sea" could have been used to prevent Annex VI itself from being adopted in 1997; the fact that the definition was not used in this way means that the Annex is its own precedent for using MARPOL to develop the current proposals.

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

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

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

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

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

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

Establishment of the Working Group on Energy Efficiency Measures for Ships

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

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

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

.6 in relation to making the SEEMP mandatory, consider the need for supporting guidelines, e.g., based on MEPC.1/Circ.683;

.7 review the method of calculation of the EEDI for other ship types and sizes than those referred to in paragraph 3.1 above; and

.8 submit a written report to plenary on Thursday, 25 March 2010."

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

Outcome of the Working Group on Energy Efficiency Measures for ships

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

.1 prepared a draft MEPC resolution to revise the form of Supplement to the International Air Pollution Prevention Certificate to clearly document which sulphur limit (1.00% or 0.10%) or which alternative means of compliance would be used when a ship was operating within an emission control area. To cover the interim period, between the entering into force of the revised MARPOL Annex VI (1 July 2010) and the effect of the proposed amendment, the group developed a draft MEPC circular for the Committee's consideration;

.2 also prepared a draft MEPC circular to provide information on CVOC systems to assist development of VOC management plans;

.3 reached agreement on the need for guidelines for calculating the EEDI baselines using data of existing ships in the Lloyd's Register Fairplay database;

.4 held extensive discussions in relation to making the EEDI and the SEEMP mandatory. The group had agreed on the basic concept of the requirements, that the attained EEDI shall be equal to or less than the required EEDI, and that the required EEDI shall be drawn up based on the EEDI baselines and the reduction rates (to be agreed). A draft text for mandatory requirements of the EEDI and the SEEMP was prepared, however, due to time constraints, the group could not completely finalize the draft text and it had still to determine the ship size, application dates and reduction rates for the requirement of the "attained EEDI ≤ required EEDI"; and

.5 taking into account the need for further improvement of the draft text for mandatory requirements of the EEDI and the SEEMP, and for development of relevant associated documents (e.g., guidelines for verification of the EEDI and development of the SEEMP), agreed to suggest to the Committee that it would be necessary to hold an intersessional working group meeting for energy efficiency measures for ships and that it had developed draft term of references for such a meeting.

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

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

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

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

> "Thank you Mr. Chairman,
>
> I wanted to address the issue of the basis on which decisions are made in this Organization and I consider this a very, very important matter. Those who have been associated with this Organization for a long time will be fully familiar with the efforts we always have made to strive to achieve consensus.
>
> Decisions made by consensus in this Organization stand good chances to be widely and effectively implemented. For the need and for the sake of succeeding in making decisions by consensus, sometimes it takes considerable time in making decisions, and this has, from time to time, given rise to people criticizing this Organization for being slow and, by implication, inefficient.
>
> In this Organization, we dislike taking a vote. Voting is divisive and one would ask what chances of implementation have the technical standards adopted in this Organization if the decision to introduce that standard has been made on a 51 to 49% basis. Sometimes, the decision, if consensus cannot be achieved, will have to be made in accordance with the Organization's well established and well functioning Rules of Procedure, meaning that decisions are made on a majority basis, which leads to the conclusion that whatever people may think, this is a democratically based Organization.
>
> Thank you Mr. Chairman."

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

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

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

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

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

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

Actions taken on the report of the working group

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

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

form of Supplement to the IAPP Certificate) (paragraph 4.3), as set out in annex 5;

.2 endorsed the group's recommendation that Member Governments be urged to use the revised form of the Supplement to the IAPP Certificate at the earliest available opportunity when issuing the Supplement in accordance with the revised MARPOL Annex VI and approved the MEPC circular for this purpose, as set out in annex 2 to MEPC 60/WP.9 (paragraph 4.4), and requested the Secretariat to disseminate it as MEPC.1/Circ 718;

.3 approved the MEPC.1/Circular on Technical information on the CVOC system, to assist development of the VOC management plan, as set out in annex 3 to MEPC 60/WP.9 (paragraph 5.3), and requested the Secretariat to disseminate it as MEPC.1/Circ.719;

.4 noted the guidelines for calculating the EEDI baselines using the data of existing ships in the LRFP database, as set out in annex 4 to MEPC 60/WP.9 (paragraph 6.19);

.5 endorsed the agreement of the group on the development of guidelines to support the regulatory framework for verification of the EEDI taking into account MEPC.1/Circ.682 (paragraph 7.7);

.6 endorsed the view of the group on the need for supporting guidelines, e.g., based on MEPC.1/Circ.683 (paragraph 8.2);

.7 noted that there are still unresolved issues on ship size, target dates and reduction rates in relation to the EEDI requirements (paragraphs 9.9, 9.11, 9.12 and 9.16);

.8 considered the draft text for mandatory requirements of the EEDI and the SEEMP, as set out in annex 5 to MEPC 60/WP.9, and agreed by majority that further work was needed and should expeditiously continue (paragraph 9.16); and

.9 agreed by majority to hold an intersessional working group meeting on further development of the energy efficiency measures for ships and also agreed by majority to the Terms of Reference for the meeting as set out in annex 6, and requested the Secretariat to make the necessary preparations and to issue the invitation circular as soon as possible.

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

Statements by the delegations of South Africa and India

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

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

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

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

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

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

Market-based instruments

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

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

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

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

Chairman's proposal for further progress

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

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

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

Methodology for feasibility studies and impact assessments

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

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

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

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

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

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

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

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

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

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

Selection of MBM proposals for review

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

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

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

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

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

Terms of Reference for the feasibility study and impact assessment

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

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

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

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

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

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

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

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

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

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

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

Statements by a number of delegations

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

Remarks by the Secretary-General

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

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

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

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

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

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

Legal aspects and application principles

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

Information documents on GHG issues

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

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

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

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

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

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

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

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

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

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

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

MEPC 60/WP.6 by the Secretariat, containing communication with the IPCC on CO_2 Conversion Factors (that would be taken into account by the working group).

Reduction targets for international shipping

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

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

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

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

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

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

Other GHG issues – Black carbon and the Arctic

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

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

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

5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

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

.1 MARPOL Annex I on the use or carriage of oils in the Antarctic area (MEPC 59/24, paragraph 10.20 and annex 28); and

.2 MARPOL Annex VI on the North American Emission Control Area (MEPC 59/24, paragraph 4.32.13 and annex 11).

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

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

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

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

.1 establish a ban on the use or carriage as cargo of heavy grade oils;

.2 make an exception for SAR and salvage vessels; and

.3 determine that cleaning of tanks/piping if heavy grade oil was carried previously is not required.

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

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

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

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

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

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

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

Establishment of the Drafting Group

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

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

.1 review and finalize the texts of the draft amendments to MARPOL Annex I (Use or carriage of oils in the Antarctic area) and MARPOL Annex VI (North American Emission Control Area);

.2 prepare two draft MEPC resolutions for adoption of the two sets of amendments to MARPOL Annex I and Annex VI, respectively; and

.3 submit a written report to the plenary on Thursday, 25 March 2010."

[1] See paragraph 4.53 of this report.

Report of the Drafting Group and action taken by the Committee

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

.1 with regard to the draft amendments to MARPOL Annex I, the Drafting Group had included, in the final sentence of draft regulation 43.1, a reference to the definition of the "Antarctic area" contained in MARPOL Annex I, regulation 1.11.7;

.2 in respect of the draft amendments to MARPOL Annex VI, the Drafting Group had used document MEPC 60/5/2 as the base text, and had noted the confirmation by the delegations of Canada and the United States that their Administrations had carefully checked the coordinates of the North American Emission Control Area, as shown in the draft amendments;

.3 noting that these coordinates were based on the "North American Datum of 1983/World Geodetic System 1984 (NAD83/WGS84)", the Drafting Group had deleted this reference from the text of the draft amendments, as no source references for coordinates are recorded in the MARPOL Convention describing sea areas (e.g., "Special Areas" under Annex I). The Drafting Group agreed to recommend that, after adoption of the amendments by the Committee, this reference should be included in an MEPC circular with information on the North American Emission Control Area, together with a map; and

.4 the Drafting Group also agreed to recommend that the draft Appendix VII should be used solely to describe the coordinates of the North American Emission Control Area. In this way, the Committee would have the freedom, if a new ECA is proposed in the future, to consider only an amendment to the relevant regulations, or to add another appendix to the revised MARPOL Annex VI, depending on the length of the coordinates of such an ECA.

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

.1 endorsed the recommendation to use the draft Appendix VII to MARPOL Annex VI solely for describing the coordinates of the North American Emission Control Area;

.2 confirmed the dates in both draft MEPC resolutions concerning the "deemed acceptance" (1 February 2011) and "entry into force" (1 August 2011) of the new amendments, in accordance with articles 16(2)(f)(iii) and 16(2)(g)(ii), respectively, of the 1973 MARPOL Convention;

.3 adopted, by resolution MEPC.189(60), amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Addition of a new chapter 9 to MARPOL Annex I), as set out in annex 10;

.4 adopted, by resolution MEPC.190(60), amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (North American Emission Control Area), as set out in annex 11;

.5 instructed the Secretariat to check the amendments carefully for any editorial omissions and, if necessary, insert these in the final text of the amendments; and

.6 instructed the Secretariat also to prepare and disseminate an MEPC circular in relation to paragraph 5.12.3, as shown above.

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

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

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

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

Proposed amendments to MARPOL Annex IV

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

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

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

.1 eutrophication, caused by high inputs of nutrients (nitrogen and phosphorus), is the major threat to the Baltic Sea;

.2 although nutrient discharges into the sea come mainly from land-based sources, shipping, especially passenger ships, are a cause for concern since they use basically the same routes and the burden of sewage discharges is concentrated in restricted areas;

.3 the Baltic Sea is quite shallow and, due to the very slow water exchange rate (3% per year), nutrient inputs have a long-lasting effect on the entire sea. Ice conditions over winter also add up to this burden;

.4 an Action Plan for the restoration of the Baltic Sea, approved by the Baltic Sea States in 2007, provides a holistic approach to address eutrophication from both land-based and shipping sources;

.5 the proposal to include the concept of Special Areas in the text of MARPOL Annex IV and designate the Baltic Sea as such an Area did not entail a ban on the operation of passenger ships in the Baltic Sea, but rather was aimed at setting up strict standards for the discharge of sewage from those ships, which would otherwise have the option to deliver their sewage to port reception facilities; and

.6 regarding the availability of adequate port reception facilities in the area, the Baltic Sea States were working at present to improve the situation, by targeting the top five passenger ports where 80% of ship-source sewage is discharged.

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

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

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

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

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

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

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

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

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

.1 the restrictions on the discharge of sewage would apply to passenger ships only, which appeared to be inconsistent with MARPOL regulations that, generally, apply to all ships, or to oil tankers, depending on the scope of specific regulations;

.2 the more stringent standards concerning nutrient concentration in the effluent, proposed for sewage treatment plants on board passenger ships, posed doubts as to the existence of such equipment for installation on board ships; and

.3 the proposal lacked the provision (present in other MARPOL Annexes) that the amendments would not enter into force until the concerned Parties had notified the Organization of the existence of adequate port reception facilities with sufficient capacity for accepting large quantities of sewage from passenger ships. Regulation 5(4)(b) of MARPOL Annex V was cited as appropriate text with necessary changes for inclusion in the proposed amendments in that respect.

Procedural concerns

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

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

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

Chairman's summing-up

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

.1 adequacy of port reception facilities for large quantities of sewage from passenger ships in all relevant ports in the area;

.2 availability of sewage treatment plants capable of dealing with the strict standards proposed for nutrient content in the effluent;

.3 proposed application to passenger ships only; and

.4 inclusion of appropriate provisions in the proposed amendments that the taking effect of the discharge requirements within the new Special Area would not occur until the Baltic States had communicated to the Organization the existence of adequate reception facilities.

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

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

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

Proposed amendments to MARPOL Annexes I and II

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

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

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

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

.1 the issue of MARPOL Annex II pre-wash requirements at the port of unloading was not adequately addressed in the proposed amendments. In particular, no allowances should be made in respect of one of the strongest requirements in Annex II concerning the obligation to perform pre-wash operations for certain cargoes in the unloading port;

.2 consideration should be given to the possible need to amend Article 11(d) of the 1973 MARPOL Convention in order to authorize Regional arrangements for port reception facilities;

.3 regional arrangements should be established only in small island developing States for which these arrangements had been first considered with a view, *inter alia,* to encourage accession to MARPOL to those States that might have difficulties in providing reception facilities as a fundamental obligation for MARPOL Parties; and

.4 concerns were expressed on the possible need to deviate from their commercial route for ships to be able to deliver their wastes to port reception facilities forming part of a regional scheme.

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

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

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

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

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

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

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

Proposed amendments to MARPOL Annex III

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

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

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

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

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

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6.35 In the course of the debate, the following views were expressed, *inter alia*:

.1 on the issue of a possible ban on discharge of hold wash water within Special Areas, it was suggested that the best approach would be to specify those cargoes whose discharge was not allowed. In any case, the criteria set up in document MEPC 55/6/3 (Norway) could be used as guidance;

.2 regarding the question of vessel length requiring placards (either 10 or 12 metres), there was no conclusive view of the Committee;

.3 the possible categorization of animal carcasses as garbage, or spoiled cargo, as well as its possible incineration on board for health and safety reasons, spurred a lively debate, again without a conclusive view;

.4 some delegations supported a total ban on the discharge of incinerator ashes while others could not agree to an outright prohibition;

.5 the term "small amounts" should be understood as those remnants of cargo left on deck and inside the hold after sweeping; and

.6 the discharges of food waste in the Antarctic area should be prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IMO Manual on Oil Pollution, Section I

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

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

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

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

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

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

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

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

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

.1 endorsed the work carried out by the Group in finalizing the draft oil spill waste management decision support tool as international guidance;

.2 noted that the finalized draft of the revised Manual on oil pollution, Section I – Prevention would be submitted to MEPC 61 (see paragraph 6.51);

.3 approved the checklist for new manuals, guidance documents and training materials, set out in annex 1 to MEPC 60/WP.1;

.4 noted the progress made in the revision of the joint IMO/IPIECA guidance on sensitivity mapping for oil spill response;

.5 noted that the Manual on Incident Management Systems would be submitted to MEPC 61 for approval;

.6 noted the progress made on the Manual on chemical pollution to address legal and administrative aspects of HNS and the operational guide on the use of sorbents;

.7 noted the Group's consideration of ISCO's progress in developing an accreditation scheme for the independent training and accreditation of inland spill response contractors while, at the same time, being aware that ISCO was not seeking the endorsement of the Committee nor the Technical Group for this work;

.8 noted the format and structure of the web pages, included on the REMPEC website, for hosting the inventory of information resources on OPRC/HNS-related information being developed by the Group;

.9 concurred with the Group's proposal to include a review of proposed new web page content, as a regular item on the agenda of the Technical Group;

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

.11 concurred with the proposed follow-up actions and outcomes of the Fourth R&D Forum;

.12 noted the Group's progress in developing Technical guidelines on sunken oil assessment and removal techniques;

.13 approved the revised work programme of the OPRC-HNS Technical Group and provisional agenda for the eleventh meeting of the Group (TG 11), set out at annexes 12 and 13, respectively; and

.14 approved the scheduling of the eleventh session of the OPRC-HNS Technical Group in the week prior to MEPC 61.

Aerial observation of oil pollution at sea – operational guide

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

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

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

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

Report on implementation of the OPRC Convention in ROPME Member States

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

Regional Joint OSR-SAR Exercise in the Caspian Sea

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

.1 adopted resolution MEPC.191(60), on the establishment of the date on which regulation 5(1)(h) of MARPOL Annex V in respect of the Wider Caribbean Region as a Special Area shall take effect, as set out in annex 14 to this report;

.2 agreed that the date on which the discharge requirements for the Wider Caribbean Region Special Area should take effect is 1 May 2011; and

.3 requested the Secretary-General to notify, in conformity with regulation 5(4)(b) of MARPOL Annex V, all Parties to the Annex, of the aforementioned decision by 30 April 2010.

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

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

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

.1 approved the amendments to annex 2 of resolution MEPC.121(52) concerning the Western European Waters PSSA, as set out in annex 27 to its report (MEPC 59/24); and

.2 noted that consequential amendments to the appendix of annex 3 of resolution MEPC.121(52) would be considered by NAV 55, the outcome of which would be reported to MEPC 60 for consideration.

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

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

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

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

9 INADEQUACY OF RECEPTION FACILITIES

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

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

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

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

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

10 REPORTS OF SUB-COMMITTEES

OUTCOME OF DSC 14

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

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

.1 to revise the criteria defining marine pollutants in MARPOL Annex III so as to bring them in line with the recently revised Globally Harmonized System (GHS) criteria; and

.2 to revise certain documentation provisions in MARPOL Annex III in order to align them with proposed amendments to SOLAS regulation VII/4.

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

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

OUTCOME OF BLG 14 AND DE 53

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

11 WORK OF OTHER BODIES

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

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

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

OUTCOME OF C/ES.25

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

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

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

.1 the adoption of amendments to MARPOL Annex I on oil cargo transfer between oil tankers at sea and onboard management of oil residue (sludge);

.2 the progress made and decisions taken concerning the control of GHG emissions from ships;

.3 the approval of the North American Emission Control Area under MARPOL Annex VI, for adoption at MEPC 60, and approval of six guidelines to facilitate implementation of the revised MARPOL Annex VI;

.4 various BWM Convention-related actions;

.5 the actions pursuant to the adoption of the 2009 Hong Kong Convention; and

.6 the action taken concerning the role of the human element.

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

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

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

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

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

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

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

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

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

OUTCOME OF A 26

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

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

.1 the progress made in taking follow-up actions to resolution A.963(23) on IMO policies and practices related to reduction of greenhouse gas emissions from ships; and that MEPC 59 had developed the technical and operational guidelines regarding the Energy Efficiency Design Index, Energy Efficiency Management Plan and Energy Efficiency Operational Indicator and had agreed to circulate them for trial purposes, or for voluntary implementation, by ships engaged in international trade;

.2 that the Committee had adopted a revised MARPOL Annex VI and NO_x Technical Code (both of which are expected to enter into force on 1 July 2010) and had approved or updated a number of MEPC circulars and guidelines to facilitate their implementation;

.3 the ongoing work concerning the BWM Convention, including completion of the task to develop 14 sets of guidelines for its uniform implementation; that basic or final approval had been granted to 17 ballast water management systems as a whole; and that MEPC 59, having reviewed the issue, had concluded that there would be sufficient type-approved ballast water treatment technologies for ships constructed in 2010;

.4 that, following the adoption of the International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (Hong Kong Convention), MEPC 59 had adopted a method for calculation of recycling capacity for meeting the entry-into-force conditions of the Convention and the Guidelines for the development of the inventory of hazardous materials; and

.5 the designation of the Papahānaumokuākea Marine National Monument (Hawaii Islands) as a PSSA; and the establishment of the date of 1 May 2009 for the Mediterranean Sea Special Area under MARPOL Annex V to take effect.

Resolutions adopted by the Assembly

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

.1 resolution A.1019(26) − Amendments to the Code for the implementation of mandatory IMO instruments, 2007;

.2 resolution A.1020(26) − Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2007;

.3 resolution A.1021(26) − Code on alerts and indicators, 2009;

.4 resolution A.1022(26) − Guidelines on the implementation of the ISM Code by Administrations; and

.5 resolution A.1024(26) − Guidelines for ships operating in polar waters.

Strategy and Planning

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

.1 resolution A.1011(26) − Strategic Plan for the Organization (for the six-year period 2010-2015);

.2 resolution A.1012(26) − High-level Action Plan of the Organization and priorities for the 2010-2011 biennium; and

.3 resolution A.1013(26) − Guidelines on the application of the Strategic Plan and High-level Action Plan of the Organization.

Action taken by the Committee

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

.1 noted the approval by the Assembly of the reports of the Committee on its fifty-seventh, fifty-eighth and fifty-ninth sessions, as presented in document A 26/12;

.2 noted the requests by the Assembly of the Committee, as contained in resolutions A.1019(26), A.1020(26), A.1021(26), A.1022(26) and A.1024(26); and

.3 noted the requests by the Assembly of the Committee, as contained in resolutions A.1012(26) − High-level Action Plan of the Organization and priorities for the 2010-2011 biennium; and A.1013(26) − Guidelines on the application of the Strategic Plan and High-level Action Plan of the Organization.

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

.1 consider in detail the consolidated audit summary report contained in document A 26/9/1;

.2 consider how to make the Code for implementation of mandatory IMO instruments mandatory, including provisions for auditing; and

.3 report to MEPC 61 for further consideration by the Committee in connection with the "Timeframe and schedule of activities to institutionalize the IMO Member State Audit Scheme" annexed to resolution A.1018(26), so that the Committee can report to the Council and the Assembly, in due course, on the outcome of its consideration.

12 STATUS OF CONVENTIONS

12.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection at 15 December 2009 (MEPC 60/12) as follows:

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

.2 annex 2 showing the status of MARPOL;

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

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

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

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

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

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

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

.1 Brazil had deposited its instrument of accession to MARPOL Annex VI on 23 February 2010.

.2 with regard to annex 4 on the status of the 1990 OPRC Convention:

.1 Benin had deposited its instrument of accession on 5 February 2010;

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

.1 Singapore had deposited its instrument of accession on 31 December 2009; and

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

.1 the Cook Islands had deposited its instrument of accession on 2 February 2010.

13 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS

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

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

14 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS

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

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

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

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

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

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

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

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

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

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

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

.2 with respect to the OPRC Convention 1990, the Organization continued its fruitful cooperation with the oil and shipping industries and, in particular, under the framework of the IMO/Oil Industry Global Initiative (GI), such as the IMO-Industry funded GI Project for the West and Central Africa; and

.3 with regard to the ongoing work of the Organization for the development of the project concept to build capacity in developing countries to address greenhouse gas emissions (GHG) from ships, the Committee was informed that further progress was made in the form of a preliminary project concept paper developed by the Marine Environment Division and shared with the European Commission (EC). Crucial for the commitment of the EC to provide support is the expression of interest by countries which could be beneficiaries to express their support for this capacity-building initiative on GHGs. The Committee noted that, at present, five expressions of interest had been received by the Secretariat from IMO Member States who might benefit from the project.

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

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

.1 the programme is based on identified regional needs and thematic priorities established by the relevant IMO Committees and on donor priorities;

.2 since MEPC 57, over one hundred marine environment-related activities have been developed and implemented through the joint efforts of the Marine Environment Division (MED), TCD, the IMO regional presence offices in Africa, Asia and the Caribbean and the IMO technical co-operation partners. A delivery rate of 97% of the ITCP for 2008-2009 was achieved with a further 70 *ad hoc* activities implemented at the request of the IMO Member States;

.3 the new ITCP for 2010-2011, comprising 14 programmes, was approved by the fifty-ninth session of the Technical Co-operation Committee (TCC), one thematic priority of which relates to capacity-building for uniform application of IMO's policy on greenhouse gas emissions. More than 50% of the allocated funding for the new ITCP is earmarked for activities related to the protection of the marine environment; and

.4 following the adoption by the IMO Assembly at its twenty-fifth session of resolution A.1006(25) on the "linkage between the ITCP and the Millennium Development Goals (MDGs)", the new ITCP made provision for the implementation of MDG 7 – Ensure environmental sustainability.

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

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

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

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

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

.1 under the Marine Electronic Highway Project, a hydrographic survey was currently being conducted at the upper part of the Traffic Separation Scheme (TSS), around One Fathom Bank in the Straits of Malacca and Singapore covering an area of 621.3 square kilometres, representing 14.38% of the total TSS area. The multibeam sonar survey had commenced on 9 February 2010 by a private contractor (GEMS Survey Limited) in close collaboration with the littoral States of Indonesia, Malaysia and Singapore. The Committee noted that the planned completion date for the field survey was now set for the end of March 2010;

.2 with regard to the SAFEMED Project, the main objective of which was to mitigate the existing imbalance in the application of maritime legislation in the Mediterranean region between the EU and non-EU Mediterranean partners, the Committee noted that, following an extension of six months, the project was concluded on 30 June 2009 and all its tasks were successfully implemented. In view of the achievements of the SAFEMED Project, referred to as "SAFEMED I", the European Commission and the Mediterranean partners had agreed to launch a second EU-financed MEDA regional SAFEMED Project (SAFEMED II), which builds upon the work carried out through SAFEMED I, introducing new elements such as cooperation on PSC and procurement of VTMIS equipment, etc. The Committee expressed appreciation to REMPEC for their efforts in successfully implementing the two projects under the administrative oversight and technical backstopping from the Secretariat; and

.3 under the GEF/UNDP/IMO GloBallast Partnerships, several major technical co-operation activities were undertaken during the period under review. The Project builds on the very successful GloBallast Pilot Project and aims to assist participating developing countries to enact, through effective

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

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

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

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

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

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

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

16 ROLE OF THE HUMAN ELEMENT

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

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

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

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

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

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

17 FORMAL SAFETY ASSSESSMENT

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

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

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

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

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

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

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

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

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used to generate the CATS value may not be appropriate, resulting in a low CATS value;

.2 apparent agreement had also been reached on the frequency matrix in the Hazid step, which was being proposed to be the same as in the safety FSA;

.3 consensus had been achieved on the issues pertaining to the collection and reporting of relevant data; and

.4 draft TORs were developed for the working group for consideration by the Committee when establishing the Working Group.

Establishment of the Working Group on Environmental Risk Evaluation Criteria

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

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

.1 recommend in Step 4 of the FSA an appropriate volume-dependent CATS global threshold scale or function for ascertaining if a specific Risk Control Option (RCO) is cost-effective, including its integration within the FSA methodology;

.2 recommend a way of combining environmental and safety criteria for those RCOs that affect both environmental and fatality risk;

.3 conclude on an appropriate risk matrix or index for environmental criteria;

.4 recommend an appropriate ALARP region and F-N diagram, including an appropriate value for the slope of the F-N curve;

.5 address the issue of collection and reporting of relevant data; and

.6 submit a written report to plenary for consideration on Thursday, 25 March 2010."

Report of the Working Group on Environmental Risk Evaluation Criteria

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

.1 noted the progress made in determining a CATS criterion;

.2 urged Member Governments/organizations to verify and adjust as necessary the proposed regression formula and to submit the data for each cost component and the results of the analysis for consideration by the Committee;

.3 invited Member Governments and interested organizations to use the non-linear cost function in FSA studies with a view to gain experience with its application and provide information to the Organization which may help to improve the proposed functions;

.4 noted the options proposed for environmental and safety criteria for those RCOs that affect both environmental and safety risk;

.5 endorsed the Group's view on using the Frequency Matrix already in use for the safety FSA methodology;

.6 noted the progress made in determining the appropriate severity and risk indices as well as an ALARP region and F-N diagram;

.7 endorsed the Group's view that the severity index needs to be consistent with the CATS function;

.8 endorsed the Group's views on the collection and reporting of relevant data for environmental FSAs; and

.9 endorsed the Group's request regarding the proposed arrangements in order to complete the methodology, including re-establishment of the correspondence group to continue working in line with its Terms of Reference (see MEPC 59/24, paragraph 17.8) and a working group at MEPC 62.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

.2 submit a further report to MEPC 61.

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

19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dates for MEPC 61, MEPC 62 and MEPC 63

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

Working/review/drafting groups at MEPC 61

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

.1 Working Group on Energy Efficiency Measures for Ships;

.2 Working Group on Ship Recycling;

.3 Review Group on Ballast Water Technologies; and

.4 Drafting Group on Amendments to Mandatory Instruments.

Correspondence Groups

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

.1 Correspondence Group on Review of MARPOL Annex V;

.2 Correspondence Group on Ship Recycling Guidelines;

.3 Correspondence Group on Environmental Risk Evaluation Criteria; and

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

Intersessional meetings

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

.1 OPRC/HNS Technical Group, to be held in the week before MEPC 61 in September 2010, which should report to MEPC 61;

.2 ESPH Working Group to be held from 18 to 22 October 2010; and

.3 Working Group on Energy Efficiency Measures for Ships.

20 APPLICATION OF THE COMMITTEES' GUIDELINES

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

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

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

21 ANY OTHER BUSINESS

Amendments to the Rules of Procedure of the Committee

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

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

"Rule 4

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

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

"Rule 4

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

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

Environmental aspects of polar shipping

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

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

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

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

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

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

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

Addressing Marine Pollution from Oil-based Lubricants during Normal Operations

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

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

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

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

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

The Secretary-General's closing remarks

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

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INTERNATIONAL MARITIME ORGANIZATION

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MARINE ENVIRONMENT PROTECTION COMMITTEE
60th session
Agenda item 22

MEPC 60/22/Add.1
17 June 2010
Original: ENGLISH

REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE ON ITS SIXTIETH SESSION

Addendum

At the end of the Statement by the delegation of Spain (MEPC 60/22, annex 4, page 1), the following text is added:

> "The European Union Member States encourage the Committee to undertake an analysis of ambitious and realistic global reduction levels for the sector in order to provide input to the UNFCCC process prior to COP 16. In this context, it is recalled that the conclusions adopted by the Council of the European Union on 21 October 2009 considered inter alia that for negotiating purposes at COP 15, global reduction targets for greenhouse gas emissions from international maritime transport should be set by UNFCCC to 20 per cent for the maritime sector below 2005 levels by 2020 to be implemented globally in a manner that ensures a level playing field and reaffirmed that, in this context, the EU supports the use of global market-based instruments to reduce emissions from this sector and that such instruments should be developed within IMO.
>
> Finally, and in line with the work plan for further consideration of market-based measures agreed at MEPC 59, the European Union Member States consider that we should now work without delay to ensure that MEPC 62 approves a robust and environmentally effective market-based measure to complement energy efficiency measures and identifies a clear timetable for its development and introduction. This market-based measure could generate innovative funds to tackle climate change."

MARINE ENVIRONMENT PROTECTION COMMITTEE
60th session
Agenda item 22

MEPC 60/22/Corr.1
26 May 2010
ENGLISH ONLY

REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE ON ITS SIXTIETH SESSION

Corrigendum

Paragraph 4.79 on page 40 of document MEPC 60/22 is replaced by the following*:

"4.79 The Committee agreed, pending any relevant submissions, that policy issues, including the principle of CBDR, should be debated at the next session."

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* The text is redrafted in accordance with the Chairman's summary as contained in the audio transcript of the plenary session.

MARINE ENVIRONMENT PROTECTION COMMITTEE
61st session
Agenda item 24

MEPC 61/24
6 October 2010
Original: ENGLISH

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

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1 INTRODUCTION

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

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

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

UKRAINE
UNITED KINGDOM
UNITED REPUBLIC OF TANZANIA
UNITED STATES
VANUATU
VENEZUELA (BOLIVARIAN REPUBLIC OF)

the following Associate Member of IMO:

HONG KONG, CHINA

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

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
WORLD METEOROLOGICAL ORGANIZATION (WMO)
INTERNATIONAL LABOUR ORGANIZATION (ILO)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)
THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE MEDITERRANEAN SEA (REMPEC)
REGIONAL ACTIVITY CENTER/REGIONAL MARINE POLLUTION EMERGENCY, INFORMATION AND TRAINING CENTER, WIDER CARIBBEAN (RAC/REMPEITC-CARIB)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)
THE BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION (HELSINKI COMMISSION)
INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE ENVIRONMENT (ROPME)
COMMISSION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC (OSPAR COMMISSION)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
REGIONAL ORGANIIZATION FOR THE CONSERVATION OF THE ENVIRONMENT OF THE RED SEA AND THE GULF OF ADEN (PERSGA)
COMMISION ON THE PROTECTION OF THE BLACK SEA AGAINST POLLUTION (BSC)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
COMITÉ INTERNATIONAL RADIO-MARITIME (CIRM)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)

INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
INTERNATIONAL GROUP OF P & I ASSOCIATIONS (P & I CLUBS)
THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS LIMITED (SIGTTO)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)
WORLD WIDE FUND FOR NATURE (WWF)
ASSOCIATION OF EUROPEAN MANUFACTURERS OF INTERNAL COMBUSTION ENGINES (EUROMOT)
INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENTAL CONSERVATION ASSOCIATION (IPIECA)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY (IMarEST)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (INTERMANAGER)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL PAINT AND PRINTING INK COUNCIL (IPPIC)
INTERNATIONAL SPILL CONTROL ORGANIZATION (ISCO)
WORLD SHIPPING COUNCIL (WSC)
NACE INTERNATIONAL
THE NAUTICAL INSTITUTE (NI)
PACIFIC ENVIRONMENT
CLEAN SHIPPING COALITION (CSC)

1.3 The Chairman of the Council, Mr. Jeffrey G. Lantz (United States); the Chairman of the Maritime Safety Committee (MSC), Mr. Neil Frank R. Ferrer (Philippines); the Chairman of the Technical Co-operation Committee (TCC), R. Adm. Giancarlo Olimbo (Italy); the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Sveinung Oftedal (Norway); the Chairman of the Sub-Committee on Ship Design and Equipment (DE), Dipl.-Ing. Anneliese Jost (Germany) and the Chairman of the Sub-Committee on Flag State Implementation (FSI), Capt. Dwain Hutchinson (Bahamas) were also present.

The Secretary-General's opening address

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

Chairman's remarks

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

"Deepwater Horizon" accident and the subsequent pollution

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

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

Adoption of the agenda

1.8 The Committee adopted the agenda (MEPC 61/1) and agreed to be guided during the session by the provisional timetable (MEPC 61/1/1, annex 2) on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 61/INF.28.

Credentials

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

2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

2.1 The Committee recalled that the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" (BWM Convention) had been open for accession by any State since 31 May 2005 and noted that four more States (Brazil, Canada, Croatia and the Netherlands) had acceded to the Convention since the last MEPC session, which brought the number of contracting Governments to 27, representing 25.32% of the world's merchant fleet tonnage. The Committee urged the other Member States to ratify the Convention at their earliest possible opportunity.

ESTABLISHMENT OF THE BALLAST WATER REVIEW GROUP

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

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

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

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

Basic Approval

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

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

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

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

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

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

Final Approval

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

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

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

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

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

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

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

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

Future meetings of the GESAMP-BWWG

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

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

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

Other matters emanating from the GESAMP-BWWG meetings

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

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

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

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

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

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

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

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

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

REVIEW OF THE STATUS OF BALLAST WATER TREATMENT TECHNOLOGIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FURTHER INSTRUCTIONS FOR THE BALLAST WATER REVIEW GROUP

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

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

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

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

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

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

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

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

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

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

CONSIDERATION OF THE REPORT OF THE BALLAST WATER REVIEW GROUP

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

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

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

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

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

Review of the availability of ballast water treatment technologies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Action taken by the Committee

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

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

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

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

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

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

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

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

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

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

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

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

3 RECYCLING OF SHIPS

3.1 The Committee noted that the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (the Hong Kong Convention) had been open for signature from 1 September 2009 until 31 August 2010. France, the Netherlands, Italy, Turkey and Saint Kitts and Nevis had signed the Convention subject to ratification. The Committee encouraged countries to ratify the Convention.

3.2 The Committee recalled that, since the adoption of the Hong Kong Convention, MEPC 59 had adopted the "Guidelines for the development of the Inventory of Hazardous Materials". Thereafter, MEPC 60 had agreed that three further guidelines should be developed in parallel (on facilities; on the Ship Recycling Plan; and on the authorization of the facilities) in view of the close interrelationship between them. MEPC 60 had also established a correspondence group on ship recycling guidelines.

Planning of the work

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

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

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

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

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

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

Development of the guidelines

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

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

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

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

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

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

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

3.8 The Committee agreed to instruct the working group on guidelines for ship recycling to consider the report of the intersessional correspondence group (MEPC 61/3) as a basis for the further development of the "Guidelines for safe and environmentally sound ship recycling" and the "Guidelines for the development of the Ship Recycling Plan", taking into account the discussion at the plenary.

3.9 The Committee also instructed the working group to commence work on the "Guidelines for the authorization of Ship Recycling Facilities", using as a basis for the text proposed by France, Germany and Turkey (MEPC 61/3/1).

Promotion of technical cooperation and assistance

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

Proposed amendments to the Inventory Guidelines

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

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

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

Other matters

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

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

Establishment of the Working Group on Guidelines for Ship Recycling

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

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

Report of the Working Group on Guidelines for Ship Recycling

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

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

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

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

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

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

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

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

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

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

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

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

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

4 PREVENTION OF AIR POLLUTION FROM SHIPS

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

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

Outcome of BLG 14

Guidelines for certification of marine diesel engines fitted with SCR systems

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Extension of the target completion date

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

Guidelines for Exhaust Gas Cleaning Systems (EGCS)

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

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

Specification of marine fuels

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

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

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

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

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

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

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

.3 no relevant parameter exists for combustion characteristics;

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

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

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

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

Consideration of fuel availability

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

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

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

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

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

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

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

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

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

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

.1 the addition of new ECAs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ozone-depleting substances and coordination with UNEP

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

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

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

Consideration of IACS unified interpretation on VOC management plans

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

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

World Ports Climate Initiative (WPCI) launched by IAPH

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

Implementation of the revised MARPOL Annex VI

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

5 REDUCTION OF GHG EMISSIONS FROM SHIPS

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

Order of discussions

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

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

General statements

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

Information documents and working papers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Speed reductions

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

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

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

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

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

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

EEDI and SEEMP matters including instructions to the working group

5.17 The Committee noted that, at its last session, it had agreed by majority that MARPOL Annex VI was the appropriate vehicle for enacting energy efficiency requirements for ships and that the proposed measures were commensurate, timely and would assist the Organization in maintaining its leading position as the relevant body to regulate all aspects of international shipping – including emissions control (MEPC 60/22, paragraph 4.34).

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

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

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

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

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

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

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

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

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

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

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

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

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

Outcome of EE-WG 1

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

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

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

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

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

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

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

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

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

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

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

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

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

The use of correction factors in the EEDI

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

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

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

Safety issues related to the EEDI

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

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

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

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

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

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

Possible exemptions for ships trading to LDC and SIDS

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

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

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

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

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

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

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

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

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

Development of guidelines for CO_2 abatement technologies (chemical conversion)

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

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

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

Matters related to the Energy Efficiency Operational Indicator (EEOI)

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

Terms of Reference for the Working Group

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

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

Outcome of the Working Group on Energy Efficiency Measures for Ships

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Intervention by the Secretary-General

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Action taken on the report of the Working Group

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

.1 endorsed the view of the group that the review process 1 relating to consideration of the applicable requirements for the small ship segments should be started at the time of adoption of the instrument for implementation of the regulations on energy efficiency for ships (paragraph 4.6.5) and this review process 1 should also cover the proposal by Vanuatu (paragraph 4.24) in document MEPC 61/5/12;

.2 noted the view of the group that an unified interpretation of the term "substantially" in regulation 1 would facilitate the work of maritime Administrations and the intention of Germany to submit input for the interpretation to MEPC 62 (paragraph 4.27);

.3 noted the draft regulations on energy efficiency for ships, as set out in annex 1 to document MEPC 61/WP.10 (paragraph 4.35);

.4 noted the draft guidelines for calculation of reference lines for use with the energy efficiency design index and requested the Secretariat to calculate the reference line for each ship type (paragraph 5.3);

.5 noted the guidelines on survey and certification of the energy efficiency design index (paragraph 6.6); and

.6 agreed to establish an intersessional Correspondence Group on Energy Efficiency Measures for Ships* with the following terms of reference:

"The correspondence group on energy efficiency measures for ships is instructed, taking into account the agreement reached at MEPC 61, to:

.1 finalize the draft guidelines on the method of calculation of the attained energy design index for ships based on annex 2 to document MEPC 61/5/3, documents submitted to MEPC 61 and the agreement made in the EE-WG during MEPC 61;

.2 develop further the guidelines for SEEMP based on MEPC/Circ.684;

.3 develop a work plan with timetable for development of EEDI frameworks for ships not covered by the draft regulations and guidelines on the method of calculation of the attained energy design index for ships and for technologies in document MEPC 61/5/20; and

.4 submit a written report to MEPC 62.

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5.58 The Committee expressed appreciation and thanks to the Chairman and the members of the working group for the work done.

5.59 The delegations of China, Brazil, Ghana, the United Kingdom and India (listed in the order of interventions) proposed amendments to the Energy Efficiency Measures for Ships as contained in document MEPC 61/WP.10. As requested, these are set out in annex 5 to this report.

UNFCCC matters

5.60 The Committee recalled that, at MEPC 60, the Secretariat was requested to continue its cooperation with the UNFCCC Secretariat, by attending relevant UNFCCC meetings and reporting the outcome of IMO's work to such meetings. It also requested the Secretariat to continue reporting to the Committee on progress and developments within UNFCCC related to emissions from international maritime transport.

5.61 The Committee welcomed and noted the information provided in the Secretariat's report on UNFCCC and activities. On the outcome of the United Nations Climate Change Talks held in Bonn, Germany in May/June 2010 (MEPC 61/5/1), the Committee noted in particular that:

.1 The Secretariat had attended the meetings of the UNFCCC's subsidiary bodies that met during the UN Climate Change Talks, held in Bonn, Germany in May/June of this year. These had been the first meetings to engage in real negotiations after the Copenhagen Conference and the main meeting prior to COP 16/CMP 6, which will be held in Cancún, Mexico towards the end of the year.

.2 The Secretariat had submitted a document providing comprehensive information on the outcome of MEPC 60 on GHG issues to SBSTA 32 under agenda item 7 and to AWG-LCA 10 under its agenda item 3 and that this document was available for download from the UNFCCC website as indicated in paragraph 4.

.3 Noting the information that had been received from, and progress reported by, the Secretariats of ICAO and IMO on their ongoing work on emissions from their respective transport sectors as well as the views expressed by Parties on this information, SBSTA 32 had adopted a conclusion on emissions from fuel used for international aviation and maritime transport as indicated in paragraph 10 and invited the Secretariats of ICAO and IMO to continue to report at future sessions on relevant work and progress on this issue.

.4 The LCA Chair had issued an updated version of the text to facilitate negotiations at AWG-LCA 11, with text relevant to the Committee's work as indicated in paragraph 14.

5.62 On the outcome of the August session of the UNFCCC's *Ad Hoc* working groups, AWG-KP 13 and AWG-LCA 11 (MEPC 61/5/1/Add.1), the Committee noted in particular that:

.1 The second iteration of the text to facilitate negotiations that had been issued by the LCA Chair contained text relevant to the Committee's work on control of GHG emissions from international maritime transport as set out in annex 1.

.2 As described in paragraph 7, the Government of the Cook Islands had submitted a follow-up document to its proposal to AWG-LCA 10, which had attracted support from a number of Parties. Some Parties had proposed new text to be included, either for clarification or as alternative options.

.3 A new updated text had been issued during the meeting and was set out in annex 2. It included new and some old proposals by Parties and would be the basis for further consideration and negotiations when Parties met in Tianjin in China for AWG-LCA 12 (4 to 9 October 2010).

.4 There seemed to be general agreement among UNFCCC Parties that IMO is the appropriate international organization to develop and enact regulations aimed at controlling GHG emissions from international maritime transport. However, there were still three questions that needed to be resolved:

.1 should a reduction target be set for emissions from international shipping, and if so, what should the target be, how should it be articulated, and should it be set by UNFCCC or IMO?;

.2 should a new legally binding agreement or a COP decision state how revenues from a market-based instrument under IMO should be distributed and used (for climate change purposes in developing countries in general, for specific purposes only (e.g., adaptation) or in certain groups of developing countries (LDC and SIDS))?; and

.3 how should the balance between the basic principles under the two Conventions be expressed in the new legally binding agreement text or the COP decision (UNFCCC and its fundamental CBDR principle and, on the other hand, the IMO constitutive Convention with its non-discriminatory approach)?

5.63 The Committee requested the Secretariat to continue its well established cooperation with the UNFCCC Secretariat, by attending relevant UNFCCC meetings and bringing the outcome of IMO's work to the attention of the appropriate UNFCCC bodies and meetings. It also requested the Secretariat to continue reporting on progress and developments within UNFCCC related to emissions from international maritime transport and the work of the Committee, as appropriate.

5.64 In considering document MEPC 61/5/18 (Secretariat) on the High-level Advisory Group of the United Nations Secretary-General on Climate Change Financing, the Committee noted that:

.1 The Group had been established by the United Nations Secretary-General, Mr. Ban Ki-Moon to study potential sources of revenue for financing of climate change action in developing countries.

.2 The Advisory Group was expected to develop practical proposals on how to significantly scale-up long-term financing for mitigation and adaptation strategies in developing countries from various public and private sources in line with the Copenhagen Accord. Within the Group, the international civil aviation and maritime transport sectors were recognized as strong potential financial sources.

.3 AGF's Aviation and Maritime Revenues work stream was addressing three possible generic policy constructs – an emission trading scheme, a fuel levy and an aviation ticket tax, that may be used to raise revenues. The AGF report would make qualitative assessments of the policies against agreed criteria and also outline some quantitative analyses of the policies' revenue potential and their effect on the pattern of trade.

.4 The final report of the AGF would be submitted to the UN Secretary-General and to the current (Denmark) and next (Mexico) Presidents of the UNFCCC Conference of the Parties by November 2010. The Secretariat would provide AGF with the report to the sixty-second session of the Committee.

5.65 The Committee expressed its appreciation to the United Nations Secretary-General for his initiative to establish the AGF as making financing available to developing countries for mitigation and adaptation purposes was an urgent matter to support action on climate change. The Committee looked forward to receiving the final AGF report to its next session.

5.66 The Committee noted with interest an intervention by the UNFCCC representative on behalf of the UNFCCC Executive Secretary where he emphasized the suitability of IMO taking appropriate action prior to COP 16. The intervention is set out in annex 6.

Market-based measures (MBM) issues including the report of the Expert Group

5.67 The Committee noted that resolution A.963(23), on IMO policies and practices related to the reduction of greenhouse gas emissions from ships, urged the Committee to identify and develop the mechanisms needed to achieve limitation or reduction of GHG emissions from international shipping and to give priority to technical, operational and market-based solutions.

5.68 The Committee also noted that, at its fifty-ninth session, an in-depth debate on market-based measures had been held and that such measures could serve two main purposes: the offsetting of growing ship emissions, and the provision of incentives for the maritime industry. In addition, some of the proposed measures could generate funds which could be used for climate change actions in developing countries. The Committee, at its fifty-ninth session, had developed and adopted a work plan for further consideration of market-based measures (MEPC 59/24, annex 16).

5.69 The Committee acknowledged that, in addition to identifying a considerable reduction potential, the Second IMO GHG Study 2009 also concluded that market-based measures were cost-effective policy instruments with a high environmental effectiveness.

5.70 The Committee noted that the work plan for further consideration of market-based measures stated that "MEPC 60 would further consider the methodology and criteria for feasibility studies and impact assessments in relation to international shipping, giving priority to the overall impact on the maritime sectors of developing countries". MEPC 60 had agreed that an expert group was the best available solution to undertake the feasibility study and impact assessment of market-based mechanisms that had been called for by the work plan, and the Secretary-General had been requested to establish the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures (MBM–EG) in consultation with the Chairman.

5.71 The report of the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures, contained in document MEPC 61/INF.2, was presented at a special session in the Main Hall in the afternoon of Monday, 27 September.

5.72 The Committee considered document MEPC 61/5/39 by the Secretary-General, on the work of the MBM-EG, which, in addition to the executive summary of the report, summarized the background leading to the Group's establishment and the organization of its work. The Committee noted that:

> The Secretary-General had called upon Members and organizations to contribute towards funding of the work of the Group, and was grateful to those who responded positively to his request. The Committee expresses its profound appreciation to the donors.
>
> The Secretary-General was pleased that the Group had delivered its report on time, as requested by the Committee, and that it was able, in the limited time available, to address all of its terms of reference. He welcomed and appreciated the significant undertaking of assessing in detail the various proposals for possible market-based measures and congratulated the Group for providing a comprehensive and balanced study.
>
> The Secretary-General thanked all those involved in the work of the Group, individually and collectively, for their notable achievements and the well-balanced outcome. His special thanks went to the Chairman, Mr. Andreas Chrysostomou, as well as to the task-group leaders: Dr. Andrew Pankowski (Environment); Mr. Lars Robert Pedersen (Shipping and Maritime); Dr. Leigh Mazany (Impact on Trade and Development and Developing Countries); and Mr. Paul Sadler (and Mr. Gilberto Arias in Mr. Sadler's absence) (Administrative and Legal), for their dedication and hard work in responding to the Committee's expectations.

5.73 The Committee thanked all those involved in the work of the Expert Group and expressed its appreciation to those that had contributed financially to the exercise, namely the following Member States and observer organizations: Canada, Denmark, Germany, Norway, the United Kingdom, BIMCO, IACS, ICS, INTERCARGO, INTERTANKO, IPTA, OCIMF and World Shipping Council.

5.74 The Committee noted the following corrections to documents MEPC 61/INF.2 and MEPC 61/5/39:

.1 Paragraphs 1.56 and 20.4 in MEPC 61/INF.2 and paragraph 56 in MEPC 61/5/39 should be replaced by:

"The Group reached its conclusions by consensus apart from a few instances where the evaluation of legal, administrative and other aspects led to different views as captured in the report."

.2 The heading of paragraph 1.9.6 in MEPC 61/INF.2 and paragraph 9.6 in MEPC 61/5/39 should be replaced by:

".6 **The Global Emission Trading Scheme System (ETS) for international shipping proposal by Norway (MEPC 60/4/22)**".

.3 A new paragraph should be added after paragraph 1.20 in MEPC 61/INF.2 and paragraph 20 in MEPC 61/5/39:

"In-sector, out-of-sector and total emission reductions observed in modelling the MBMs for 2030 are shown in the table overleaf, along with remaining proceeds and supplementary out-of-sector reductions. The table

also shows the mechanisms that deliver the in-sector and out-of-sector reductions for each MBM as described in the section immediately above. The values shown are the range of values observed under the following scenarios considered in the modelling:".

5.75 The Committee considered document MEPC 61/INF.2 containing the full report of the Expert Group on Feasibility Study and Impact Assessment of possible Market-based Measures, and noted that:

.1 following the methodology outlined in the Terms of Reference, the Expert Group, giving priority to the overall impact on the maritime sectors of developing countries, had assessed each of the submitted MBM proposals against the nine criteria adopted by MEPC 60, as described in paragraph 1.2 and in section 2;

.2 the Expert Group study came at a critical time in IMO's deliberations on how to address GHG emissions from the maritime sector. As had been noted in the Second IMO GHG Study 2009, international shipping contributed to 2.7% of the global emissions of CO_2 in 2007, and this contribution was expected to increase in the future due to projected growth in world trade;

.3 the ten proposals analysed targeted GHG reductions through in-sector emission reductions from shipping or out-of-sector emissions reductions through the collection of funds to be used for mitigation activities in other sectors that would contribute towards the overall goal of reducing global GHG emissions. The MBM proposals sought to achieve similar objectives to a greater or lesser extent through differing methodologies;

.4 the proposal from Germany had not been evaluated since it was an impact assessment and could not be reviewed against the nine criteria. It was thus treated as an information resource to assist in the assessment of other proposals;

.5 to manage the work in the very tight time scale the group had established four task-groups: Environment; Shipping and Maritime; Administrative and Legal; and Trade and Development and Developing Countries; and

.6 all of the proposals aimed at establishing a MBM to reduce GHG emissions and bring forward concepts with merit for achieving cost-effective reductions in GHG emissions. However, many of the issues considered by the Group were complicated by the fact that none of the proposals provided a final legal text from which to evaluate the administrative and legal criteria given by the MEPC.

5.76 The Committee noted the following MBM-EG conclusions:

.1 The evaluation of the proposals had been completed as requested by the Committee in accordance with the terms of reference.

.2 The Group had reached its conclusions by consensus apart from a few instances as captured in the report.

.3 The evaluation had been complicated by the different levels of maturity of the proposals. Proposals with a high level of maturity had generated more discussion compared to those that were less developed. The proposals lacked, to various degrees, sufficient details for the necessary evaluation of issues such as international harmonization in implementation, carbon leakage, fraud, and traffic of vessels between non-party states, among others. These issues required further policy considerations in order to be properly addressed.

.4 The proposed measures would require further elaboration and development to enable a full assessment of all possible impacts in a comparable analysis.

.5 All proposals addressed reduction of GHG emissions from shipping. Some of the proposals went beyond mitigation and proposed a mechanism that provided for substantial contribution to address the adverse effects of climate change.

.6 The proposals had different ways of reducing emissions, some focused on "in-sector" reductions and others also utilized reductions in other sectors. The extent of such reductions was detailed within the individual evaluation of each proposal in the report.

.7 Cost-effective operational and technical emission reduction measures were available to the shipping sector. However, barriers existed in the uptake of many of these measures.

.8 The Group had considered sustainable development in a holistic way so that it became an inherent part of the assessment, rather than as an isolated criterion.

.9 The implications of implementing the different MBM proposals for international shipping were directly related to the stringency of the proposed measures. Irrespective of this, the Group concluded that all proposals could be implemented notwithstanding the challenges associated with the introduction of new measures.

.10 The assessment of the impacts of an increase in bunker fuel prices and freight costs showed that implementation of the proposed measures would affect some countries and products more than others. In some cases even small increases in costs could have relatively significant consequences. Indirect economic costs and benefits were not considered in the analysis. Some of the proposed measures include mechanisms aiming to provide means to mitigate negative impacts.

5.77 The Committee noted paragraph 3 of the Committee's work plan for further consideration of market-based measures, which stated:

".3 Taking into account the outcomes and conclusions of the studies mentioned in paragraph 2 above and any other contribution made, the Committee would be able, preferably by MEPC 61, to clearly indicate which market-based measure it wishes to evaluate further and identify the elements that could be included in such a measure;".

5.78 The Committee recognized that the above-mentioned studies were the feasibility studies and impact assessments undertaken by the Expert Group and reported in document MEPC 61/INF.2. The Committee noted that with the outcome of the feasibility study and impact assessment undertaken by the Expert Group, it was in a better position to indicate which market-based mechanism should be evaluated further.

5.79 The Committee exchanged views on which market-based measures it should develop further or the elements that should be included in such a measure. The Committee however noted that there was no majority view on which of the proposed market-based mechanisms should be developed further, and that it, therefore, would need to consider how to advance the matter so the next session would be able to report progress to the twenty-seventh session of the Assembly as stipulated in the work plan.

5.80 The Committee recalled that MEPC 59, having considered a large number of views and contributions on market-based measures, together with their merits and environmental effectiveness, had agreed by majority that a market-based mechanism was needed as part of a comprehensive package of measures for effective regulation of GHG emissions from international shipping. Recognizing that technical and operational measures alone would not be sufficient to satisfactorily reduce the amount of GHG emissions from international shipping and, in view of projections that world trade would continue growing, market-based measures had been considered by the Committee in line with the work plan agreed at MEPC 55.

5.81 The Committee held a debate on how to progress the development of a suitable market-based mechanism for international shipping that satisfied the nine basic principles agreed by MEPC 57 (April 2008) and also took into account the special needs and circumstances of developing countries. The Committee considered how to advance the matter and agreed that the process needed to be transparent and open to all.

5.82 The Committee noted that the work plan for further consideration of market-based measures states that: "In order to carry out the work plan efficiently and effectively, the Committee agreed further that future sessions of the Committee may need to develop appropriate inclusive working arrangements."

5.83 Based on a proposal by its Chairman, the Committee agreed that an intersessional working group meeting should be held with the task to provide the Committee with clear advice as to what market-based mechanism to bring forward as a possible mandatory IMO instrument.

5.84 The Committee developed and agreed Terms of Reference for the third intersessional meeting of the Working Group on GHG Emissions from Ships (GHG-WG 3), as set out in annex 7 to this report.

5.85 The Committee agreed that the following documents on market-based mechanisms submitted to this session should be taken into account by the intersessional meeting:

MEPC 61/5/16	United States	Further details on the United States proposal to reduce greenhouse gas emissions from international shipping
MEPC 61/5/33	IUCN	Further information on a rebate mechanism for a market-based measure for international shipping

5.86 The Committee noted the following documents which were introduced, but due to time constraints, were not considered. The Committee agreed to keep the documents in abeyance and that they should be taken into account by the intersessional meeting, as appropriate:

MEPC 61/5/19	India	Market-Based Measures – inequitable burden on developing countries
MEPC 61/5/24	China and India	Uncertainties and Problems in Market-based Measures
MEPC 61/5/28	Republic of Korea	Comments on the use of credits of the Clean Development Mechanism in market-based measures for international shipping

Statements by the delegations of India and China

5.87 The delegations of India and China made statements on Market-based Measures (MBM) and on the report of the Expert Group. As requested, the statements are set out in annex 8.

Reduction target for international shipping

5.88 The Committee recalled that, at the last session, the topic of reduction levels was considered and that it was agreed to continue the deliberations at this session. However, due to time constraints, the Committee was unable to consider this issue further; agreed to revisit it at the next session; and invited additional contributions to ensure an informed debate in order to advance the issue satisfactorily.

Black carbon

5.89 The Committee recalled that, at its last session, in considering document MEPC 60/4/22, it had held a debate on whether separate actions were needed to reduce the impacts of shipping emissions in the Arctic region and how this should relate to the general work on prevention of air pollution from ships under MARPOL Annex VI and the Organization's GHG work. Having noted that there had been no further submissions to the present session, the Committee, in order to progress the issue, agreed to invite interested delegations and observers to submit concrete proposals with specific measures to BLG 15 (7 to 11 February 2011) under its agenda item on "Any other business".

Other GHG issues

5.90 Due to time constraints, the Committee agreed to defer consideration of documents MEPC 61/5/7 (IMarEST) – Marginal abatement costs and cost-effectiveness of energy-efficiency measures, and MEPC 61/5/13 (OCIMF) – Emission trajectory prediction for shipping, to its next session.

6 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

6.1 The Committee recalled that, at MEPC 60, it had approved, with a view to adoption at this session, draft amendments to:

.1 MARPOL Annex III (the revised MARPOL Annex III) (MEPC 60/22, paragraph 10.3 and annex 15); and

.2 MARPOL Annex VI (revised form of Supplement to the IAPP Certificate) (MEPC 60/22, paragraph 4.50.1 and annex 5).

6.2 The Committee noted that the texts of the approved amendments were circulated by the Secretary-General on 26 March 2010, under cover of Circular letter No.3046, in accordance with the provisions of article 16(2)(a) of the MARPOL Convention.

6.3 The Committee also recalled that MEPC 60 had agreed, in principle, that a drafting group would be established at MEPC 61 to make any editorial changes to the draft amendments, as necessary, before adoption by the Committee.

Amendments to MARPOL Annex III

6.4 The Committee noted that the proposed amendments (MEPC 61/6) consisted of a new revised MARPOL Annex III, the text of which was developed by the DSC Sub-Committee following the decision of MEPC 59 based upon the need to revise the criteria defining marine pollutants in MARPOL Annex III in order to bring them in line with the recently revised Globally Harmonized System (GHS); and to revise certain documentation provisions in the Annex in order to align them with proposed amendments to SOLAS regulation VII/4.

6.5 The Committee noted also that, at MEPC 60, it had decided that the revised MARPOL Annex III should enter into force on 1 January 2014 in order to align it with the planned timing of amendments (36-12) to the IMDG Code.

6.6 The Committee agreed to refer the draft amendments to the Drafting Group for editorial review.

Amendments to MARPOL Annex VI

6.7 The Committee noted that the proposed amendments (MEPC 61/6/1) to the Revised form of Supplement to the IAPP Certificate are intended to clearly and precisely document the extent of a ship's compliance with regulations 4 and 14 of MARPOL Annex VI regarding Sulphur Oxide (SO_x) values, or the possibility of using equivalent arrangements, outside or inside an ECA, as the case may be.

6.8 The observer from IACS welcomed these amendments and drew the attention of the Committee to the "*Revised form of Supplement to IAPP Certificate*" (MEPC.1/Circ.718, issued on 20 April 2010), in particular the phrase in paragraph 4, whereby "Member Governments are invited to use the revised form of Supplement to the IAPP Certificate **at the earliest possible opportunity** when issuing the Supplement in accordance with the revised MARPOL Annex VI."

6.9 He stated that this advice should be seen in the context of the: "*Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments*" (MSC-MEPC.5/Circ.6, issued on 6 August 2009) and interpreted the phrase "**at the earliest possible opportunity**" to mean: when the first inspection would be due, rather than "immediately".

6.10 The delegation of China, while stating that it welcomed the proposed amendments to MARPOL Annex VI, drew the attention of the Committee to the complications arising from the multiple entry into force dates in the proposed revised form of IAPP Supplement.

6.11 The Committee agreed to request the FSI Sub-Committee, being the custodian of the abovementioned circulars, to update these after adoption of the proposed amendments to MARPOL Annex VI.

6.12 The Committee agreed to refer the draft amendments to the Drafting Group for editorial review.

Establishment of the Drafting Group on amendments to mandatory instruments

6.13 The Committee established the Drafting Group on amendments to mandatory instruments, under the chairmanship of Mr. Zafrul Alam (Singapore), with the following Terms of Reference:

> "Using documents MEPC 61/6 and MEPC 61/6/1 as a basis, and taking into account any comments, proposals and decisions made in plenary, the Drafting Group is instructed to:
>
> .1 review and finalize the texts of proposed amendments to MARPOL Annex III (Revised MARPOL Annex III) and MARPOL Annex VI (Revised form of Supplement to the IAPP Certificate);
>
> .2 review and finalize two draft MEPC resolutions for adoption of the two sets of amendments to MARPOL Annex III and Annex VI, respectively; and
>
> .3 submit a written report to the plenary on Thursday, 30 September."

Report of the Drafting Group and action taken by the Committee

6.14 Having received the report of the Drafting Group (MEPC 61/WP.11), the Committee approved the report in general and, in particular:

.1 noted the advice of the Drafting Group, in reply to the comments by China, in paragraph 6.10 above, that the IAPP Supplement should be completed on the basis of *all* available options, thereby avoiding the need for repeated re-issuance of the Supplement as the various given dates are passed;

.2 endorsed the recommendation of the Drafting Group to improve the language for draft regulations 8.1 and 8.2 of MARPOL Annex III and that the text of these amended regulations could be used in other Port State control provisions in the future;

.3 adopted, by resolution MEPC.193(61), amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (the Revised MARPOL Annex III), as set out in annex 9;

.4 adopted, by resolution MEPC.194(61), amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (Revised form of Supplement to the IAPP Certificate), as set out in annex 10; and

.5 instructed the Secretariat to check the amendments carefully for any editorial omissions and, if necessary, insert these in the final text of the amendments.

6.15 The Committee expressed appreciation to Mr. Zafrul Alam (Singapore) and the members of the Drafting Group for the work done.

7 INTERPRETATIONS OF, AND AMENDMENTS TO, MARPOL AND RELATED INSTRUMENTS

7.1 The Committee noted that, at the current session, 16 substantive and four information documents had been submitted under this agenda item.

7.2 The Committee agreed to consider documents MEPC 61/7/3 (United States), MEPC 61/7/4 (Denmark *et al.*), MEPC 61/7/6 (United States), MEPC 61/7/8 (Japan), MEPC 61/7/11 (IACS) and MEPC 61/INF.9 (United States), dealing with matters related to MARPOL Annex VI and the NO_x Technical Code, under agenda item 4.

7.3 The Committee agreed to consider the remaining documents under the following categories:

.1 firstly, the outcome of the Correspondence Group on the review of MARPOL Annex V and comments thereto, with five substantive documents and two information documents, as follows: MEPC 61/7/2 (New Zealand), MEPC 61/7/5 (Norway), MEPC 61/7/10 (United States), MEPC 61/7/12 (CSC), MEPC 61/7/13 (United States), MEPC 61/INF.6 (New Zealand) and MEPC 61/INF.7 (New Zealand);

.2 secondly, proposed amendments to MARPOL Annex IV and comments thereto, with four substantive documents and one information document, as follows: MEPC 61/7 (Denmark *et al.*), MEPC 61/7/9 and Add.1 (Bahamas *et al.*), MEPC 61/7/14 (WWF) and MEPC 61/INF.23 (United States); and

.3 thirdly, two documents on matters concerning MARPOL Annex I (proposals for Unified Interpretations and Guidelines), as follows: MEPC 61/7/1 (Denmark *et al.*) and MEPC 61/7/7 (Republic of Korea).

REVIEW OF MARPOL ANNEX V

7.4 The Committee agreed to consider the report of the correspondence group and four documents commenting on its outcome prior to opening a general discussion, with the aim to resolve any outstanding issues in plenary to the extent possible before establishing the working group.

7.5 The delegation of New Zealand, as coordinator of the correspondence group, introduced document MEPC 61/7/2, with the outcome of the group's deliberations in the intersessional period. The Committee noted that the group had been successful in developing a complete draft revised MARPOL Annex V, set out in annexes 1 and 2 to the report, while annex 3 presented a summary of changes to the existing Annex V for ease of reference and annex 4 provided a list of likely revisions required for the existing Guidelines for the implementation of MARPOL Annex V once the latter's revised text is approved.

7.6 The group, however, had identified several issues still undecided which required further consideration by the Committee, as follows (MEPC 61/7/2, paragraph 23):

.1 the inclusion of animal carcasses as a garbage type to be regulated under Annex V, along with conditions for discharge related to distance from shore, water depth, treatment before discharge and numbers of carcasses that may be discharged;

.2 whether ships must be *en route* during discharge of all, or of some, garbage types permitted for discharge in regulation 3;

.3 whether cargo residues contained in cargo hold wash water should be permitted for discharge in special areas where the ship is not leaving the special area between unloading and next loading ports;

.4 whether the minimum length of vessels requiring placards or signage should be 10 or 12 metres;

.5 whether fishing gear, lost in accordance with the provisions of regulation 6, should be reported to coastal States or flag States in addition to an entry being made in the ship's Garbage Record Book or log; and

.6 whether deck washing water should fall within the scope of Annex V.

7.7 In concluding her introduction, the Chairperson of the correspondence group stressed that, in order that the review could be finalized, the Committee should provide clear direction on the issues detailed above as, without it, it would be very difficult to complete the review at the current session.

7.8 The Committee thanked the correspondence group for the successful outcome of its deliberations and congratulated its Chairperson, Dr. Alison Lane of New Zealand, for her hard work and effective leadership.

7.9 The delegation of Norway introduced document MEPC 61/7/5 where it proposed that pollution categories and subsequent discharge standards should be developed for cargo residues and that the Committee develop a regulatory framework for the control of discharge of cargo residues which includes entries in the International Maritime Solid Bulk Cargoes Code (the IMSBC Code). On the issue of cleaning additives commonly present in deck washing water, GESAMP could, in the view of Norway, be tasked with providing advice to the DSC Sub-Committee in order to develop an approval scheme for the use of cleaning agents for tank and deck washing of solid bulk cargoes.

7.10 The delegation of the United States introduced document MEPC 61/7/10 addressing the management of spoilt cargo including animal carcasses, within the scope of MARPOL Annex V. The United States advised that it had submitted a document on this matter to the LC-LP bodies and proposed a questionnaire to be disseminated among Member Governments and interested organizations in order to gather more information about spoilt cargoes on board ships so that an informed decision could be taken by the Committee and LC-LP bodies at a later stage.

7.11 In document MEPC 61/7/13, the United States commented on several issues that, in its view, needed further discussion in plenary before the establishment of the working group. These related, *inter alia*, to the following matters: the original definitions in the current Annex V should be maintained; those terms currently defined in the Guidelines should remain there until after the amendments to Annex V have been developed; the proposed formulations for "operational wastes", "food wastes" and "cargo residues" should be revisited; further discussion was needed as regards detergents and fishing gear; the explicit prohibition for discharge of plastics should remain; cargo residues as marine pollutants should be regulated through the IMSBC Code; and, regarding poultry, Annex V should be consistent with the Antarctic Treaty regulations.

7.12 The Clean Shipping Coalition (CSC), in document MEPC 61/7/12, expressed its support for the views stated by Friends of the Earth International (FOEI) at MEPC 60 (MEPC 60/6/8) and advanced its opinion that the revision of MARPOL Annex V should address, *inter alia*, the worldwide harmonization of port reception facility schemes; the incorporation of environmental considerations into the IMSBC Code; a requirement for all commercial seagoing vessels (however small and including fishing boats) to have a Garbage Management Plan and a Garbage Record Book; and, in the case of lost fishing gear, the coastal State where the loss has occurred should be required to take all reasonable actions to locate and retrieve the lost gear.

7.13 The Committee noted the information contained in documents MEPC 61/INF.6 and MEPC 61/INF.7, both by New Zealand, on measures implemented to reduce marine debris and research results on garbage management, respectively.

Discussion

7.14 Once all documents had been introduced, the Chairman stated that the review of Annex V had been ongoing for several years and had incurred a significant delay. He stressed that it would be unfortunate if a revised MARPOL Annex V could not be approved in principle at the current session for circulation, with a view to adoption at MEPC 62 in July 2011, even with sections within square brackets, which could be resolved by further discussion in plenary at MEPC 62.

7.15 The Vice-Chairman of the DSC Sub-Committee, on behalf of its Chairperson, advised the Committee that, in the context of the proposals by Norway (MEPC 61/7/5), the United States (MEPC 61/7/13) and CSC (MEPC 61/7/12), he would like to draw the Committee's attention to the fact that, if the Committee decided to address the development of criteria and hazard profiles to identify bulk cargoes as marine pollutants, the work should be co-ordinated by the DSC Sub-Committee as this would have an impact on the IMSBC Code.

7.16 In that respect, the Committee noted the information provided by the Chairman concerning the decisions taken by DSC 15 (13 to 17 September 2010) on a related matter, as reflected in the draft report of that meeting (DSC 15/WP.1, paragraphs 4.19 and 4.20), as follows:

> "***Classification criteria for all solid bulk cargoes and associated environmental hazards***
>
> *4.19 The Sub-Committee considered a proposal from Australia (DSC 15/4/11), highlighting a potential issue that not all solid cargoes carried in bulk can be appropriately classified as required by SOLAS regulation VII/7 for the environmental hazards they present and proposing that this matter be brought to the attention of MEPC 61, and noted that the MEPC Correspondence Group for the Review of MARPOL Annex V (MEPC 61/7/2) had included a specific provision on cargo residues, in particular that the above group had recommended a new guideline be developed (in lieu of amending the IMSBC Code) to address the classification of cargo residues which could be harmful to the marine environment.*
>
> *4.20 Bearing in mind that it is a complex issue that has yet to be resolved by the MEPC, the Sub-Committee agreed to await the outcome of MEPC 61 on the matter and encouraged Member Governments and international organizations to raise their concerns at the above session when the report of the correspondence group is considered, taking into account that the Sub-Committee has not been instructed to*

take any action on this issue. In this context, the Chairman advised delegations interested in considering this matter further to submit a justification for a new output in accordance with the Guidelines on the organization and method of work, for consideration by MEPC 62."

7.17 The Committee, having considered the above information, agreed to instruct the DSC Sub-Committee to consider the matter, including the convenience of using the GESAMP or GHS environmental criteria, taking into account proposals contained in documents MEPC 61/7/5, MEPC 61/7/13 and MEPC 61/7/14, under its agenda item on "Amendments to the IMSBC Code, including evaluation of properties of solid bulk cargoes", and to report back to the Committee at a future session.

7.18 In the ensuing discussion, the Committee focused its deliberations upon the questions put forward by the correspondence group (set out in paragraph 7.6 above) and took the following decisions:

.1 the inclusion of animal carcasses as a garbage type should be regulated under Annex V, with conditions for discharge being related to distance from shore, water depth, treatment before discharge and numbers of carcasses that may be discharged; it also noted a view that, in some cases, the number of animals dying and/or the cause of death might necessitate carcasses being dealt with under an alternative mechanism, such as the London Convention/London Protocol (LC/LP);

.2 ships must be *en route* during the discharge of all garbage types permitted for discharge in draft regulation 3 with the possible exception of food wastes;

.3 while the issue of categorization of environmental hazard and the treatment of solid cargo residues would be referred for consideration of the DSC Sub-Committee, the completion of any such categorization would take a considerable period of time. The working group was therefore requested to consider the wording of conditions for the discharge of cargo residues taking into account the need to provide an immediate solution that would also allow for possible amendments or incorporation of a new categorization scheme at a later time;

.4 the minimum length of vessels requiring placards or signage should remain as 12 metres;

.5 fishing gear lost in accordance with the provisions of draft regulation 6 should be reported to coastal States and flag States in addition to an entry being made in the ship's Garbage Record Book or log; and

.6 additives and cleaning agents contained in deck washing water should fall within the scope of Annex V.

7.19 The delegation of Japan highlighted that, in order to ensure compliance with the more stringent requirements expected in the revised Annex V, including a general prohibition for the discharge of garbage, it was necessary to tackle the still serious problem of lack, or inadequacy, of reception facilities. In the view of the delegation, MARPOL Annex V Parties should be urged to ensure the provision of adequate reception facilities; ships should be encouraged to notify any inadequacies of such facilities; and interim guidance could be developed for ships unable to deliver garbage to inadequate, or non-existing, reception facilities.

Establishment of the Working Group on review of MARPOL Annex V

7.20 The Committee agreed to establish the Working Group, under the chairmanship of Dr. Alison Lane (New Zealand), with the following Terms of Reference:

Taking into account all relevant documents as well as comments and decisions made in plenary, the Working Group was instructed to:

.1 further develop and finalize draft amendments to MARPOL Annex V (the revised Annex V), based upon the text prepared by the intersessional Correspondence Group (MEPC 61/7/2);

.2 taking into account discussion in plenary on the reporting of lost fishing gear, define which gear types should fall under these reporting requirements; and

.3 submit a written report to plenary on Thursday, 30 September 2010.

Outcome of the Working Group

7.21 The Committee considered and approved the report of the Working Group (MEPC 61/WP.12) in general and, in particular:

.1 noted that the group had been able to finalize draft amendments to MARPOL Annex V, albeit there were still unresolved issues (in square brackets in the text), that would need further consideration prior to adoption of the amendments;

.2 noted the group's requirement for amendments to the Guidelines for the implementation of MARPOL Annex V, and the proposed establishment of an intersessional Correspondence Group to commence work on these amendments;

.3 noted the other potential consequential amendments referred to in paragraph 10 of the report;

.4 noted the need for further consideration of the discharge conditions for animal carcasses, taking into account any information provided in the intersessional period by administrations on current practices; and

.5 noted the unresolved issue regarding the potential inclusion of fish dying during transport as live cargo.

7.22 Having noted the above issues, the Committee:

.1 approved draft amendments to MARPOL Annex V – Regulations for the prevention of pollution by garbage from ships (the Revised MARPOL Annex V), set out in annex 11, for circulation with a view to adoption at MEPC 62; and

.2 agreed to re-establish the Correspondence Group, under the co-ordination of the United Kingdom*, recognizing that the early establishment of such a group would take advantage of the recent collaborative work and the high degree of familiarity that many delegations have with the regulations, with the following Terms of Reference:

.2.1 to initiate a review of the Guidelines for the implementation of MARPOL Annex V, based on draft text of the Revised Annex V, taking into account the discussion, comments and decisions made in the Working Group, as reflected in its report;

2.2 if time permits, to initiate a review of the Guidelines for the development of garbage managements plans, based on draft text of the Revised Annex V; and

.2.3 to submit a progress report to MEPC 62.

7.23 In addition, the Committee noted the United States delegation's request that the expression "fishing gear", as used in the definition of garbage in the draft amendments, be refined to more precisely reflect that it means lost, discarded or abandoned gear; and agreed to include the questionnaire on characteristics of spoilt cargo and its disposal (annex to document MEPC 61/7/10) in annex 12 to this report whilst encouraging Member Governments and observers to disseminate it and to submit responses and other relevant information for consideration by MEPC 62.

7.24 The Committee, having noted the indication by the Chairperson of the Working Group that between now and MEPC 62 there would be room for additional refinement and aligning the text with existing Conventions, expressed appreciation to the Working Group for the excellent work done leading to the finalization of draft amendments to the Annex.

PROPOSED AMENDMENTS TO MARPOL ANNEX IV

7.25 The Committee recalled that, at MEPC 60, it had discussed the proposal of the Baltic Sea States to amend MARPOL Annex IV with the aim of incorporating the concept of Special Areas and establishing a ban on the discharge of sewage from passenger ships within those areas, except when complying with new strict standards for nutrient concentration in the effluent of sewage treatment plants on ships. Alternatively, ships could discharge sewage into port reception facilities in Baltic Sea ports. Finally, the Baltic Sea was proposed for designation as a Special Area under MARPOL Annex IV.

7.26 The Committee noted that a majority of the delegations that intervened in the debate at MEPC 60 had agreed to the proposal, however, some concerns should be addressed, such as the adequacy of port reception facilities for large quantities of sewage from passenger ships in all relevant ports in the area and availability of improved new type sewage treatment plants for installation on board ships.

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7.27 The Committee noted also that MEPC 60 had agreed that the best way forward was for the submitters to take into account those concerns and refine their proposal by submitting a supplementary document to MEPC 61 for approval and subsequent circulation with a view to adoption at MEPC 62.

7.28 The delegation of Finland, on behalf of all the Baltic Sea countries, introduced document MEPC 61/7 providing the additional information requested by the Committee at the previous session (adequacy of port reception facilities, the proposed standards for onboard treatment plants, applicability to passenger ships only, entry into force conditional on adequate port reception facilities). In respect of adequate port reception facilities, the delegation focused on the measures taken by the HELCOM countries in adopting a road map in 2010 for upgrading the facilities in the relevant ports and stated that the introduction of the new article 12*bis*, according to which the new area would take effect only after the adequate reception facilities are in place, shows the commitment of all the Baltic Sea countries to do their utmost to reduce the nutrient input to the sea and, in doing so, also meet the major concerns expressed by the industry. In respect of onboard treatment plants the delegation conveyed the information from manufacturers that they can meet the proposed requirements and that the standards in the proposal are equal to those applicable to land-based treatment plants in those cities the passenger and cruise vessels visit. The proposed measures focus on passenger ships due to the fact that these ships represent floating communities, with a capacity of more than 5,000 persons on board, representing almost two thirds of the nutrient input to the sea. The delegation emphasized that although the total amount of nutrient loading from shipping is not large, the point – source pollution is severe, along the shipping routes.

7.29 The observer delegation of CLIA introduced document MEPC 61/7/9 reiterating the concerns expressed by the industry, supported by several delegations at MEPC 60, including: current inadequacy of reception facilities for large quantities of sewage from passenger ships; lack of scientific evidence on the need to implement the proposed measures; inexistence of technology for new more stringent sewage treatment plants capable of dealing with nutrients; need to develop new specifications before manufacturers can produce the new plants; and perceived "unfairness" in targeting an industry that discharges less than 1% of all nutrient input to the Baltic Sea. In addition, the submitters contended that voluntary measures now in place provided an adequate solution to the problem.

7.30 The Committee noted document MEPC 61/7/9/Add.1 adding Liberia to the list of submitters of document MEPC 61/7/9.

7.31 The observer delegation of the World Wide Fund for Nature (WWF) introduced document MEPC 61/7/14 in support of the Baltic States' proposal stating, *inter alia*, that eutrophication, algal blooms and consequent oxygen-depleted areas (around 100,000 km^2), are a tangible threat to the Baltic Sea at present. Furthermore, discharges from passenger ships are on the increase while those from land-based sources are being addressed.

7.32 The Committee noted document MEPC 61/INF.23 (United States) describing a notice recently published pertaining to its domestic programme for the regulation of ship sewage discharges.

Discussion

7.33 The delegation of the United Kingdom suggested the Committee should be clear that there were two issues proposed and it was important that these two issues be handled separately. The first issue was the establishment of the possibility of designation of Special Areas under MARPOL Annex IV and the second issue was whether the information the submission contained would justify establishment of the Baltic Sea as such a Special Area.

The delegation, supported by others, suggested that much of the additional information in the proposal, such as amendment to MARPOL Annex IV and the suggestion of an additional MEPC circular to cover standards relating to sewage treatment plants of cruise vessels operating in Special Areas was too closely aligned to the specific case of the Baltic Sea to form an appropriate basis for a generic requirement applicable to future proposals for Special Areas under Annex IV for other sea areas which may have differing ecological and environmental conditions and requirements. The delegation of the United Kingdom, in particular, could not support generic Special Area requirements being applicable only to one type of ship. However, it might be possible to agree such a restriction in specific area proposals providing a strong justification was clearly demonstrated.

Additionally, they were concerned that there were outstanding issues on the detailed content of the specific proposal which needed further development and analysis, together with proven reception facility capabilities, before approval could be given to the establishment of the Baltic Sea as a Special Area under any generic Special Area provision in MARPOL Annex IV.

7.34 In the ensuing debate, the Committee recognized that, at MEPC 60, it had made the basic policy decisions to agree to the proposal to amend MARPOL Annex IV to include the concept of Special Areas; to designate the Baltic Sea as a Special Area; and to impose a strict standard for the discharge of nutrients in the sewage of passenger ships within the Baltic Sea. It then followed that these matters should not be reopened for discussion as they constituted policy already determined by the Committee.

7.35 Having discussed the issue, the Committee approved draft amendments to MARPOL Annex IV – Regulations for the prevention by garbage from ships, set out in annex 13, for circulation with a view to adoption at MEPC 62.

7.36 The Committee, recognizing that the Revised guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.159(55)) would need updating in view of the new requirements, agreed to instruct the DE Sub-Committee to carry out the work and, in that respect, approved the inclusion of a new unplanned output in the Sub-Committee's work plan on "Revision of resolution MEPC.159(55)" and agenda for DE 55 with a target completion date of 2012.

MATTERS RELATED TO MARPOL ANNEX I

7.37 The delegation of Denmark, on behalf of the co-sponsors, introduced document MEPC 61/7/1 providing text for draft Guidance for recording of operations in the Oil Record Book. In this respect, the Committee recalled that a first draft had been submitted to MEPC 60 where some discussion took place as INTERTANKO suggested some technical adjustments to make the draft Guidelines, as they were then denominated, compatible with its own guidelines which had been issued long ago and are widely used by industry. MEPC 60 agreed to this approach but, given the lack of time, an amended text could not be produced in time. Interested delegations and observers had worked together in the intersessional period and the result of their work was now before the Committee.

7.38 Following a short discussion, the Committee approved the Guidance for recording of operations in the Oil Record Book, Part I, including some proposed amendments, and requested the Secretariat to issue MEPC.1/Circ.736 for dissemination of the said Guidance.

7.39 The delegation of the Republic of Korea introduced document MEPC 61/7/7 with a proposal to bring up to date existing unified interpretations for regulations 12.2, 12.3 and 12.4 of MARPOL Annex I, following adoption of amendments to that regulation (resolution MEPC.187(59)), which will enter into force on 1 January 2011.

7.40 Following discussion, the Committee approved with modifications the unified interpretation to regulation 12 of MARPOL Annex I, as set out in annex 14 to this report.

8 IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC-HNS PROTOCOL AND RELEVANT CONFERENCE RESOLUTIONS

8.1 The Committee considered seven documents under this agenda item as follows: MEPC 61/8 (Secretariat), Background on the establishment the OPRC-HNS Technical Group and the requirements related to oil and HNS pollution preparedness and response; MEPC 61/8/1 (Nigeria), Manual on Oil Pollution, Section I – Prevention; MEPC 61/8/2 (Secretariat), Guidance document on the implementation of an incident management system; MEPC 61/8/3 (Secretariat), Support and assistance to Member States in response to the Gulf of Mexico platform incident; MEPC 61/8/4 (Sweden), High-priority work related to HNS and oil; MEPC 61/8/5 (Russian Federation), An international complex exercise on responding to maritime incidents and oil spills in the northern region of the Caspian Sea ("Caspiy 2010"); and MEPC 61/WP.1, Report of the eleventh meeting of the OPRC-HNS Technical Group.

Background on the establishment the OPRC-HNS Technical Group and the requirements related to oil and HNS pollution preparedness and response

8.2 The Committee recalled that MEPC 60, having considered the report of the tenth session of the Technical Group and further to the ensuing discussion, requested the Secretariat to prepare a document providing the background to the establishment of the OPRC-HNS Technical Group, its terms of reference and its modality of operation, to address concerns raised by some delegations over the past sessions of the Committee, that would serve as the basis for a more in-depth discussion at MEPC 61.

8.3 The Committee, having considered document MEPC 61/8 submitted by the Secretariat and noting the view of the majority of delegations present, agreed that the Technical Group should be retained in its current format, with its meetings held in the week prior to the MEPC.

8.4 The Committee also agreed that the Technical Group should continue to work under its current terms of reference, as set out in annex 1 to document MEPC 61/8.

Manual on Oil Pollution, Section I – Prevention

8.5 The Committee recalled that at MEPC 54 it had considered a proposal for the review and update of the Manual on Oil Pollution, Section I – Prevention, which was out of print.

8.6 The Committee also recalled that, following some debate as to whether such an update was required given the wide number of industry publications that updated the information contained within the Manual, it had agreed to the revision and referred the matter to the OPRC-HNS Technical Group for consideration at its fifth session (MEPC 54/21).

8.7 The Committee further recalled that at MEPC 60, it had noted that the amendments to MARPOL Annex I on Prevention of pollution during transfer of oil between oil tankers at sea adopted at MEPC 59 (resolution MEPC.186(59)) were expected to come into force on 1 January 2011 and that, in accordance with new regulation 41.2, oil tankers would have to be provided with an STS Operations Plan, taking into account the information contained in the best practice guidelines for STS operations identified by the Organization, in particular the "Manual on Oil Pollution, Section I". MEPC 60 had subsequently agreed that until the final draft of the Manual was considered at MEPC 61, STS Operations Plans could, in the interim, be approved using the draft of the Manual set out at annex to document MEPC/OPRC-HNS/TG 10/3/1.

8.8 The Committee, in considering document MEPC 61/8/1 (Nigeria) containing the finalized draft of the Manual on Oil Pollution, Section I – Prevention, developed by the OPRC-HNS Technical Group, noted that it significantly updated the information included in the previous edition.

8.9 In considering the content of the draft text, a number of delegations, whilst supporting the text of the Manual in general, expressed the need to ensure that chapter 8 on oil tanker operations in ice-covered waters was harmonized with the mandatory Polar Code, once finalized, and that this chapter did not go beyond the provisions set out in the new chapter 8 of MARPOL Annex I, related to the transfer of oil cargo between oil tankers at sea.

8.10 The Committee subsequently recognized that any delay in the finalization of the Manual would present difficulties in developing the required STS Operations Plans for oil tankers, in order to comply with the provisions set out in resolution MEPC.186(59), which would come into force on 1 January 2011.

8.11 In reconciling the two requirements, the Committee:

.1 approved the draft text of the Manual, as set out in the annex to document MEPC 61/8/1, as amended, taking into account the comments received with regard to section 3.2;

.2 noted that it would need to be amended in the future, in view of developments with the mandatory Polar Code; and

.3 instructed the Secretariat to carry out any final editing, identify and include photographs and graphical content and prepare the document for publication through the IMO Publishing Service.

Guidance document on the implementation of an incident management system

8.12 The Committee recalled that at MEPC 56 it had approved a proposal for the development of an international guideline on the Incident Command System (ICS) during oil spill response and an accompanying document on ICS position responsibilities, based on two documents submitted by the United States, and subsequently referred the matter to the OPRC-HNS Technical Group (TG) (MEPC 56/7/2 and MEPC 56/7/4).

8.13 The Committee also recalled that, at MEPC 57, it had concurred with the recommendation of the Technical Group to consolidate these two submissions into a single manual.

8.14 Having considered document MEPC 61/8/2 (Secretariat), which set out the draft text of the Guidance document on the implementation of an Incident Management System (IMS), as finalized by the OPRC-HNS Technical Group, the Committee:

.1 approved the finalized draft text of the guidance document; and

.2 instructed the Secretariat to carry out any final editing, to identify and include photographs and graphical content and to prepare the document for publication through the IMO Publishing Service.

Support and assistance to Member States in response to the Gulf of Mexico platform incident

8.15 The Committee, having considered information submitted by the Secretariat on the Organization's support and assistance to Member States in response to the Gulf of Mexico platform incident (MEPC 61/8/3):

.1 noted the information provided; and

.2 endorsed the Secretariat's support to the respective countries in response to the incident.

8.16 The Committee expressed its appreciation to the Secretary-General, the Secretariat and, in particular, the Directors of the Marine Environment and Technical Co-operation Divisions for their support to the Bahamas, Cuba and the United States and, in this regard, noted the usefulness of the OPRC-HNS Technical Group network.

High-priority work related to HNS and oil

8.17 The Committee, having considered document MEPC 61/8/4 (Sweden), which set out the key requirements for the establishment of a response system for oil and HNS, noted that it included a gap analysis of available information resources and a list of priority action items to address these gaps, in particular for HNS.

8.18 The Committee, in discussing the content of the document, noted the concerns expressed by the delegation of the Netherlands, supported by other delegations, that the document did not follow the necessary procedure for unplanned work programme items under the Strategic and High-level Action Plans. Having received clarification from the delegation of Sweden on its intention and noting that it was not requesting any action other than to have the document analysed and prioritized, the Committee referred the document to the OPRC-HNS Technical Group instructing it to assess and prioritize the information and to submit the results of this analysis to MEPC 63 for further consideration.

An international complex exercise on responding to maritime incidents and oil spills in the northern region of the Caspian Sea ("Caspiy 2010")

8.19 The Committee, having considered document MEPC 61/8/5 (Russian Federation), noted the information submitted on the complex exercise on responding to maritime incidents and oil spills in the northern region of the Caspian Sea (Caspiy 2010) organized by the Russian Federation in June 2010.

Report of the eleventh meeting of the OPRC-HNS Technical Group

8.20 The Committee noted that the eleventh session of the OPRC-HNS Technical Group was held from 20 to 24 September 2010 under the chairmanship of Mr. Nick Quinn (New Zealand), and that the report of the Group was issued under the symbol MEPC 61/WP.1.

8.21 The Committee approved the report in general and, in particular:

.1 noted that the following work items had been finalized by the Technical Group at its eleventh session and would be submitted to MEPC 62 for approval:

.1 Operational guide on the use of sorbents;

.2 Oil spill waste management decision support tool;

.3 Guideline for oil spill response in fast currents; and

.4 joint IMO/IPIECA Guidance on sensitivity mapping for oil spill response;

.2 noted the status of progress on the Guidance on the safe operation and performance standards of oil pollution combating equipment (OPCE);

.3 noted the progress made on the finalization of the Manual on chemical pollution to address legal and administrative aspects of HNS, with a view to finalizing this work at TG 12 for subsequent approval at MEPC 62;

.4 concurred with the Group's view in developing Technical guidelines on sunken oil assessment and removal techniques;

.5 concurred with the Group's proposal for progressing the work related to the updating of the IMO dispersant guidelines, in light of recent experiences in response to the Deepwater Horizon and Montara wellhead incidents;

.6 noted the Group's progress with regard to oil spill response in ice and snow and offshore in situ burning;

.7 endorsed the Group's proposal regarding the development of tools for undertaking environmental risk and response benefit assessments, to complement the work already undertaken in this area;

.8 noted the Group's consideration of the progress made by ISCO in developing an accreditation scheme for the independent training and accreditation of inland spill response contractors;

.9 agreed to the Group's proposal to further define the criteria for collating and categorizing information on HNS pollution incidents and lessons learned;

.10 continued to urge delegations to submit information to further expand the inventory of information resources on OPRC/HNS-related matters;

.11 endorsed the Secretariat's ongoing support to the Triennial Oil Spill Conference Series;

.12 urged Member States and other interested stakeholders to share tools and products that could be internationalized for wider use, in particular by developing countries;

.13 approved the draft work programme and provisional agenda for the twelfth meeting of the OPRC-HNS Technical Group, set out in annexes 1 and 2 to document MEPC 61/WP.1, and the scheduling of the twelfth session of the OPRC-HNS Technical Group the week prior to MEPC 62; and

.14 welcomed the election of Mr. Alexander von Buxhoeveden (Sweden) as Chairman and the re-election of Mr. Suh Woo Rack (Republic of Korea) as Vice-Chairman of the Technical Group for the year 2011.

Note of appreciation

8.22 The Committee extended its thanks and appreciation to Mr. Nick Quinn of New Zealand for his outstanding leadership and vigorous support of the OPRC-HNS Technical Group throughout his tenure as Chairman and wished him well in his new career path.

9 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS

Designation of the Strait of Bonifacio as a Particularly Sensitive Sea Area

9.1 The Committee considered a proposal submitted by France and Italy (MEPC 61/9 and MEPC 61/INF.26) to designate the Strait of Bonifacio as a Particularly Sensitive Sea Area (PSSA) in accordance with the Revised PSSA Guidelines (resolution A.982(24)).

9.2 The Committee noted that the main reasons given by the proponents for the proposal were as follows:

.1 the ecological, environmental, economic and cultural attributes of the area are seriously threatened by the international shipping that uses these waters;

.2 the richness and vulnerability of this region and its need of international protection had been recognized officially by the international community since 1989, when the IMO Assembly recommended to its Member States to prohibit or at least strongly discourage transit of the strait by shipping. Since 1993 the coastal States – France and Italy – had taken steps to ban the passage of ships carrying dangerous and toxic goods. In Italy, the Government concluded a voluntary agreement in 2001 with its shipping industry whereby the latter undertook to use only ships that did not pass through the strait; and

.3 despite these measures, the problem of the risk factor associated with international shipping in this area had not been resolved, and the threats to the area's rich resources from international maritime transport are even greater. As a result, in order to protect the area's environmental, cultural and economic attributes from the serious threats posed by international shipping, France and Italy requested that it be designated a PSSA covering the Strait of Bonifacio and adjacent areas. In the area covered by this request, the associated protective measures (APMs) envisaged include: adoption of a mandatory traffic separation scheme, promulgation of areas to be avoided, establishment of a vessel traffic system, and the introduction of a recommendatory pilotage system for ships passing through the Strait of Bonifacio while carrying dangerous and toxic goods.

9.3 In the process of consideration, the Committee noted the decision of France and Italy to withdraw their proposal for establishing a mandatory pilotage system as an associated protective measure (APM) for the proposed PSSA.

9.4 The delegation of the United States, while being supportive of the proposal in principle, also identified the need for additional information, especially as the proposal contains mandatory measures to be established in a strait used for international navigation. In particular, the United States indicated that the application must be assessed against the procedure set out in paragraph 8.3 of the Revised Guidelines on PSSAs by a technical group of the Committee. As requested, the statement of the United States is set out in annex 15.

9.5 The delegation of Singapore welcomed the decision of France and Italy to withdraw their proposal for establishing a mandatory pilotage system as a proposed APM. The delegation also stated its firm position that the imposition of a mandatory pilotage system in straits used for international navigation has no international legal basis, and would contravene Article 42(2) of the United Nations Convention on the Law of the Sea. The delegation was further of the view that it is imperative, as a principle, that all PSSA applications follow the guidelines which have been adopted by IMO and should be duly evaluated in accordance to paragraph 8.3 of the revised PSSA Guidelines. As requested, the statement of Singapore is set out in annex 15.

9.6 After an exchange of views, the Committee noted that the overwhelming majority of delegations that spoke agreed with the proposal to designate the Strait of Bonifacio as a PSSA, in principle, subject to a review by the PSSA Technical Group, which was unable to meet during the session due to time constraints but would be convened at MEPC 62. In the meantime, the proponents were invited to submit their proposals of APMs for the PSSA to NAV 57 (6 to 10 June 2011) for consideration, the outcome of which would be reported to the Committee.

10 INADEQUACY OF RECEPTION FACILITIES

10.1 The Committee recalled that MEPC 55 had approved the Action Plan to tackle the inadequacy of port reception facilities and had instructed the FSI Sub-Committee to progress the work items described in the Action Plan, with the exception of work item 5.1 "Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities", which would be dealt with by the Committee itself.

10.2 The Committee noted that MEPC 60, in discussing work item 5.1 "Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities", had recognized that several concerns should be addressed before amendments to MARPOL could be approved, and had endorsed the proposal by the Chairman to encourage interested delegations and observers to resolve the outstanding issues and submit a joint document to MEPC 61 with draft amendments to MARPOL Annexes I, II, IV, V and VI, with a view to institutionalizing regional arrangements together with draft guidelines for establishing those arrangements (paragraph 6.25 of document MEPC 60/22). Having noted that no submissions had been received at this session on the matter, the Committee invited interested delegations and observers to submit documents addressing the outstanding issues to MEPC 62.

10.3 The Committee also noted that FSI 18 (July 2010) had completed its work on all remaining items of the Action Plan, the outcome of which was reported to the Committee under agenda item 11 (Reports of sub-committees) in document MEPC 61/11/2.

10.4 In this regard, the Committee noted further that FSI 18, as instructed by MEPC 60, had considered the submission by the Islamic Republic of Iran (MEPC 60/6/6) proposing amendments to the MARPOL Annexes for the provision of waste reception at ship recycling facilities, the outcome of which was considered under agenda item 11 (see paragraph 11.15.6).

11 REPORTS OF SUB-COMMITTEES

Outcome of BLG 14

11.1 The Committee noted that the Sub-Committee on Bulk Liquids and Gases (BLG 14) had held its fourteenth session from 8 to 12 February 2010 and its report on that session had been circulated under the symbol BLG 14/17. The matters of interest to the Committee's work were set out in document MEPC 61/11 (Secretariat).

11.2 The Committee also noted that, in line with normal practice, the outcome of BLG 14 on ballast water management issues (paragraphs 2.10 to 2.13 of document MEPC 61/11) had been considered under agenda item 2 and that, in a similar manner, those matters related to MARPOL Annex VI (paragraphs 2.15 to 2.18 of document MEPC 61/11) had been addressed under agenda item 4.

11.3 In respect to the remaining actions (reflected in paragraph 2 of document MEPC 61/11), which BLG 14 had requested the Committee to address, the Committee approved the report of BLG 14 in general and took action as indicated in the ensuing paragraphs.

Work related to the ESPH Working Group

11.4 The Committee noted, as requested, the various actions taken by BLG 14 and, in particular:

.1 endorsed the action taken by the Sub-Committee following consideration of the report of ESPH 15;

.2 approved the future work programme for an intersessional meeting of the ESPH Working Group in October 2010;

.3 approved, noting MSC 87's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group in 2011; and

.4 endorsed the action taken by BLG 14 following consideration of the issue of bio-fuels and bio-fuel blends by the ESPH Working Group.

Other issues

11.5 The Committee also:

.1 noted that BLG 14, having noted the progress made in the development of the Guidelines for the control and management of ships' bio-fouling to minimize the transfer of invasive aquatic species, had agreed to re-establish the intersessional correspondence group;

.2 approved the biennial and post-biennial agendas of the BLG Sub-Committee, noting that MSC 87 had approved the agendas with revisions, and approved the provisional agenda for BLG 15 (see also paragraph 20.1); and

.3 noted the report on the status of the planned outputs of the High-level Action Plan of the Organization relating to the BLG Sub-Committee's work.

Outcome of DE 53

11.6 The Committee noted that the fifty-third session of the Sub-Committee on Ship Design and Equipment (DE 53) had been held from 22 to 26 February 2010 and its report on that session had been circulated under the symbol DE 53/26. The matters of interest to the Committee's work were set out in document MEPC 61/11/1 (Secretariat).

11.7 The Committee approved the report of DE 53 concerning the work of the MEPC in general and took action as indicated in the ensuing paragraphs.

11.8 The Committee noted that DE 53, having considered a draft MSC-MEPC circular on Unified Interpretations on the application of SOLAS, MARPOL and Load Line requirements to conversions of single-hull to double-hull oil tankers or bulk carriers/ore carriers, agreed that further work was necessary and invited Member Governments and international organizations to submit their comments and proposals on the matter to DE 54.

11.9 On the issue of Manually operated alternatives in the event of pollution prevention equipment malfunctions, the Committee noted that DE 53 had agreed to establish an intersessional correspondence group on pollution prevention, under the co-ordination of the United States, and instructed it to prepare draft amendments to the Revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers (resolution MEPC.108(49)); and to report to DE 54.

11.10 The Committee also noted that DE 53, having considered proposals by the United States and Japan on test standards for add-on equipment improving existing equipment approved under resolution MEPC.60(33), agreed to instruct the correspondence group on pollution prevention referred to above to progress the issue.

11.11 As regards the development of guidelines for a shipboard oil waste pollution prevention plan, the Committee noted further that DE 53, recognizing that no documents on the issue had been submitted, agreed to task the correspondence group on pollution prevention referred to above to develop draft Guidelines for a shipboard oil waste pollution prevention plan.

Outcome of FSI 18

11.12 The Committee noted that the eighteenth session of the Sub-Committee on Flag State Implementation (FSI 18) had been held from 5 to 9 July 2010 and its report on that session had been circulated under the symbol FSI 18/20. The matters of interest to the Committee's work were set out in document MEPC 61/11/2 (Secretariat).

11.13 The Committee approved the report of FSI 18 in general and took action on the specific points listed for decision in paragraph 2 of document MEPC 61/11/2 as indicated in the ensuing paragraphs.

11.14 The Committee noted:

.1 the views of FSI 18 on the analysis of consolidated audit summary reports and the time frame to institutionalize the IMO Member State Audit Scheme;

.2 the progress made in the development of a Code for Recognized Organizations; and

.3 the report on the status of the planned outputs, relevant to the Sub-Committee, in the High-level Action Plan for the 2010-2011 biennium and the list of proposed outputs for the 2012-2013 biennium in SMART terms.

11.15 In addition, the Committee:

.1 urged all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318, noting that mandatory reports required under MARPOL are being submitted only by one quarter of the Parties;

.2 endorsed FSI 18's agreement that Member States should populate and maintain current information on their port reception facilities in the Port Reception Facilities Database (PRFD), and also enter, maintain and update their country contact information (both as flag and also as port State) into the GISIS PRFD; and for this purpose endorsed the continued monitoring of the GISIS PRFD, for both population levels and usage, on an as needed basis or on request from the MEPC or from the FSI Sub-Committee as appropriate;

.3 concurred, in connection with work item 5.2 "Revision of the IMO Comprehensive Manual on Port Reception Facilities", that the Manual remained a very useful tool and was in need of updating on the basis of the guidance contained in annex 2 to the correspondence group's report (FSI 18/5). In this respect, the Committee encouraged donations from Member States and NGOs and requested the Technical Co-operation Committee, at its sixty-first session, to include this as a priority item under a Global Programme of the Integrated Technical Co-operation Programme;

.4 in connection with work item 6.1 "Development of Assistance and Training Programme", approved the proposed plan for the strengthening of PRFs, as outlined in annex 3 to the correspondence group's report (FSI 18/5), and requested the Technical Co-operation Committee to include this as a priority theme for the next ITCP biennium 2012-2013;

.5 endorsed FSI 18's agreement that work items 2.1, 3.2, 4.1, 4.2, 4.3, 5.2, and 6.1 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities are completed and therefore that FSI's work on the Action Plan has been satisfactorily finalized;

.6 agreed with FSI 18's conclusion that the Hong Kong Convention already makes adequate provision for the environmentally sound management of all wastes removed from ships at ship recycling facilities, and that, therefore, there is no need to include in all Annexes of MARPOL provisions for waste reception arrangements at ship recycling facilities;

.7 adopted, by resolution MEPC.195(61), the 2010 Guidelines for Survey and Certification of Anti-Fouling Systems on Ships, set out in annex 16;

.8 concurred that the tacit acceptance procedure is the preferred way forward to amend instruments to give mandatory status to the Code for implementation of mandatory IMO instruments and auditing; instructed the Sub-Committee to proceed with the development of texts of amendments; and agreed that each MARPOL Annex should be amended by adding a new chapter to it;

.9 concurred with the view of FSI 18 on the areas of the Code which would need to be amended at this stage; and that any proposals to reduce or expand the scope of the Code should be first submitted by Member Governments to the Committees for consideration; and

.10 approved the Sub-Committee's biennial agenda and the provisional agenda for FSI 19 (see paragraph 20.3).

12 WORK OF OTHER BODIES

Outcome of MSC 87

12.1 The Committee noted that the eighty-seventh session of the Maritime Safety Committee (MSC 87) was held from 12 to 21 May 2010 and its report was circulated under the symbol MSC 87/26 and Adds.1, 2 and 3. The outcome of MSC 87, relevant to the work of the Committee, was summarized in document MEPC 61/12.

12.2 The Committee, recognizing that this document covered numerous issues which were relevant to its work, agreed to note, in general, the outcome of MSC 87 on all issues of relevance to the Committee and to take MSC's action into account, as appropriate, under the relevant items of its agenda.

12.3 The Committee noted that the outcome of MSC 87 on Formal Safety Assessment (FSA), work programmes and provisional agendas of subsidiary bodies together with the application of the Committees' Guidelines would be reported under agenda items 18, 20 and 21, respectively.

12.4 Regarding MSC 87's consideration of the report of the Chairmen's meeting that took place on 15 May 2010, the Committee agreed to take its outcome into account together with the consideration of the outcome of that meeting under agenda item 21 (MEPC 61/21/1).

12.5 The Committee noted also the action taken by MSC 87 on the following topics that relate to matters under its purview:

.1 adoption of the following amendments to mandatory instruments and other new instruments:

.1.1 amendments to chapter II-1 of the 1974 SOLAS Convention (resolution MSC.290(87)) incorporating by reference the International goal-based ship construction standards (GBS) for bulk carriers and oil tankers (resolution MSC.287(87));

.1.2 new SOLAS regulation II-1/3.11 on corrosion protection of cargo oil tanks of crude oil tankers (resolution MSC.291(87)) and the related Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.289(87)); and

.1.3 amendments to the existing mandatory ship reporting system "In the Western European PSSA" (resolution MSC.300(87));

.2 other relevant actions taken by MSC 87:

.2.1 approval, taking into account MEPC 59's concurrent decision, of MSC-MEPC.2/Circ.9 on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs; and

.2.2 approval of MSC.1/Circ.1370 on Guidelines for the design, construction and testing of fixed hydrocarbon gas detection systems required for oil tankers and referred to in the new chapter 16 of the FSS Code.

12.6 Concerning the Role of the Human Element, the Committee noted that MSC 87 had:

.1 approved the report of the Joint MSC/MEPC Working Group which met during MEPC 59;

.2 approved the convening of the Joint IMO/ILO *Ad Hoc* Working Group on Guidelines for medical examination of seafarers leading to the issue of medical certificates and revision of existing Recommendation No. 105 (No. 158) relating to ships' medicine sea chests, with the nomination of Germany, Japan, Liberia, the Marshall Islands, Panama, the Philippines, the United Kingdom and the United States to represent IMO at the first meeting to be held from 5 to 7 October 2010 in Geneva;

.3 agreed, as proposed by the Joint MSC/MEPC Working Group and LEG 96, that there was no need to alter the past practice of establishing *Ad Hoc* Joint IMO/ILO Working Groups when necessary; and

.4 as regards consideration of the human element in the rule-making process, agreed that an appropriate amendment to the Committees' Guidelines would need to be developed at the next session of the Joint MSC/MEPC Working Group to be convened during MSC 88.

12.7 The Committee noted that MSC 87 had approved MSC.1/Circ.1371 on List of Codes, recommendations and other non-mandatory instruments relating to safety and security.

12.8 On the matter of whether to issue a similar MEPC circular listing non-mandatory instruments related to the protection of the marine environment, the Committee, taking into account that the information on the subject is already available in hard copy or electronic format, decided that there was no need to issue such a circular.

Maritime emergencies involving radioactive materials

12.9 The Committee noted that MSC 87 had considered a request by IAEA inviting the Secretariat to collaborate in the preparation of Guidance for coastal States on how to respond to a maritime emergency involving radioactive materials. MSC 87, recognizing the environmental and safety considerations associated with this initiative, noted that the MSC and the MEPC should first agree with the need for the above guidance and, if agreed, involve various technical sub-committees.

12.10 The Committee noted also that MSC 87, having noted that the issue would be further considered at MEPC 61, agreed that the Secretariat should participate in the next IAEA meeting to be held on this matter.

12.11 In this respect, the Committee recalled that it has a history of collaboration with IAEA for the development of guidelines related to the safe carriage of radioactive material and, in particular, that MEPC 39 and MSC 68 had approved the Guidelines for developing shipboard emergency plans for ships carrying materials subject to the INF Code, through the OPRC Working Group and the BLG Sub-Committee; and that these were subsequently adopted by the Assembly at its twentieth session as resolution A.854(20).

12.12 The Committee, noting that the issue was first raised at MEPC 60 following a request by the IAEA Secretariat (MEPC 60/22, paragraphs 7.13 to 7.16), concurred, in principle, with MSC 87's view that the Secretariat should participate in this exercise and requested the Secretariat to ensure that both the safety and preparedness and response

aspects, as they pertain to the protection of the marine environment, are addressed in carrying out this work. The outcome of MSC 88 on the issue would then be considered by MEPC 62 in July 2011.

Outcome of C 104

12.13 The Committee noted that the 104th session of the Council (C 104) was held from 7 to 11 June 2010 and its summary of decisions was issued under the symbol C 104/D and Corr.1; and that matters of interest to the Committee were summarized in document MEPC 61/12/1, including the Council's decisions concerning the report of MEPC 60; Strategy and planning; Voluntary IMO Member State Audit Scheme; World Maritime Day; and report on the status of conventions and other multilateral instruments.

12.14 Regarding the consideration of the report of MEPC 60, the Committee noted that the Council had endorsed:

.1 the Committee's views regarding the definition of "harmful substances" for performance Indicator 8(a). Consequently, it had decided to amend the indicator to read "Tonnes of oil discharged into the sea accidentally from ships subject to IMO instruments" and had agreed that, when the data of NLS discharges becomes available, the Performance Indicator should be modified to address oil and NLS; and

.2 the Committee's approval of planned intersessional meetings in 2010.

12.15 The Committee noted also the decision of C 104 concerning Improving the conduct of IMO meetings with a view to increasing efficiency and effectiveness while also reducing the burden of work.

12.16 The Committee noted, finally, that the Council had decided to transmit the report of MEPC 60 to the twenty-seventh session of the Assembly with its comments and recommendations, in accordance with Article 21(b) of the IMO Convention.

Outcome of TC 60

12.17 The Committee noted that the sixtieth session of the Technical Co-operation Committee (TC 60) was held from 1 to 3 June 2010 and its report had been circulated as document TC 60/13. The main conclusions, decisions and recommendations of interest to the Committee were summarized in document MEPC 61/12/4.

12.18 The Committee noted the content of the document and agreed to take into account all issues related to marine environment protection in this report under agenda item 16 – Technical Co-operation Sub-programme for the Protection of the Marine Environment.

Outcome of the 2010 International Conference on the revision of the HNS Convention

12.19 The Committee noted the outcome of the Conference, as reported in document MEPC 61/12/2, in particular the adoption of the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the carriage of Hazardous and Noxious Substances by Sea, 1996.

12.20 The Committee noted that the Protocol will be open for signature at the Headquarters of the Organization from 1 November 2010 and will remain open for signature until 31 October 2011. Thereafter it will remain open for accession and will enter into

force 18 months after the date on which (1) at least 12 States, including four with not less than 2 million units of gross tonnage, have expressed their consent to be bound by it; and (2) the Secretary-General has received confirmation that those persons in such States who would be liable to contribute have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.

Outcome of the 2010 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

12.21 The Committee noted the outcome of the Conference, as reported in document MEPC 61/12/3, with the adoption of the Manila amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and the Seafarers' Training, Certification and Watchkeeping Code.

12.22 The Committee noted that the Manila amendments are expected to enter into force on 1 January 2012 upon their deemed acceptance on 1 July 2011 in accordance with the provisions of the STCW Convention.

13 STATUS OF CONVENTIONS

13.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection as at 18 June 2010 (MEPC 61/13) as follows:

.1 annex 1 showing the status of the IMO conventions and other instruments relating to marine environment protection;

.2 annex 2 showing the status of MARPOL;

.3 annex 3 showing the status of the amendments to MARPOL;

.4 annex 4 showing the status of the 1990 OPRC Convention;

.5 annex 5 showing the status of the 2000 OPRC-HNS Protocol;

.6 annex 6 showing the status of the 2001 AFS Convention; and

.7 annex 7 showing the status of the 2004 BWM Convention.

13.2 The Committee also noted the following information provided by the Secretariat since document MEPC 61/12 was issued on 18 June 2010:

.1 with regard to annex 2 on the status of the MARPOL Convention:

.1 The Republic of Serbia had deposited its instrument of accession to MARPOL Annex VI on 8 July 2010; and

.2 Malaysia had deposited its instrument of acceptance to MARPOL Annexes III and IV and its instrument of accession to MARPOL Annex VI on 27 September 2010;

.2 with regard to annex 6 on the status of the 2001 AFS Convention:

.1 The Republic of Serbia had deposited its instrument of accession on 8 July 2010;

.2 Finland had deposited its instrument of accession on 9 July 2010; and

.3 Malaysia had deposited its instrument of accession on 27 September 2010; and

.3 with regard to annex 7 on the status of the 2004 BWM Convention:

.1 Croatia had deposited its instrument of accession on 29 June 2010; and

.2 Malaysia had deposited its instrument of accession on 27 September 2010.

14 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS

14.1 The Committee noted that the International Convention on the Control of Harmful Anti-Fouling Systems on Ships had been in force since 17 September 2008 and that, to date, the Convention had 47 Parties, representing 74.40% of the world's gross tonnage. The Committee invited all those States which had not yet ratified this Convention to do so at the earliest opportunity.

14.2 In this connection, the Committee noted that, under agenda item 11 – "Reports of sub-committees", it had adopted the "2010 Guidelines for survey and certification of anti-fouling systems on ships" by resolution MEPC.195(61) (see paragraph 11.15.7).

14.3 The Committee noted the information provided by the observer from IPPIC (MEPC 61/14) in respect of its concerns over the type-approval schemes for anti-fouling paint products by recognized organizations. IPPIC was of the view that type approval for anti-fouling paint products is neither mandated within the AFS Convention nor in the associated Guidelines for survey and, in practice, such pre-qualification is causing confusion and unnecessary bureaucratic and costly burden on the marine industry.

14.4 The observer from IACS made a statement in connection with document MEPC 61/14 as follows:

"IACS welcomes the opportunity for the Committee to clarify the position regarding the approval of individual systems that are compliant with the requirements of the AFS Convention.

In this regard, IACS would like to confirm its understanding that the type approval of such systems is NOT required either by the provisions of the Convention or its associated Guidelines. Product approvals are only carried out by IACS Members at the EXPLICIT REQUEST of the manufacturers. Any such approvals are NOT carried out on behalf of Administrations. While such product approvals are not REQUIRED by the Convention, IACS does not see that the Convention or its associated guidelines PROHIBIT manufacturers from seeking such product approvals from IACS Members if they so desire."

15 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS

15.1 The Committee recalled that this is a standing item in its work programme with the purpose of fostering compliance and dealing with implementation issues in respect of MARPOL and other related instruments, mandatory or recommendatory.

15.2 The Committee, noting that no documents had been submitted to the current session, invited Member States and observer organizations to provide information or table proposals under this item to future sessions of the Committee, recognizing its importance for the smooth and co-ordinated implementation of MARPOL and related instruments.

16 TECHNICAL CO-OPERATION SUB-PROGRAMME FOR THE PROTECTION OF THE MARINE ENVIRONMENT

16.1 The Committee noted the information provided in document MEPC 61/12/4 on the outcome of TC 60 and documents MEPC 61/16, MEPC 61/16/1, MEPC 61/16/2, MEPC 61/16/3, MEPC 61/INF.15 and MEPC 61/INF.20 on the progress on activities related to protection of the marine environment.

16.2 The Committee noted the information provided by the Secretariat on technical co-operation activities which were implemented during the period from 1 January 2010 to 30 June 2010 under the Integrated Technical Co-operation (ITCP) for the 2010-2011 biennium as well as under the major projects which are financed through external sources. The Committee also noted that during the period under review, the Secretariat had continued to coordinate and manage the activities under the ITCP and major projects and a number of activities had taken place aimed at assisting Member States in the implementation of the provisions of the relevant IMO instruments, including AFS, Ballast Water Management, London Convention, MARPOL, OPRC, OPRC-HNS and Ship Recycling.

16.3 The Committee took note of the information provided in two other relevant documents, namely MEPC 61/INF.15 and MEPC 61/INF.20, submitted by the Commission on the Protection of the Black Sea against Pollution (BSC) and Honduras respectively under agenda item 2 – "Harmful Aquatic Organisms in Ballast Water", which provided the summary of the outcomes of two recently concluded Regional training courses on the implementation of the Ballast Water Management Convention in the respective regions.

16.4 The Committee noted the information provided in document MEPC 61/16/1 which gave a status report on the implementation of the GEF-UNDP-IMO GloBallast Partnerships Project as at 30 June 2010. The Committee took note of the significant progress achieved by the project. The objectives of the project were also supported through activities under the Global Industry Alliance for Marine Biosafety (GIA), which is a public-private sector partnership consisting of four industry members. The Committee noted the information provided in document MEPC 61/16/2 and that most of the activities planned under the GIA were implemented or in the process of being implemented.

16.5 The Committee noted the information provided in document MEPC 60/16/3 which gave a status report on the Organization's planned development of an IMO Model Course on Ship Energy Efficiency Management Plan in promoting the energy-efficient operation of ships through an MoU with the World Maritime University (WMU). This Course will contribute to the IMO's environmental protection goals set out in resolutions A.947(23) and A.998(25) by promulgating industry's "best practices", to reduce greenhouse gas emissions from international shipping.

16.6 The Committee also took note of the ongoing IMO-Oil Industry co-operation within the Global Initiative (GI) and noted the information, with appreciation, that the oil industry, through the Government of France, is providing the services of an Associate Professional Officer who is scheduled to take up the duties at IMO Headquarters in October 2010 to work on the GI-West and Central Africa regional initiative.

16.7 In summing up, the Chairman recalled that the constituent programmes of the IMO Integrated Technical Co-operation Programme could only be delivered if the required funding is secured from IMO's internal resources and/or external donor contributions. He expressed appreciation for all financial and in-kind contributions to the ITCP and major projects and invited Member States and international organizations to continue, and if possible, increase their appreciable support for IMO's technical co-operation activities so that successful delivery of the programme can be achieved.

17 ROLE OF THE HUMAN ELEMENT

17.1 The Committee recalled that MEPC 59 (July 2009) had approved, in general, the report of the Joint MSC/MEPC Working Group on Human Element, which met during MEPC 59. That meeting of the Joint Working Group had finalized the Guidelines on the implementation of the ISM Code by Administrations, which was subsequently adopted by resolution A.1022(26).

17.2 The Committee noted that MSC 87 (May 2010), having noted the decisions taken by MEPC 59, had also approved the report of that meeting of the Joint Working Group (MSC 87/26, paragraph 17.2).

17.3 The Committee noted also that the Joint Working Group, which is scheduled to be reconvened during MSC 88 in December 2010, will consider appropriate amendments to the Committees' Guidelines (MSC-MEPC.1/Circ.2) to take into account the human element in the rule-making process (MSC 87/26, paragraph 17.4). The outcome on the matter, including the decision of MSC 88, will be brought to the attention of MEPC 62.

17.4 Regarding whether to hold the Joint Working Group at MEPC 62, the Committee, having noted that there were already five groups (the maximum number allowed by the Committees' Guidelines) to be established at MEPC 62, requested the MSC to hold the Joint Working Group in 2011. The Chairman of MSC indicated that MSC 88 would consider the request and decide as appropriate.

18 FORMAL SAFETY ASSESSMENT

18.1 The Committee recalled that MEPC 56 in July 2007 had noted that the one matter that needed consideration within the context of the Formal Safety Assessment Guidelines relevant to its work was the draft Environmental Risk Evaluation Criteria. The need was recognized to carry out a more in-depth analysis of the proposed environmental risk evaluation criteria for the purpose of the Formal Safety Assessment (FSA) before inclusion of such criteria in the IMO FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392, as consolidated in document MSC 83/INF.2).

18.2 The Committee further recalled that MEPC 56 had recognized that environmental risk evaluation criteria are still under development and there was limited experience in their practical application and subsequently had agreed to establish a correspondence group, under the coordination of Greece, to further the work.

18.3 The Committee also recalled that while progress had been made on this subject since MEPC 56 through work carried out by correspondence, MEPC 60, noting that further work was needed on the subject, had established a Working Group on Environmental Risk Evaluation Criteria within the framework of the FSA methodology. In approving the report of the Working Group, MEPC 60 (March 2010) had noted, in particular, the progress made in determining a CATS criterion and urged Member Governments/organizations to verify and adjust as necessary the proposed regression formula and to submit the data for each cost component and the results of the analysis for consideration by the Committee.

18.4 The Committee noted that six documents had been submitted under this agenda item: MEPC 61/18 (Secretariat), which summarized the progress made at MSC 87 within the context of FSA relevant to the work of the Committee; MEPC 61/18/1 and MEPC 61/INF.11 by the United States, which provided information on the costs of oil spills in the United States; MEPC 61/18/2 (Greece), which built on the analysis to derive the non-linear formulae presented in document MEPC 60/17 (annex 2); MEPC 61/18/3 and MEPC 61/18/4 by Japan, the former summarizing the status of the development of environmental FSA Guidelines, contains a proposal for the methodology of assessing cost-effectiveness of multiple RCOs when applied in combination, and presents Japan's view on the review of an FSA study on crude oil tankers, whilst the latter provides an updated oil spill cost function developed by using combined data of the IOPCF, Norway and the United States.

18.5 The delegation of Norway noted that the regression line in its document MEPC 60/17/1 was put forward as an argument in favour of a fixed value for CATS and not a proposal for a CATS value. It clarified that the regression line represents only the costs for oil that the response authorities managed to clean up and additional cost components are not included.

18.6 In deliberating the issue further, some delegations recalled that the Committee had agreed with the Working Group's proposal at MEPC 60 to use a non-linear volume-dependent function and that the discussion about a fixed unit cost should not be re-opened. In addition, it was noted that the development of global regulations for tanker and bunker spills should be based on reliable and transparent data and that the development of such regulations should be based on all such data to ensure that it reflects the global reality.

18.7 The Committee noted that much effort had been made over the last three years in an attempt to conclude the work and that this work should be retained on the Committee's agenda until it is finalized. On the other hand, the Committee also noted that, for the most part, contributions had originated from the same (four) Member States and that in order to make well founded decisions, data from other Administrations were needed. At the same time, the Committee recognized the urgent need for the work to be completed on environmental risk evaluation criteria for inclusion in the IMO FSA Guidelines.

18.8 The Committee, with a view to progressing the matter and noting the urgent need to complete this work, urged Member Governments/organizations to provide information particularly on the cost of oil spills to ensure that any derived oil spill cost function is representative of oil spill data and agreed to establish a working group at MEPC 62, with a view to concluding the work at that session. The Committee invited the MSC to note the progress to date and the timelines to finalize this work.

19 NOISE FROM COMMERCIAL SHIPPING AND ITS ADVERSE IMPACTS ON MARINE LIFE

19.1 The Committee had before it document MEPC 61/19 (Report of the Correspondence Group) and noted that the Correspondence Group, having conducted a thorough assessment of the existing design and operational modifications and possibilities potentially relevant in the reduction of incidental noise produced by large vessels, agreed that the propeller is the

main source for ship-generated underwater noise. In this regard, the Committee agreed that future research programmes should focus on the propeller and the relationship between cavitation and the cause of underwater sonic energy.

19.2 In this context, the Committee noted that coordinated measurements and applied research along shipping routes may lead to substantial progress in order to identify both the loudest ship types and the noisiest individual ships, as quieting a relatively few of the loudest ships is a potential way to efficiently reduce the overall contribution of shipping noise to the global ocean noise budget. This demand for reliable underwater noise data highlighted the need to develop a definition of an appropriate measuring method for underwater noise of ships (i.e. outcome of ISO/TC8/SC2 and/or new ANSI/ASA standard S12.64-2009/part1) to make sure that reproducible measuring results can be derived.

19.3 In considering the Correspondence Group's recommendations, the Committee agreed that non-binding, technical guidelines and consideration of solutions to reduce the incidental introduction of underwater noise from commercial shipping and, in turn, reduce potential adverse impacts to marine life. Accordingly, the most plausible design and/or retrofit options (propulsion, hull design, onboard machinery and operational modifications) should be assessed by naval architects and engineers. While recognizing that the recommendations are intended primarily for new ships, special consideration should be given to existing ships, depending on the practicality/cost of noise mitigation measures, possible operational modifications should be considered for both new and existing vessels.

19.4 The Committee noted that this assessment should include both the practicality and specific engineering considerations as well as, to the extent possible, economic considerations given these practical design and construction considerations. Given the relatively little attention paid to underwater radiated noise in ship design and construction to this point, the Committee agreed that the primary focus area should clearly be on various aspects of vessel propulsion, followed by hull design, onboard machinery, and (practically speaking) operational measures. It was noted, however, that the optimal quieting strategy for any ship should take into account all four of these subgroups.

19.5 The Committee also agreed that the Correspondence Group's recommendations should be noted by the following organizations:

.1 Governments of Member States (collection and evaluation of existing noise data along shipping routes);

.2 Scientific community (measurements of single ship noise profiles AND collective ship noise contributing to ambient noise levels in specified water bodies, e.g., large scale port based up to small scale ocean based);

.3 Environmental organizations interested in issues relating to underwater noise;

.4 International organizations concerned/interested in issues relating to underwater noise (e.g., the International Whaling Commission, Scientific Committee); and

.5 Marine engineers, naval architects, and vessel owners and operators.

19.6 The Committee, having noted that issues such as "propulsion", "hull design", "onboard machinery" and "operational modifications" relate to ship design and equipment, referred these technical matters to DE 54 under its work programme item concerning the "Protection against noise on board ships", for advice that would be reviewed by the

Correspondence Group. The Committee recognized that while the DE Sub-Committee addresses noise in relation to shipborne personnel, MEPC considers the adverse impact of ships' noise on marine life, the aim of which should be to develop a "guidance document" to be issued as an MEPC circular.

19.7 The Committee, having discussed relevant issues and with a view to making further progress on the matter, decided to re-establish the Correspondence Group, under the leadership of the United States*, and instructed it to:

.1 taking into account advice from DE 54, continue identifying and addressing ways to minimize the introduction of incidental noise into the marine environment from commercial shipping to reduce the potential adverse impact on marine life;

.2 develop, if possible, a first draft of a "Guidance document to reduce the adverse impact of ships' noise"; and

.3 provide a written report to MEPC 62.

20 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Biennial agenda of the BLG Sub-Committee

20.1 The Committee, having noted that MSC 87 (May 2010) had revised and approved the biennial agenda of the BLG Sub-Committee as well as the provisional agenda for BLG 15 (MEPC 61/20), also approved them and requested the Secretariat to inform the MSC accordingly. The biennial agenda of the BLG Sub-Committee and provisional agenda for BLG 15, as approved, are set out in annex 17.

Biennial agenda of the FSI Sub-Committee

20.2 The Committee noted that MSC 87 had approved the biennial agenda of the FSI Sub-Committee. The Committee noted further that, after MSC 87, FSI 18 (5 to 9 July 2010) revised its biennial and post-biennial agendas and the provisional agenda for FSI 19 with a view to their approval by MEPC 61 and MSC 88.

20.3 The Committee, having considered document MEPC 61/20/Add.1 (Secretariat), approved the biennial and post-biennial agendas of the FSI Sub-Committee and the provisional agenda for FSI 19, and requested the Secretariat to inform the MSC accordingly. The biennial and post-biennial agendas of the FSI Sub-Committee and the provisional agenda for FSI 19, as approved, are set out in annex 18.

Items in the biennial agendas of the DE, DSC and NAV Sub-Committees relating to environmental issues

20.4 The Committee noted that MSC 87 had revised and approved the biennial agendas of the DE, DSC and NAV Sub-Committees (MSC 87/26, paragraphs 24.12, 24.28, 24.32 and annex 37).

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20.5 Having considered document MEPC 61/WP.2 (Secretariat), the Committee approved the items related to environmental issues in the biennial agendas of the DE, DSC and NAV Sub-Committees and requested the Secretariat to inform the MSC accordingly. The items related to the work of the Committee on environmental issues in the revised work programme of the DE, DSC and NAV Sub-Committees are set out in annex 19.

Status of planned outputs of the Committee for 2010-2011 biennium

20.6 The Committee noted that, in accordance with paragraph 9.1 of the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (resolution A.1013(26)), the reports on the status of planned outputs included in the High-level Action Plan and priorities for the 2010-2011 biennium should be prepared in the tabular format set out in annex 3 to the Guidelines and annexed to the report of each session of the sub-committees and the committees and to the biennial report of the Council to the Assembly. Such reports should separately identify unplanned outputs accepted for inclusion in the biennial agendas.

20.7 Having considered document MEPC 61/WP.4 on the status of the planned outputs of the Committee for the 2010-2011 biennium, containing the items related to the work of the Committee and relevant sub-committees listed in resolution A.1012(26), the Committee endorsed the status of planned outputs for the current biennium, which had been updated by the Secretariat to take into account the outcome of MEPC 61, as set out in annex 20.

Activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies for 2012–2013 biennium

20.8 The Committee recalled that paragraph 2.6 of the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.2) requires that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering the activities, priorities and meeting requirements of their subsidiary bodies over the following two years.

20.9 The Committee recalled further that, in considering the "Outcome of the 2010 Chairmen's Meeting" (MEPC 61/21), it had endorsed the view that the Committee Chairmen should submit their respective joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium at the end of the first year of the biennium, for consideration by the Committee with a view to inclusion in the Secretary-General's relevant budget proposals.

20.10 The Committee noted that, in preparing the activities and priorities of the Committees, the Chairmen had taken into account resolution A.1012(26) on the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium including priorities for specific items, necessary to achieve the strategic objectives in the Strategic Plan for the Organization for the six-year period 2010-2015 (resolution A.1011(26)).

20.11 The Committee further noted that the Chairmen had taken into account the provisions of resolution A.900(21), which set the objectives of the Organization in the 2000s and provided specific directions as to the areas on which the Committees should focus their attention during the current decade as well as the provisions of resolution A.901(21) on IMO and technical co-operation in the 2000s.

20.12 The Committee recalled that MSC 87 had approved, subject to concurrent decision by MEPC 61, the biennial agendas of the sub-committees, including priorities for each output and target completion dates, as shown in annex 37 to the report of MSC 87 (MSC 87/26/Add.3).

20.13 Taking into account the technical workload of the Organization, the priorities assigned by the Assembly in resolution A.1012(26) to subjects for consideration by the MSC and the MEPC and the advice provided by the Chairmen of the sub-committees, the Committee approved, subject to the concurrent decision by MSC 88, the following plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the biennium 2012-2013 for inclusion in the Secretary-General's relevant budget proposals:

Year	MSC	MEPC	BLG	DSC	FP	FSI	COMSAR	NAV	DE	SLF	STW	Total
2012	3	2	1	1	1	1	1	1	1	1	1	14
2013	1.5	1	1	1	1	1	1	1	1	1	1	11.5
Grand total (weeks)												25.5

Items to be included in the Committee's agenda for its forthcoming three sessions

20.14 The Committee approved the items to be included in the agendas for MEPC 62, MEPC 63 and MEPC 64, as set out in annex 21.

Dates for MEPC 62, MEPC 63 and MEPC 64

20.15 The Committee noted that MEPC 62 would be held from 11 to 15 July 2011 and that MEPC 63 and MEPC 64 were tentatively scheduled to be held in March 2012 and October 2012, respectively.

Working/review/drafting groups at MEPC 62

20.16 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 62:

.1 Working Group on GHG Issues;

.2 Working Group on Guidelines for Ship Recycling;

.3 Working Group on Environmental Risk Evaluation Criteria;

.4 Drafting Group on Amendments to Mandatory Instruments; and

.5 Ballast Water Review Group.

Correspondence Groups

20.17 The Committee agreed to establish the following intersessional correspondence groups, which would report to MEPC 62, unless otherwise specified:

.1 Correspondence Group on Development of Ship Recycling Guidelines;

.2 Correspondence Group on Noise from Commercial Shipping and Adverse Impacts on Marine Life;

.3 Correspondence Group on Energy Efficiency Measures for Ships;

.4 Correspondence Group on the Assessment of Availability of Fuel Oil under MARPOL Annex VI; and

.5 Correspondence Group on the Review of Guidelines for the Implementation of MARPOL Annex V.

Intersessional meetings

20.18 The Committee approved the holding of the following intersessional meetings:

.1 OPRC/HNS Technical Group, to be held in the week before MEPC 62 in July 2011, which should report to MEPC 62;

.2 ESPH Working Group to be held from 18 to 22 October 2010 and another intersessional meeting to be held in 2011; and

.3 Working Group on GHG Emissions from Ships (GHG-WG 3), to be held in the spring of 2011, which should report to MEPC 62.

21 APPLICATION OF THE COMMITTEES' GUIDELINES

21.1 The Committee recalled that MEPC 60, noting that the Secretariat in consultation with the MSC and MEPC Chairmen, had prepared the draft revised Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (hereinafter referred to as the "Committees' Guidelines") for consideration by MSC 87 (MSC 87/23), agreed to consider the matter at MEPC 61 with a view to approval, taking into account the decision of MSC 87 and the recommendations of the Chairmen's Meeting scheduled to take place during MSC 87.

21.2 The Committee noted that the 2010 Chairmen's Meeting was held on 15 May 2010 during MSC 87, which considered three main issues, namely, revision of the Committees' Guidelines; matters related to the Migration Plan for the implementation of the "Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization" (resolution A.1013(26)); and status of planned outputs for the 2010-2011 biennium.

Draft revised Committees' Guidelines

21.3 Having considered the outcome of the 2010 Chairmen's Meeting (MEPC 61/21) and the decision of MSC 87 on the revision of the Committees' Guidelines (MEPC 61/21/1), the Committee noted that MSC 87 had endorsed the recommendations emanating from the 2010 Chairmen's Meeting and took action as outlined in the subsequent paragraphs.

21.4 The Committee noted that the 2010 Chairmen's Meeting, having considered the draft revised Committees' Guidelines (MSC 87/23, annex 1), had agreed to a number of modifications, as set out in annex 3 to document MSC 87/WP.9 and reproduced in document MEPC 61/21/1. The Committee agreed to these modifications.

21.5 The Committee also endorsed the recommendations of the 2010 Chairmen's Meeting on the revised Committees' Guidelines (paragraphs 6.1 to 6.10 of document MEPC 61/21) and requested the Secretariat to take action accordingly.

21.6 The Committee noted that MSC 87, having considered document MSC 87/17/3 (INTERTANKO and ITF), which proposed to incorporate the human element principles into the Committees' Guidelines, agreed that an appropriate amendment to the Committees'

Guidelines would need to be developed at the next session of the Joint MSC/MEPC Working Group on the Human Element, scheduled to be convened during MSC 88. The Committee, having considered the proposed amendments also contained in document MEPC 61/21/2 (INTERTANKO and ITF), agreed with the proposal in principle, subject to further text adjustment and final decision at MSC 88.

21.7 In respect of the issue of new work items for the Committees and, in particular, for sub-committees (MEPC 59/21/1, annex 3), the Committee noted that MSC 87, having considered document MSC 87/23/2 (Cook Islands, *et al.*), which proposed an alternative text to introduce flexibility and to substantiate reference material with regard to the need or compelling need at the subsidiary body's level, had requested the Secretariat to prepare draft amendments to the Committees' Guidelines to capture the essence of the alternative text in document MSC 87/23/2, and to propose any other editorial improvements, for consideration at MEPC 61 and MSC 88.

21.8 The Committee, having considered the draft amendments to paragraphs 4.23 and 4.24 of the revised Committees' Guidelines, as shown in the annex to document MEPC 61/WP.6 (Secretariat), agreed to these amendments, subject to concurrent decision by MSC 88.

21.9 The Committee noted that the Council, at its 104th session in June 2010, approved the recommendations on improving the conduct of IMO meetings so as to increase efficiency and effectiveness, while also reducing the growing burden of work, made by the *Ad Hoc* Council Working Group on the Organization's Strategic Plan (CWGSP). In the context of the Committees' Guidelines, the Committee noted that the Council had adopted the following measures concerning IMO documentation:

.1 documents, other than information documents, which contain more than 20 pages, will, in future, not be translated into all working languages in their entirety. They should include, for translation purposes, a summary of the document not longer than four pages, with the remaining content submitted as an annex in one of the three working languages; and

.2 to save meeting time, information documents and documents requiring no action other than for their contents to be noted, will not be introduced in the plenary meetings of any IMO organ.

21.10 Having considered the draft amendments to paragraphs 6.3, 6.9 and 6.10 of the revised Committees' Guidelines in light of the above Council decisions (MEPC 61/WP.6, annex), the Committee agreed to these amendments, subject to concurrent decision by MSC 88.

21.11 Having taken the above decisions, the Committee considered and approved a revised text of the Committees' Guidelines, as set out in annex 22, subject to concurrent decision by MSC 88.

21.12 The Committee invited Member Governments to use the draft revised Committees' Guidelines when submitting proposals for new outputs, pending final approval of the Guidelines by MSC 88.

Sub-Committees' biennial agenda for the 2012-2013 biennium

21.13 The Committee agreed that subsidiary bodies should prepare their respective biennial agendas for the next biennium at their forthcoming sessions, in accordance with the revised Committees' Guidelines, taking into account that:

.1 outputs selected for the biennial agenda should be phrased in specific, measurable, achievable, realistic, time-bound (SMART) terms; and

.2 where the target completion year for a specific output goes beyond the 2012-2013 biennium, an interim output should be placed in the biennial agenda with a target completion year of 2012 or 2013, as appropriate, and a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year.

21.14 The Committee requested the Secretariat to prepare, in consultation with the Chairmen, the initial proposals for consideration by the sub-committees. Following a suggestion by the delegation of the Netherlands, the Committee agreed that the outputs selected for the biennial agenda of the Committee should also be phrased in SMART terms.

Committee's High-level Action Plan for the 2012-2013 biennium

21.15 The Committee, having noted that the *Ad Hoc* Council Working Group on the Organization's Strategic Plan had developed the Migration Plan relating to the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization (C/ES.25/3, annex 3) with a view towards achieving full implementation of the aforementioned Guidelines by the beginning of the 2012-2013 biennium, agreed to prepare its proposals for the High-level Action Plan for the 2012-2013 biennium for submission to C.ES/26 and requested the Secretariat to take action accordingly.

New GISIS module on organizational planning

21.16 The Committee noted the information on the development of a new Global Integrated Shipping Information System (GISIS) module on organizational planning for use by the Secretariat, in consultation with all Chairmen and Vice-Chairmen, to support the new strategic planning process, in accordance with paragraph 2.2.4 of the Migration Plan. The new GISIS module would be fully operational by 1 January 2012.

22 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2011

22.1 In accordance with rule 17 of the Rules of Procedure, the Committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman, and Captain Manuel Nogueira (Spain) as Vice-Chairman, both for 2011.

23 ANY OTHER BUSINESS

23.1 The Committee noted that there were no submissions under this agenda item.

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MARINE ENVIRONMENT PROTECTION COMMITTEE
61st session
Agenda item 24

MEPC 61/24/Corr.1
2 November 2010
ENGLISH ONLY

REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE ON ITS SIXTY-FIRST SESSION

Corrigenda to document MEPC 61/24

1 Paragraphs 4.35 and 4.36 are replaced by the following:

"4.35 The Committee considered document MEPC 61/7/6 (United States) reasoning that complying with fuel sulphur limits in an ECA might introduce unintended safety concerns for older steamships (ships propelled by steam boilers constructed before 1985) and proposing an amendment to regulation 14 of MARPOL Annex VI in order to grant an exemption to those ships from the requirements concerning sulphur oxides set out in the regulation.

4.36 Following discussion, the Committee approved the draft amendments to regulation 14 of MARPOL Annex VI proposed by the United States in document MEPC 61/7/6, as amended, which is set out below, for circulation with a view to adoption at MEPC 62:

A new paragraph 8 is inserted in regulation 14 of MARPOL Annex VI as follows and existing paragraphs 8 to 10 of the regulation are renumbered 9 to 11 accordingly:

"8 Prior to 1 January 2020, the sulphur content of fuel oil referred to in paragraph 4 of this regulation shall not apply to ships operating in the North American area [or the United States Caribbean sea area] as described by the coordinates provided in Appendix VII of this Annex, built on or before [*date of entry into force of the amendment*] that are powered by propulsion boilers that were not originally designed for continued operation on marine distillate fuel or natural gas.""

2 Paragraph 5.47 is replaced by the following:

"5.47 Based on a proposal by the delegation of Brazil, whose statement is contained in annex 5, a number of delegations expressed the view that the energy efficiency regulations could be phased in for ships built in developing countries over a certain time period, e.g., in eight years, to allow the shipbuilding industry in developing countries to adjust."

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BWM.2/Circ.27
5 October 2010

INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004

Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation

1 The Marine Environment Protection Committee, at its sixty-first session (27 September to 1 October 2010), approved the Framework for determining when a Basic Approval granted to one ballast water management system may be applied to another system that uses the same Active Substance or Preparation developed by the BLG Sub-Committee at its fourteenth session (8 to 12 February 2010), as set out in the annex.

2 Member Governments are invited to bring this circular to the attention of all parties concerned.

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ANNEX

FRAMEWORK FOR DETERMINING WHEN A BASIC APPROVAL GRANTED TO ONE BALLAST WATER MANAGEMENT SYSTEM MAY BE APPLIED TO ANOTHER SYSTEM THAT USES THE SAME ACTIVE SUBSTANCE OR PREPARATION

1 INTRODUCTION

1.1 The "Procedure for approval of ballast water management systems that make use of Active Substances (G9)" (**Procedure (G9)**) provides that, subject to evaluation against the criteria developed by the Organization, an Active Substance or Preparation may be used for Prototype or Type Approval testing for the approval of different ballast water management systems (BWMS).

1.2 The objective of this document is to provide guidance for the manufacturers and the Administration, and for other interested parties, in preparing an application based on the use of an original Basic Approval and, for its subsequent evaluation by the GESAMP-BWWG for Final Approval according to Procedure (G9).

1.3 An Active Substance or Preparation should be identical to the Active Substance or Preparation that has already received Basic Approval and its treatment concentration should be less than or equal to the original Basic Approval. In addition, any recommendations by the MEPC for the Basic Approval, including neutralization and maximum allowable discharge concentration (MADC) considerations, should be applied.

1.4 The document provides a framework including criteria to enable direct comparison of the physical nature of the system, the chemical nature of the Active Substance or Preparation, and the legal and commercially sensitive nature of the information and data being transferred.

1.5 When considering an application, the use of an Active Substance or Preparation should be substantially similar to the original application that has gained Basic Approval, as this needs to be considered in the context of the BWMS within which it is used. This is because of the way different systems use the Active Substance or Preparation, that may change the nature of the Active Substance or Preparation itself. For example, hydrogen peroxide can be used as a chemical treatment on its own or as a catalyst in combination with a secondary method.

1.6 Any BWMS that has been granted approval to use a Basic Approval from another system is still subject to the Final Approval process, as set out in Procedure (G9).

1.7 Any BWMS seeking to use the Basic Approval from another system should also meet conditions or requirements placed on the original Basic Approval by the Committee.

1.8 Before considering the development of an application to use a Basic Approval from another system, an applicant should consider that the less similarity between the two systems, the more data that will need to be supplied to evaluate the application.

2 DEFINITIONS

For the purpose of this guidance, the definitions in Procedure (G9) apply and:

2.1 "**Applicant**" means any manufacturer or developer working with the Member State or Administration, in the development of a BWMS that intends to use the original Basic Approval for a certain Active Substance in the development of the BWMS.

2.2 "**Substantially similar**" in relation to "use" of an Active Substance or Preparation means the method of application and point of injection of the Active Substance or Preparation to the BWMS are not significantly different to that in the system granted approval.

3 PROCEDURE TO BE FOLLOWED

3.1 The manufacturer seeking to use an original Basic Approval for a BWMS that makes use of an Active Substance or Preparation for the purpose of obtaining a subsequent Final Approval for a BWMS using the same Active Substance or Preparation, should evaluate the extent to which the BWMS meets the criteria specified in this guidance document.

3.2 Proof that legal issues have been properly dealt with should be provided to the Administration by the manufacturer seeking to use the original approval.

3.3 The Administration having received a submission to use an original Basic Approval should review the application, taking into account the guidance in this document. If the Administration is satisfied that such utilization is acceptable, it should advise the Organization of its determination as appropriate. The Organization should circulate the information accordingly.

3.4 The Administration should submit the application for Final Approval to the Organization, as soon as possible in accordance with section 8.2 of Procedure (G9).

3.5 If the GESAMP-BWWG agrees that the application is complete and appropriate, it should proceed to consider the application for Final Approval of the BWMS.

3.6 If the GESAMP-BWWG finds that the application is not complete or is inappropriate, (or both), the GESAMP-BWWG should report their findings, as provided for in Procedure (G9), for consideration by the Committee.

3.7 Under Procedure (G9), the Committee of the Organization will make the final decision on whether to accept the recommendations of the GESAMP-BWWG to reject an approval of any proposal.

4 CRITERIA FOR ASSESSING WHETHER THE ACTIVE SUBSTANCES OR PREPARATIONS ARE IDENTICAL

4.1 The description of Active Substances and Preparations should include chemicals associated with the system, as required by the Procedure (G9) in section 4.1 and listed in detail in relevant sections of the GESAMP-BWWG Methodology, applicable at the time of this assessment.

4.2 If any of the identified chemicals is not listed in the original Basic Approval application, then utilization of Basic Approval is not appropriate.

4.3 The stated concentrations for storage, generation and treatment, as appropriate, of the Active Substances and Preparations should be equal to or less than those in the original Basic Approval application.

4.4 The maximum allowable discharge concentration or the worst case discharge concentration should be equal to or less than those in the original Basic Approval application.

4.5 Analytical data about the composition and structure of the Active Substances or Preparations should be provided to substantiate that the Active Substances and Preparations are identical.

5 MANNER OF APPLICATION OF ACTIVE SUBSTANCE OR PREPARATION

5.1 The BWMS design should be substantially similar including all physical processes used in the system: including method or methodology for dosing ballast water, any mechanical separation used, pumps and pipe work, phase of treatment (e.g., on uptake, discharge or both) and any necessary neutralization.

5.2 Application of the Active Substance and Preparation within the BWMS should be substantially similar, including:

– point of introduction of the Active Substance or Preparation; and

– method of application or generation of the Active Substance or Preparation (e.g., electrolytic generation).

6 GUIDANCE ON LEGAL ISSUES

6.1 A legally binding agreement under which access to information within an original Basic Approval is granted could include:

.1 name and address of the person to whom the Basic Approval rights are being shared;

.2 identification of each item of Basic Approval data being shared including:

.1 the name of the Active Substance and Preparation or item of data;

.2 whether the agreement is an exclusive use agreement, and, if so, when the period of exclusive use protection expires;

.3 the name of the person or laboratory that conducted the study;

.4 a statement that the applicant and approval holder understand that any false statement may be punishable under international, national or local legislation; and

.5 the names, signatures and titles of the applicant and the approval holder, and the date signed;

.3 in addition, the approval holder should submit to the Administration a notarized statement affirming that the person signing the agreement is authorized by the approval holder to bind the applicant.

6.2 The manufacturer seeking to use the Basic Approval for a BWMS that makes use of an Active Substance or Preparation for the purpose of Final Approval, should ensure that all relevant international, national and local legislation has been complied with.

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BWM.2/Circ.28
5 October 2010

INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004

Guidance for Administrations on the type approval process for ballast water management systems in accordance with Guidelines (G8)

1 The Marine Environment Protection Committee, at its sixty-first session (27 September to 1 October 2010), approved the Guidance for Administrations on the type approval process for ballast water management systems in accordance with Guidelines (G8) developed by the BLG Sub-Committee at its fourteenth session (8 to 12 February 2010), as set out in the annex.

2 Member Governments are invited to bring this circular to the attention of all parties concerned.

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ANNEX

GUIDANCE FOR ADMINISTRATIONS ON THE TYPE APPROVAL PROCESS FOR BALLAST WATER MANAGEMENT SYSTEMS IN ACCORDANCE WITH GUIDELINES (G8)

1 PURPOSE

1.1 This document provides guidance for Administrations on the procedure for evaluating an application for Type Approval of a ballast water management system (BWMS), in accordance with the Guidelines for approval of ballast water management systems (G8). This document can act as an *aide-memoire* for Administrations and is not intended, in any way, to interfere with the authority of an Administration.

1.2 This document provides guidance on interpretation of Guidelines (G8) and does not replace or supersede the requirements of those Guidelines.

1.3 This document is intended to provide guidance to Administrations on the details of the Type Approval to be reported to the Committee.

2 KEY DOCUMENTS

2.1 In evaluating an application for Type Approval of a BWMS, the latest version of the following documents should be consulted:

– The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention);

– Guidelines for approval of ballast water management systems (G8);

– Procedure for approval of ballast water management systems that make use of Active Substances (G9);

– Guidelines for ballast water sampling (G2);

– Guidance to ensure safe handling and storage of chemicals and preparations used to treat ballast water and the development of safety procedures for risks to the ship's crew resulting from the treatment process;

– Resolution MEPC.175(58) – Information reporting on type-approved ballast water management systems;

– Methodology for information gathering and the conduct of work of the GESAMP-BWWG; and

– Other pertinent ballast water management resolutions, guidance and circulars.

3 RECOMMENDATIONS FOR REQUIREMENTS OF MANUFACTURERS OR THEIR AGENTS

3.1 To facilitate Type Approval of a BWMS, the Administration should ensure that the manufacturers, or their agents have, at minimum:

.1 been informed if the Administration delegates to or utilizes the services of a third party quality assurance organization (e.g., Recognized Organization,

nominated body, classification society, surveyors, etc.) in some, or all of the Type Approval processes;

.2 understood the steps and requirements of the processes outlined in the documents listed in section 2 of this document;

.3 a fully working system built that can be used in the Type Approval process. It should be noted that the construction procedures and materials for the unit tested need to be the same as for the follow-on production units;

.4 undertaken preliminary testing to ensure that their BWMS is viable, will meet the D-2 standard of the BWM Convention, will work on board a ship and that the system has been determined not to pose any unacceptable risk to the environment;

.5 understood the extent of testing that needs to be completed by a recognized testing facility, including toxicity analysis;

.6 provided a description of the preliminary test to the Administration that should at least include the following:

.1 the test set-up, including sampling points;

.2 responsible persons/organizations for all or portions of the preliminary testing;

.3 possible Quality Management Plan (QMP) of the testing facility;

.4 testing laboratories that will be used;

.5 Quality Assurance Project Plan (QAPP) for the preliminary test; and

.6 provision for survey of the test facility if required;

.7 provided a detailed report of the preliminary test results including, at least:

.1 toxicity data;

.2 Active Substances if relevant; and

.3 any other chemicals generated during the process;

.8 an understanding of whether the system under consideration, uses an Active Substance, as defined in the BWM Convention. If it utilizes an Active Substance, the system will require additional approval under Procedure (G9), whilst the systems not using an Active Substance only need approval under Guidelines (G8);

.9 a contractual agreement to undertake the shipboard testing needed under Guidelines (G8) with the owner of a suitable ship;

.10 arranged for a trained person to be present at the land-based testing facility to operate the equipment being type approved and ensure that for the shipboard

test the ship's crew is familiar with the equipment and sufficiently trained to operate the equipment;

.11 consulted with the classification society that the ship undertaking the shipboard testing is being registered, where necessary, and obtained approval for installation of the BWMS;

.12 demonstrated by using mathematical modelling and/or calculations or by full-scale shipboard testing, that any up or down scaling will not affect the ultimate functioning and effectiveness on board a ship of the type and size for which the equipment will be certified. In doing so, the manufacturers should take into account all relevant guidance developed by the Organization;

.13 prepared a Type Approval application in compliance with Guidelines (G8), annex, part 1, that includes at least the following:

.1 detailed description of the design, construction, operation and functioning of the BWMS;

.2 preliminary assessment of the corrosion effects of the system proposed;

.3 preliminary test results;

.4 technical Manual;

.5 BWMS piping and instrumentation diagram (P&ID);

.6 link to the provisions required in a ballast water management plan;

.7 environmental and public health effects; and

.8 specific salinities to be tested;

.14 clarified the following, when submitting the Type Approval application:

.1 verification of the operating ranges (e.g., flow rate, pressure drop, salinities, etc.);

.2 verification of the Treatment Rated Capacity (TRC);

.3 suggestions for improvements of the installation related to safety or additional testing R&D; and

.15 made test results and documentation available to the Administration as requested.

4 RECOMMENDATIONS FOR FACILITATING A TYPE APPROVAL EVALUATION

4.1 For those Administrations using third party quality assurance organizations, due care should be taken to ensure all such arrangements are in place prior to initiating the Type Approval programme.

4.2 The Administration should provide the applicant with a document outlining contact details, the expected amount of time between submission and decision and any other requirements separate from the procedures and requirements outlined in the documents listed in section 2 of this document.

4.3 The Administration should verify that any recommendations made by the Committee during Basic and Final Approval have been addressed prior to issuing the Type Approval Certificate. In accordance with resolution MEPC.175(58), the Administration should submit the final report of land-based and shipboard tests with the notification of type approval to the IMO. The reports should be available to Member States.

4.4 The Administration may certify a range of the BWMS capacities employing the same principles and technology, but due consideration should be given to limitations on performance which might arise from scaling up or scaling down.

4.5 The Administration should, in particular, review Standard Operating Procedures (SOP) for which an international standard has not been established yet.

5 APPROVAL PROCESS

5.1 Under the provisions of the BWM Convention, a BWMS is to be approved in accordance with Guidelines (G8) and, where appropriate, Procedure (G9).

5.2 The Administration should verify that the following issues have been specifically addressed by the manufacturer and, if the evaluation of the system is carried out by a third party organization, these issues should be relayed to the Administration to enable a decision on:

.1 a comprehensive explanation of the physical and/or biochemical treatment processes used by the BWMS to meet the D-2 Standard in the BWM Convention. This should be undertaken by the manufacturer and any supporting data should be submitted in writing. Any system which makes use of, or generates, Active Substances, Relevant Chemicals, or free radicals during the treatment process to eliminate organisms in order to comply with the Convention should be submitted to the Organization for review under Procedure (G9), (Procedure (G9), paragraph 3.3);

.2 whether a BWMS makes use of an Active Substance or not remains the prerogative of the responsible Administration. In making that determination, Administrations should take into account relevant GESAMP-BWWG recommendations and Committee decisions as to whether a system should be subject to approval under Procedure (G9). When an Administration is unsure of whether a BWMS is subject to Procedure (G9), it may choose to submit such system for review under that Procedure (G9) (MEPC 59/24, paragraph 2.16);

.3 the BWMSs that the Administration determines are not subject to Procedure (G9), as provided in paragraphs 2.3.6 and 2.3.30.4 of the annex to Guidelines (G8), the toxicity testing procedures in paragraphs 5.2.2 to 5.2.7 of Procedure (G9) should be used when the system could reasonably be expected to result in changes to the treated water such that adverse impacts to receiving waters might occur upon discharge;

.4 the approval documents that should include a piping and instrumentation diagram (P&ID) with parts list and material specification. Furthermore, wiring diagrams, function description of the control and monitoring equipment and description of regulator circuit of the BWMS;

.5 information on the preliminary testing (methodology, test water composition, salinities tested, sampling, analysis laboratories, etc.);

.6 accreditation of Guidelines (G8) land-based testing facility or body including their quality management plan (QMP) and quality assurance project plan (QAPP) to be used by the manufacturer for land-based testing;

.7 approval and subsequent verification of the design, construction, operation and functioning of the equipment used for land-based and shipboard testing;

.8 approval and subsequent verification of the land-based and shipboard test methodology, including the composition of the test water, and specific salinities to be tested which should be in line with Guidelines (G8), Procedure (G9) and the Methodology for information gathering and the conduct of work of the GESAMP-BWWG as appropriate (waiver for multiple testing required);

.9 approval and subsequent verification of the methodology used to take and store samples, the laboratory testing, the frequency of sampling, and the analysis procedure for samples from land-based and shipboard testing;

.10 approval and subsequent verification of the design, construction, operation and functioning of the equipment used for testing;

.11 if the system is using an Active Substance, then the applications for Final Approval will have to be checked and approved by the Administration prior to making a proposal for approval to the Organization. In addition, the cost-recovery fee for the scientific services provided by the GESAMP-BWWG will have to be submitted;

.12 a safety assessment of the storage and handling of any chemicals is undertaken and approved in line with the technical guidance developed by the Organization;

.13 a safety assessment of the operation of the BWMS, specifically any potential impact on the crew is undertaken and approved in line with the technical guidance developed by the Organization;

.14 all electrical equipment used to operate the BWMS should be of a certified safety type required by the applicable national or international standard in respect of the hazardous areas where it is located; and

.15 results of environmental testing as specified in Part 3 of the annex to Guidelines (G8).

5.3 For issuance of the Type Approval Certificate, the Administration should set the following requirements and provisions:

.1 the validity of the approval should be revisited as appropriate;

.2 in due time before the expiration of the approval, the manufacturer should prepare a report detailing the experiences with the system, including the results of any scientific research relevant to the system, as well as any results of port State controls, if available;

.3 the occurrence of any unexpected harmful consequences of the operation of the BWMS should be reported by the manufacturer to the Administration immediately;

.4 the Type Approval Certificate should specify one specific TRC that is the maximum continuous flow rate for which the system is approved;

.5 Type Approval Certificate should indicate clearly the specific water parameters in which the testing was undertaken, e.g., the salinity, temperature, pH and TSS in the type approval process as per Guidelines (G8);

.6 the Type Approval Certificate should specify the components of the BWMS that are type approved, including the manufacturer of each component; their operating ranges, including temperature, specific salinity and specify the possibility to use other similar components (like filters for example) and the criteria for allowing such use;

.7 a separate Type Approval Certificate should be provided for each type or model of the BWMS. However, if Administrations wish to do otherwise, it is recommended that the different types and models are clearly stated, the test each type and model has undergone clearly referred to with test results, operating ranges, salinity, TRC, etc.;

.8 all accidents (e.g., accidental exposure, leakage) related to the BWMS should be reported;

.9 any indications that the system is not performing up to the standards set by the BWM Convention, the guidelines and/or any additional provisions set by the Administration should be reported by the manufacturer to the Administration immediately;

.10 the Administration should have the opportunity to revoke the approval if these requirements are not met; and

.11 MSC circular MSC.1/Circ.1221 – "Validity of Type Approval Certification for marine products" should apply.

6 REPORTING OF THE TYPE APPROVAL

6.1 The Administration should forward a report of the Type Approval process to the Organization (resolution MEPC.175(58)).

6.2 In particular, where under Procedure (G9) the Final Approval has been granted with recommendations by the GESAMP-BWWG, evidence that these recommendations have been satisfactorily addressed at Type Approval should be provided to the Organization. The report should specify the findings of the Administration together with any non-confidential information according to Procedure (G9).

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近年、IMO（国際海事機関）で審議が行われている新条約・規則の策定や既存規則の改正作業等、海洋汚染防止に係る国際的動向はめまぐるしく変化している。

「船舶のバラスト水及び沈殿物の管制及び管理に関する国際条約」は、2004年2月に採択され、その付属のガイドラインについては、G1～G14の全14本が採択されている。

また、同条約の批准状況も2011年1月現在で批准国数27カ国、世界の合計商船船腹量25.32%と条約発効条件の約2/3を満たしている現状であり、バラスト水の有害水生生物の議題については、船舶が条約の要件を遵守していることを確認するためのPSCによるバラスト水のサンプル採取及び分析プロトコルの手順等が課題として残っているが、IMOでの議論も最終段階に近づいている。

また2011年2月に開催された第15回ばら積み液体及びガス小委員会(BLG15)の「議題9 船体付着による外来生物移動最小化に関する国際的方策の作成」に関し、「船体付着による侵入水生生物の移動を最小化するためのガイドライン(案)」が提案され、審議の結果、一部修正の上、ガイドライン(案)及びMEPC決議案について最終化され、2011年7月に開催予定のMEPC62において採択に向けた審議が行われることになった。

このような状況下、IMOでの審議は今後さらに加速され、かつ、多岐にわたることが容易に予想され、それに伴い本事業の重要性が増すものと思料される。

社団法人 **日本海難防止協会**

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