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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

2013 年 3 月

公益社団法人 日本海難防止協会

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、2012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。

2013 年 3 月

公益社団法人 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2013年2月現在で批准国数36カ国、世界の合計商船船腹量29.07%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）の内、批准国数の条件を満たしている現状において、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、2012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。

I 調査研究概要

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、船体付着による侵入水生生物の移動の問題、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 条約 OPRC-HNS 議定書及び関連会議決議の実行、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

本事業の推進にあたっては、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。委員会名簿は次項を参照のこと。

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本事業の主要検討課題とし、集中的に取り上げた。

委員会名簿

(順不同、敬称略)
(() 内氏名は前任者)

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ご尽力いただいた方々

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吉村 杏奈	公益社団法人 日本海難防止協会海洋汚染防止研究部 研究員

3. 実施経過

2012 年 9 月 21 日

第一回委員会を開催した。第 64 回海洋環境保護委員会（以下 MEPC64）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。主に BWMS の搭載時期のリスクスケジュールや、PSC サンプルングについての質疑が交わされた。また、バラスト水関連の国際的な動向について情報提供がなされた。

2012 年 10 月 1 日～10 月 5 日

MEPC64 に調査員として、倉本明ロンドン連絡事務所ロンドン研究室長及び吉村杏奈研究員を出席させ、並びに東京大学の福代教授にも出席して頂き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。

2012 年 10 月 6 日～10 月 10 日

英国において海洋汚染防止の関連事項の動向を調査した。収集した情報は関係官庁や関係機関等に提供した。

2013 年 1 月 23 日

第二回委員会を開催した。同委員会では、MEPC64 におけるバラスト水問題に関する結果の概要報告を行い、また、第 17 回ばら積み液体及びガス小委員会におけるバラスト水問題並びに船体付着による侵入水生生物の越境移動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。主に、PSC サンプルングの具体的な手法や BWMS 搭載時期のリスクスケジュールについて、日本がコーディネーターを務めるコレスポンデンスグループの決議案作成の作業の進捗状況などについての質疑が交わされた。

2013 年 2 月 4 日～2 月 8 日

第 17 回ばら積み液体及びガス小委員会（以下 BLG17）に調査員として、吉村杏奈研究員を出席させ、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。

2013 年 2 月 9 日～2 月 14 日

イギリス・ドイツ・ベルギーにおいて海洋汚染防止の関連事項の動向を調査した。収集した情報は関係官庁や関係機関等に提供した。

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）において、日本代表団の主張に沿うよう、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した。

Ⅱ 調査研究の内容

1.海洋環境保護委員会第 63 回次会合について

海洋環境保護委員会第 63 回次会合では、新たに 3 件の基本承認、5 件の最終承認が与えられ、バラスト水処理に係る技術等のレビュー等について検討が行われた。

本次会合の報告書から、議題 1 序文及び議題 2 バラスト水中の有害水生生物を翻訳し、次項以降に示す。

なお、**annex** を除いた本報告書の原文は参考資料中に掲載している。また、各議題に対する提案文書については、IMO の HP (<http://docs.imo.org/>) を参照のこと。

14 March 2012

海洋環境保護委員会第 63 回次会合の報告書（一部仮訳）

項目

- 1 序文
- 2 バラスト水中の有害水生生物
- 3 船舶のリサイクリング
- 4 大気汚染とエネルギー効率
- 5 船舶からの GHG 排出の削減
- 6 強制的協議に対する改正の検討及び採択
- 7 MARPOL 及び関連法規の解釈及び改正
- 8 OPRC 条約及び OPRC-HINS 議定書並びに関連会議決議の実施
- 9 特別地域特に敏感海域の特定及び保護
- 10 受入れ施設の不備
- 11 小委員会の報告
- 12 他の機関の活動
- 13 条約の現況
- 14 船舶の有害付着生物防止システム
- 15 MARPOL 及び関連協議の実行並びに施行の推進
- 16 海洋環境保護のための技術協力サブプログラム

- 17 人的要因の役割
- 18 商業海運からの騒音及び海洋生態への悪影響
- 19 委員会及び下部組織の作業計画
- 20 委員会のガイドラインの適用
- 21 2012 年度の議長及び副議長の選出
- 22 他の案件

附属書のリスト

- ANNEX1 コスタコンコルディア号事故に関するイタリア代表団と国際クルーズライン協会のオブザーバーの声明
- ANNEX2 BWM 条約の実施に関する船主/運航者のための情報収集テンプレート
- ANNEX3 決議 MEPC.209(63)2012-船舶の沈没物管理を制御するための設計及び構造に関するガイドライン (G12)
- ANNEX4 決議 MEPC.210(63)2012-安全及び環境保護について適切な船舶リサイクル施設に関するガイドライン
- ANNEX5 決議 MEPC.211(63)2012-船舶リサイクル施設の承認に関するガイドライン
- ANNEX6 船舶リサイクルの問題に関する国際労働機関の代表による声明
- ANNEX7 船舶に強制的な技術上及び操作上の方策から CO₂ 放出削減に関する研究に関する中国代表団の声明
- ANNEX8 決議 MEPC.212(63)2012-新造船の達成エネルギー効率設計指標 (EEDI) の計算方法のためのガイドライン

- ANNEX9 決議 MEPC.213(63)2012-船舶エネルギー効率管理計画書 (SEEMP) の作成に関するガイドライン
- ANNEX10 決議 MEPC.214(63)2012-エネルギー効率設計指標 (EEDI) の検査と認証に関するガイドライン
- ANNEX11 決議 MEPC.215(63)-エネルギー効率設計指標 (EDDI) を使用した平均値の計算に関するガイドライン
- ANNEX12 船舶の技術上及び操作上の方策をさらに開発するための作業計画と日程
- ANNEX13 船舶のエネルギー効率の改善に関する技術上の協力及び科学技術の転化の促進についての MEPC 決議案に関する、オーストラリア、ブラジル、中国、インド、スウェーデン及び英国代表団による声明
- ANNEX14 気候温暖化ガス排出削減に関する根本的方針又は政策の問題に関するブラジル、チリ、中国、インド代表団による一般声明
- ANNEX15 経済的手法 (MBM) 提案の可能な統合と検討に関するブラジル及び日本代表団による声明
- ANNEX16 経済的手法 (MBM) 財源の資金と消費の傾向に関するブラジル及び韓国代表団による声明
- ANNEX17 外航海運の経済的手法 (MBM) と WTO 規則の関連に関係に関するインド代表団による声明
- ANNEX18 国連気候変動枠組条約問題に関する国連気候変動枠組条約事務局の代表による声明
- ANNEX19 国連気候変動枠組条約問題に関するブラジル代表団による声明
- ANNEX20 決議 MEPC.216(63)-1973 年海洋汚染防止条約に関する 1978 年の議定書の附属書改正 (MARPOL 附属書 I, II, IV 及び V の港の受入施設に関する地域協定)
- ANNEX21 決議 MEPC.217(63)-1973 年海洋汚染防止条約に関する 1978 年議定書の附属

書の改正さらに 1997 年議定書の附属書改正（MARPOLVIの港の受入施設に関する地域協定及び 2008 年 NO_x の技術的コードのもとに船用機関に取り付けられた選択触媒還元システムの認証）

- ANNEX22 決議 MEPC.215(63)-MARPOL 附属書Ⅳの下に特別海域としてバルト海の指定に関して技術上の船上装置の開発
- ANNEX23 港の受入施設に関する地域協定について MARPOL 附属書Ⅰ,Ⅱ,Ⅳ及びⅥの改正の採用後、キプロス代表团による声明
- ANNEX24 決議 MEPC.219(63)-2012MARPOL 附属書Ⅴの実施に関するガイドライン
- ANNEX25 決議 MEPC.220(63)-2012 廃物管理計画の作成に関するガイドライン
- ANNEX26 決議 MEPC.221(63)-2012 地域受入施設計画作成に関するガイドライン
- ANNEX27 総会決議案-MARPOL73/78 の下での特別海域指定に関する 2013 年ガイドライン
- ANNEX28 IBC コードの改正案
- ANNEX29 人的要因の問題に関する ITF のオブザーバーによる声明
- ANNEX30 環境問題に関連する DE、DSC、NAV、及び STW 小委員会の 2 年間の議題の項目
- ANNEX31 BLG 小委員会の 2 年間の議題及び BLG17 の暫定議題
- ANNEX32 FSI 小委員会の 2 年間の議題
- ANNEX33 MEPC64、MEPC65 及び MEPC66 の議題に含まれるべき項目
- ANNEX34 決議 A.1038 (27) を含めた 2012-2013 年の 2 年間の MEPC 作業結果状況の報告

1 序文

1.1 第 63 回海洋環境保護委員会会合は、**Mr. Andreas Chrysostomou**(キプロス)議長の
下で、2012 年 2 月 27 日から 3 月 2 日にわたり IMO 本部で開催された。委員会の副議
長である **Mr. Arsenio Domingues**(パナマ)もまた出席した。

1.2 次の IMO メンバーの代表団が会合に出席した：

アルジェリア	イラク
アンゴラ	アイルランド
アンチグア及びバルブーダ	イスラエル
アルゼンチン	イタリア
オーストラリア	ジャマイカ
アゼルバイジャン	日本
バハマ	ケニア
バングラディシュ	キリバチ
バルバドス	クウェイト
ベルギー	ラトビア
ベリーズ	リベリア
ボリビア	リトアニア
ブラジル	リビア
ブルガリア	ルクセンブルグ
カメルーン	マレーシア
カナダ	マルタ
チリー	マーシャル諸島
中国	メキシコ
コロンビア	モナコ
クック諸島	モロッコ
クロアチア	オランダ
キューバ	ニュージーランド
キプロス	ナイジェリア
北朝鮮	ノールウエイ
デンマーク	オマン
ドミニカ共和国	パナマ
エクアドル	ペルー
エジプト	フィリピン

エルサルバドル	ポーランド
エストニア	ポルトガル
フィンランド	カタール
フランス	韓国
ガボン	ルーマニア
ドイツ	ロシア連邦
ガーナ	セントキッツネイビス
ギリシャ	セントビンセント・グレナディーン
グレナダ	サンマリノ
ガテマラ	サウジアラビア
ホンデュラス	シンガポール
アイスランド	南アフリカ
インド	スペイン
インドネシア	スウェーデン
イラン	スイス
タイ	シリア
トンガ	英国
トリニダードトバコ	米国
チュニジア	ウルグアイ
トルコ	ボスニア
ツバル	ベネズエラ
ウクライナ	

次の IMO 準メンバー:

香港

1.3 次の国連プログラム、国連専門機関及び他の国連関連機関の代表者；

国連環境計画(UNEP)

食料農業機関(FAO)

国連気候変動枠組み条約(UNFCCC)

広域カリブ海地域海洋汚染緊急事態、情報及び訓練のための地域活動センター
(RAC/REMPEITEC-Carib)

地中海地域海洋汚染緊急対応センター(REMPEC)

次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)
 北東大西洋海洋環境保護委員会(OSPAR COMMISSION)
 国際海事衛星機構(IMS0)
 国際刑事警察機構(INTERPOL)
 紅海及びガルフ地域の環境保存地域機関(PERSGA)

次の顧問として非政府組織のオブザーバー:

国際海運集会所(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)
 国際海上掘削協会(IADC)
 国際海洋産業協会(ICOMIA)
 国際船長協会連盟(IFSMA)
 国際油・ガス産業協会(OGP)
 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(INTERTANKO)
 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)
国際試験水槽会議(ITTC)
国際バンカー産業協会(IBIA)
国際海事大学連合(IAMU)
国際運輸労働者連盟(ITF)
国際塗料印刷インク評議会(IPPIC)
国際漏洩抑止組織(ISCO)
世界海運審議会(WSC)
国際防食技術者協会(NSCE INTERNATIONAL)
航海学会(NI)
太平洋生活環境保護(PACIFIC ENVIRONMENT)
国際環境保護連合(CSC)
大型ヨット建造者協会(SYBAAss)

1.4 評議会議長 **Mr. Jeffrey G. Lantz**(米国)、BLG 小委員会議長 **Mr. Sveinung Oftedal** (ノールウエイ)及び無線通信・捜索救助小委員会(COMSAR)の議長 **Mr. Carlos Salgado Riveros**(チリー)もまた出席した。

事務総長の開会の挨拶

1.5 事務総長は参加者を歓迎し開会の辞を述べた。その全文は以下のリンクの IMO ウェブサイトで検索可能である：

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

議長の所見

1.6 議長は事務総長の開会の辞に謝意を述べ、また委員会が彼の助言及び要求に応えることを述べた。

クルーズ客船コスタコンコーディア号の事故についての声明

1.7 先月のクルーズ船コスタコンコーディア号の座礁、及びその後の転覆に関する事務総長の開会の辞に関連し、イタリア代表団がクルーズ船の安全性を更に改善するために海事関係者に事故からの教訓を学んで貰う目的で忌まわしい事故の有益な情報を IMO に引き続き提供すると述べた。

1.8 国際クルーズライン協会(CLIA)のオブザーバーは、この事故に関する事務総長及びイタリア代表団の意見に感謝を示し、安全策の見直し及び改善のための継続的な努力の一環として、CLIA はクルーズ船の安全運航の見直しに着手し、見直しのいかなる忠告も IMO と共有すると述べた。

1.9 イタリア代表団及び CLIA オブザーバーの陳述書は、要求されたように附属書 1 に記述されている。

議題の選択

1.10 委員会は議題(MEPC 63/1)を採択し、また日程が日々の進行状況により調整されるという理解の下で、暫定的日程(MEPC 63/1/1,附属書 2)の会期中に検討されることに

合意した。採択された議題は、ここの議題項目の下で検討される文書のリストと併せ文書 MEPC 63/INF.18 に記載されている。

信任状

1.11 委員会は、会合に出席している代表団の信任状が正規の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”2004 年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 3 月 31 日より、いかなる国も加盟が可能になったことを喚起し、また 5 カ国(レバノン、モンゴル、モンテネグロ、パラオ及びトリニダードトバコ)が前回の MEPC 会合以降条約に批准し、締結政府の総数が 33 カ国になり、また世界の商船トン数の 26.46 パーセントを占めることになったことを認めた。委員会は、まだ条約を批准していない国に対し可及的速やかに批准手続きを取るよう要請した。

活性物質を使用するバラスト水管理システムの検討及び承認

2.2 委員会は、GESAMP-BWWG の第 18 回、19 回及び 20 回の会議が IMO 本部で Mr. Jan Linders 議長の下でそれぞれ 2011 年 9 月 5 日から 9 日、2011 年 10 月 31 日から 11 月 5 日、また 2011 年 12 月 12 日から 16 日に開催されたことを認めた。3 回の会議中に GESAMP-BWWG は中国、デンマーク、ドイツ、ギリシャ、日本及び韓国(5 提案)より提出された活性物質を使用するバラスト水管理システムの承認のための合計 10 提案を検証した。委員会は、評価対象となった 10 提案のうち、グループの 18 回会議で検証された 3 提案は、MEPC 62 への提出文書の残りで、時間的制約のためその会合では検討できなかったことを認めた。

基本承認

2.3 ”GESAMP-BWWG の第 18 回会議報告“(MEPC 63/2/10)の附属書 4 に含まれる勧告、”GESAMP-BWWG の第 19 回会議報告”(MEPC 63/2/11)の附属書 4 に含まれる勧告、及び”GESAMP-BWWG の 20 回会議報告”(MEPC 63/2/21)の附属書 4 に含まれる勧告を検討した結果、委員会は以下に対し基本承認を認めることに合意した：

- .1 文書 MEPC 62/2/8 の韓国より提案された”Smart Bllast”バラスト水管理システム；

.2 文書 MEPC 63/2 の中国より提案された DMU・OH バラスト水管理システム；及び

.3 文書 MEPC 63/2/4 の韓国より提案された EcoGuardian バラスト水管理システム。

2.4 委員会は、SEI-バラスト水管理システムは活性物質を使用せず、また環境、人間の健康、財産及び資源に容認できないリスクを呈することはないと言う GESAMP-BWWG の結論(MEPC 63/2/10、附属書 5)を認め、このシステムは活性物質を使用せず必然的に手順(G9)に基づく承認工程を経る必要がないため、このシステムは提出されるべきではなかったことに合意した。委員会は関係する主管庁にガイドライン (G8)に基づき将来このシステムを評価するよう要請した。

2.5 委員会は、中国及び韓国の主管庁にシステムの今後の開発段階で GESAMP-BWWG の前述の報告(18 回会議の附属書 4, 19 回会議の附属書 4 及び 20 回会議の附属書 4)に記載されている勧告を考慮するよう要請した。

2.6 委員会は、文書 MEPC 63/2/5 の韓国により提案された HS-BALLAST バラスト水管理システムに対し、基本承認を認めないという文書 MEPC 63/2/21 の附属書 5 に含まれる勧告に合意した。

最終承認

2.7 委員会は、“GESAMP-BWWG の 18 回報告”(MEPC 63/2/10)の附属書 6 に含まれる勧告、“GESAMP-BWWG の 19 回会議報告”(MEPC 63/2/11)の附属書 5, 6 及び 7 に含まれる勧告及び”GESAMP-BWWG の 20 回会議報告”(MEPC 63/2/21)の附属書 6 に含まれる勧告を考慮した結果、以下に対し最終承認を認めることに合意した：

.1 文書 MEPC 62/2/10 でドイツより提案された SiCURE バラスト水管理システム

.2 文書 MEPC 63/2/1 でギリシャより提案された ERMA FIRST バラスト水管理システム；

.3 文書 MEPC 63/2/2 で日本より提案された MICROFADE バラスト水管理システム

.4 文書 MEPC 63/2/3 で韓国より提案された AquaStar バラスト水管理システム;
及び

.5 文書 MEPC 63/2/6 で韓国より提案された Neo-Purimar バラスト水管理システム。

2.8 委員会は、ドイツ、ギリシャ、日本及び韓国の主管庁に対し、GESAMP-BWWG の 18 回会議報告(MEPC 63/2/10、附属書 6(ドイツ))、GESAMP-BWWG の 19 回会議報告(MEPC 63/2/11,附属書 5(ギリシャ)、附属書 6(日本)及び附属書 7(韓国))、並びに GESAMP-BWWG の 20 回会議報告(MEPC(MEPC 63/2/21,附属書 6(勧告))のすべての勧告が型式承認発行以前に完全に対応されていることを証明するよう要請した。

GESAMP-BWWG の今後の会議

2.9 委員会は、2011 年 9 月 2 日の期限までに、基本又は最終承認のいずれかの 10 件の提出文書が受理されたことを認めた。GESAMP-BWWG 及び事務局の努力にもかかわらず、グループは提出の時系列で上記に記載されている最初の 7 件の承認提案しか評価できなかった。GESAMP-BWWG が文書 MEPC 63/2/7(デンマーク)、MEPC63/2/8(韓国)及び MEPC 63/2/9(オランダ)に記載されている残りの 3 件の提案を評価するために、2012 年 4 月 16 日から 20 日の期間特別会議(GESAMP-BWWG21)を開催することに合意したことに対し、委員会は出来る限り多くのバラスト水管理システムの検討を可能にする目的で、また 2012 年も同様の作業量を期待し感謝を表明した。その結果は MEPC64 で報告される。

2.10 委員会は、また GESAMP-BWWG の定例会議(即ち 22 回会議)が暫定的に 2012 年 5 月 7 日から 11 日に予定されることを銘記し、またメンバーに申請提案(申請文書)及びバラスト水管理システムの非守秘の文章を、MEPC 64 に出来る限り早く遅くとも 2012 年 3 月 16 日までに提出するよう要請した(2011 年 12 月 19 日の BWM.2/Circ.36 を参照)。

2.11 委員会は、さらに 4 件以上の提案がグループにより提出され、また MEPC64 で、その後の承認の可能性を認識し、GESAMP-BWWG が追加会議を組織する必要な条件が整う前提で、2012 年 6 月に追加会議(GESAMP-BWWG23)の開催を表明したことを認めた。時間的制約のために 22 回会議及び追加会議(すなわち 23 回会議)で、検証されない提案は MEPC64 以降の最も早いグループの会議で検証され、また MEPC65 に報

告される(GESAMP-BWWG の 20 回会議報告の MEPC 63/2/21、項目 3)。

GESAMP-BWWG 会議から派生する他の問題点

2.12 承認申請の効率化に関する GESAMP-BWWG の勧告を入手し、委員会は以下に合意した:

- .1 グループの会議での申請者との困難かつ時間を浪費するコミュニケーションを避けるため、情報収集及び **GESAMP-BWWG** の作業行動の方法に基づき、申請者及び提出主管庁に完全なデータセットを提出するよう要求する;
- .2 申請者/主管庁に非守秘情報に関する手順(G9)の 8.1.1 項目に含まれる規定に基づく物理的/化学的性質、環境変化及び毒性を含む安全と環境保護に関連するデータを公にするよう要求する;
- .3 申請者/主管庁に評価作業の効率を高めるために、すべての申請文書の完全な電子バージョン(CD-ROM 又はペンドライブ)を提供するよう奨励する;及び
- .4 基本承認のため提出された電解及び/あるいはオゾンを使用する **BWMS** で処理され、また効果的に中和されたバラスト水を使用する慢性環境毒性試験の結果を評価する必要はないこと。

2.13 第 18 回報告書(MEPC 63/2/10 及び MEPC 63/2/10/Corr.1)の附属書 7 に含まれている情報収集、及び **GESAMP-BWWG** の作業行動の最新の方法を検討した結果、委員会は、ドイツ、日本、**CEFIC** 及び **IPPIC** のコメントを銘記し、バラスト水検証部会にそれらのコメントを考慮し、詳細にわたり方法を検討し、また委員会に適切に報告するよう指示した。

2.14 委員会は、また現在 **GESAMP-BWWG** により作成中の最新の方法の附属書 6 に記載されているデータベースが完成の際、公にされるべきことに合意した。

2.15 最新の方法の新規規定が適用される日付を議論した後、委員会はバラスト水検証部会に交付の日から 18 ヶ月の猶予の勧告を考慮し、問題を詳細に検討し、また適切に委員会に報告するよう指示した。

2.16 **GESAMP-BWWG** の評価期間中に追加確認を提供する対面会議を実行する可能性を維持するドイツの要求を検討した結果、委員会は時間の猶予があり、また機構への

経済的負担がない条件で、そのような会議が関係する主管庁の要請で継続することに合意した。

2.17 活性物質又は製剤を使用するバラスト水管理システムの基本及び最終承認の申請で公にされる情報に関する文書 **MEPC 63/2/14**(オーストラリア他)を検討した結果、委員会は申請が情報収集及び **GESAMP-BWWG** の作業行動の方法論の **2008** 年版に基づき構成されることを認め、バラスト水検証部会に指針の方法論の最終決定後この文書を検討し、また委員会に適切に報告するよう指示した。

2.18 評議会の直近の決定に従い、また機構の経費を削減する全般の努力に貢献するために、多くの場合 **50** ページ以上となる基本及び最終承認のために提出されるバラスト水管理システムの提案に関する非守秘情報を含む文書は、カバーノート(**4** 頁以下)のみが印刷されハードコピーで配布されることに、委員会は合意した。全文書(カバー及び附属書)は **IMDOCS** 経由で入手可能である。

バラスト水処理技術の利便性の検証

2.19 委員会は次の文書に提示されている型式承認を受けた最新のバラスト水管理システムに関する情報を銘記した：

- .1 HiBallast, EcoBallast 及び Purimar** バラスト水管理システムの型式承認に関する **MEPC 63/INF.4**, **MEPC 63/INF.5** 及び **MEPC 63/INF.6**(韓国);及び
- .2 FineBallast OZ (Special Pipe Hybrid** バラスト水管理システム、オゾン処理混合バージョン)の型式承認に関する **MEPC 63/INF.12** (日本)。

これにより型式承認を受けたシステムの総数は **21** に増加し、委員会はバラスト水検証部会に将来検証を行う際この情報を考慮するよう指示した。

2.20 委員会は文書 **MEPC 63/INF.11 (IMarEST)**に提示されているバラスト水管理システムの購入、及び設置の世界市場の想定される価値に関する情報を銘記した。これは **2011** 年から **2016** 年の間に **500** から **740** 億ドルに達する可能性があり、委員会は **IMarEST** のこの推定を評価した。

2.21 日本関係者の支配下にある船舶のバラスト水管理システムの搭載状況のデータを提供する文書 **MEPC 63/2/17**(日本)を検討した後、委員会は、たとえ承認されたバラ

スト水管理システムが搭載されていても、船主が明確なサンプリング方法及び **PSC** のための統一された手順がない場合に罰せられるというバハマ代表团により表明された懸念を銘記した。

2.22 ブラジル、リベリア、マレーシア、マルタ、シンガポール、香港、中国及び **ICS** の代表团は、バハマの立場を支持し、またさらに承認された技術の欠如、造船能力の制約、時間的余裕、また掛かる費用から **BWM** 条約の施行の遅れの懸念を表明し、**BWM** 条約の規則 3 に含まれる適用日が再検討されるべきことを提案した。

2.23 一方、ドイツ、アイルランド、イタリア、ノールウェイ、韓国及びスペインの代表团は、**MEPC60** 及び **MEPC61** において極めて高い流量を要求する船舶を除き、十分なシステムが入手できると決定しており、また十分な造船所の容量が存在することを示したことを指摘し、また将来の混雑障害を避けるために、船主に、彼らの船舶にバラスト水管理システムの搭載を開始することを薦めた。

2.24 異なる見解が表明されたが、委員会は施工スピード、技術の利便性及び造船能力の追加情報の必要性に関し、意見が一致したことを認めた。またメンバー国に個々の国の状況に関する最新の情報を提供するように要請したことを銘記した。

2.25 この点に関し、委員会は施工工程の詳しい分析を可能にするために、上記のパラグラフ 2.24 に記述されている情報の共有を希望するメンバー国を助けるため、文書 **MEPC 63/2/17(日本)** に含まれる提案に基づき作成された雛形に合意した。参照を容易にするために雛形は附属書 2 に記載されている。

2.26 キプロスの代表团は、委員会に適切な設備の入手困難な可能性を再検討するよう、また規則 **B-3.5** が適用される 5,000 立方メートル以上のバラスト水量を搭載する能力を有する 2012 年以降に建造された船舶に対する同様のアプローチを、回章 **BWM.2/Circ.29/Rev.1** に規定されているように、2012 年以前に建造された船舶にも適用することを検討するよう要請した。

BWM 関連ガイドラインに対する修正の検討及び採択

2.27 委員会は、**MEPC62** で船舶の沈殿物管理(**G12**)を可能にする設計及び建造に関するガイドラインを修正することに合意したことを想起し、また事務局に従来の文章を修正文に置き換えるよう、また **MEPC63** による検討及び採択の新決議草案(**MEPC 62/24**, パラグラフ 2.24.3)を準備するよう指示した。

2.28 文書 MEPC 63/2/12(事務局)に含まれる船舶の沈殿物制御(G12)を可能にする設計及び建造に関する 2012 年ガイドラインの新規 MEPC 決議の草案文書の検討の後に、委員会は附属書 3 に記載されている決議 MEPC.209(63)により 2012 年ガイドラインを採択した。

2.29 委員会は、1997 年に開催された第 20 回総会で有害水生生物及び病原菌の移動を最小限にする船舶のバラスト水の制御と管理のガイドラインに関する決議 A868(20)が採択されたことを想起した。更に、委員会はバラスト水管理条約の 2004 年採択後、MEPC はバラスト水管理のガイドライン及びバラスト水管理計画作成(G4)を含む条約の統一的施行のための 14 セットのガイドラインを作成したことを想起した。

2.30 BWM 条約の下で要求されているように、総会により採択された 1997 年のガイドラインと 2004 年以降に採択されたガイドラインとの関係に関する文書(事務局)及び MEPC 63/2/19 を検討した結果、BWM 条約の統一的施行のために、2004 年以降に採択されたガイドラインは現実的な理由で、決議 A.868(20)により採択されたガイドラインに効果的に入れ替わった。一方、決議 A.868(20)に基づき承認されたバラスト水管理計画は、バラスト水管理システムの導入により修正が必要とされるまで有効であることを委員会は合意した。したがって、委員会は事務局に BWM 条約の今後の版にはこれを反映するよう指示した。

2.31 異なる極限状況の下での陸上試験中バラストタンク内の保持時間の決定に関連するバラスト水管理システム承認のガイドライン(G8)の修正を提案している文書 MEPC 63/2/16(ノールウェイ及びシンガポール)を検証した結果、委員会はバラスト水検証部会に、この段階でのガイドライン(G8)の修正の適正を検討するよう、また委員会に結果を報告するよう指示した。

2.32 またガイドライン(G8)に関し、ICS はこれらのガイドラインの試験要求の論理性に多大な懸念を強調した。彼らの懸念は非整合試験を減少する能力、整合は平均生物数に基づき判定される事実、試験のためにガイドライン(G8)で規定されているサイズに代理生物を使用する能力、ある試験設備での品質管理及び冷水及び淡水条件下での試験不足に関連している。少なくとも 10 PSC の差がある水で試験を実行する規定は、淡水での試験は完全に回避可能を意味する。ICS の見解では、ある試験設備で適用される生物学的型式承認効率試験の論理性の欠如は、BLG 小委員会で作成中のサンプリング及び分析ガイダンスに関わる産業界の懸念の根源的原因である。ICS は文書 MEPC 63/2/16 の提案を処理設備の試験のための型式承認要求が” 目的に適合” していない傍証として

捕らえた。ICS は今までの経験が、ガイドライン(G8)の試験手続きの検証、及び評価が必要であることを証明したと強く主張した。ICS は型式承認を受けたバラスト水管理システムの性能及び条約そのものの信頼を増すために、そのような行動の提案の意思があるいかなる主管庁をも援助することを表明した。これは他国の型式承認の引き受けに同意した主管庁の懸念を払拭する可能性がある。

2.33 バラスト水に関する BLG16 の結果(MEPC 63/11/3)に関する文書 MEPC 63/11/3 (事務局)を検討した結果、委員会は、BLG16 がその会合で入手可能な情報に基づきバラスト水のサンプリング及び分析の回章草案の作成を進めたが、小委員会は回章を完結できず更なる作業の必要性に合意したことを銘記した。この点に関し、小委員会はメンバー及びオブザーバーに BLG17 への提出文書を通じて、サンプリング及び分析方法の開発、及び有効化で彼らの経験と発見を共有するよう要請した。委員会はまたこの回章の作業を BLG17 で継続することを銘記した。

BWM 条約の施行

2.34 委員会は、あるタイプの船舶、特に半潜水船の現実的解決策と考えられる内部循環による処理原則の記述を提供した文書 MEPC 63/2/13(オランダ)を銘記し、オランダのこの情報の提供に感謝した。またこの点に関し、委員会はジャックアップリグに関する同様の見解の文書を提出するシンガポールの意向を銘記した。

2.35 文書 MEPC 63/2/13 に関し、オランダの代表団は委員会に内部循環による処理問題を MEPC64 で再検討するよう要請した。

2.36 バラストタンク中に保管されていた排水及び汚水に対し、BWM 条約適用の明確化を求める文書 MEPC 63/2/18(ノールウェイ)を検討した結果、委員会は広範な議論の後、船上の生活排水及び汚水の取り扱いは MARPOL 附属書 IV の下で規制されるべきことに合意し、また関係国に委員会の今後の会合での検討のために附属書の関連する修正を提出するよう要請した。

2.37 船舶の審査及び証明のために BWM 条約の施行の影響を検討した後(MEPC 63/2/20 (IACS))、委員会は文書のパラグラフ 9 で提案されている三つの選択肢の今後の検討のために、文書をバラスト水検証部会に委ねることを決定した。

2.38 キプロス代表団はパラグラフ 9.3 で IACS より提起された選択肢に関し、その選択肢は規則 D-5.1 で規定されている容認される 5 年間を超える可能性があり、また発効

されていない条約に対し、国家に代わり発行される証明書の法的権威に懸念を示した。

2.39 委員会はバラスト水管理システムとバラストタンク塗膜との両立性に関する文書 MEPC 63/INF.9 (IPPIC)で提供された情報を銘記し、また IPPIC にこの情報の提供に対し感謝した、

バラスト水検証部会の発足

2.40 委員会は次の検討事項のためにバラスト水検証部会の立ち上げに合意した：

”全体会議でなされるコメント及び決定を考慮し、バラスト水検証部会は以下を指示された：

- .1 情報収集及び GESAMP-BWWG の作業行動の最新の方法論(MEPC 63/2/10, 附属書 7 及び MEPC 63/2/10/Corr.11)を検証し、BWM 回章として公布の承認を委員会に報告する；
- .2 申請者が新規規定を十分に実行できる時間を猶予するために、新規方法論が適用されるべき日を勧告する；
- .3 文書 MEPC 63/2/16 に含まれている修正提案を検討し、委員会に現段階でガイドライン(G8)を修正する適切さを報告する；
- .4 文書 MEPC 63/2/20(IACS 他)を検討し委員会に適切に報告する；
- .5 情報収集及び GESAMP-BWWG の作業行動の承認された方法論に基づき、基本/最終承認申請に必要な最低限の情報のための提案(MEPC63/2/14)を検討し、委員会に結果を報告する；及び
- .6 検討及び勧告を含む実施された検証の報告文書を 2012 年 3 月 1 日木曜日に総会に提出する。“

バラスト検証部会の報告の検討

2.41 バラスト水検証部会の報告(MEPC 63/WP.7)を入手後、委員会は大幅で報告を承認し、次の行動(パラグラフ及び附属書の番号は文書 MEPC 62/WP.7 と同じである)を取った：

- .1 情報収集及び GESAMP-BWWG の作業行動の最新の方法論を承認し、既存の 2008 年 6 月の BWM.2/Circ.13(パラグラフ 6 及び附属書 1)を代替するために BWM 回章として公布することを認めた;
- .2 最新の方法論が MEPC65 に提出される基本承認及びそれに続くそれらシステムの最終承認の全ての文書に適用されるべきこと(パラグラフ 7)に合意した;
- .3 文書 MEPC 63/WP.7 の附属書 2 に記載されているように公にされるべき最低限の情報に合意し、事務局に BWM 回章として公布するよう指示した(パラグラフ 8 及び附属書 2);
- .4 手順(G9)のパラグラフ 8.1.2.6 に基づき、承認申請の評価に関連する情報を提出するよう主管庁への要請を強調した(パラグラフ 8);
- .5 文書 MEPC 63/WP.7 のパラグラフ 9 の見解及び結論、特に現段階ではガイドライン(G8)の修正を行わないという部会の結論に合意した(パラグラフ 9);
- .6 修正を通じて改善される一般的事象を含むガイドライン(G8)修正の適切さ、変更の必要性に関するコメント、及びそれを行う日程に関する文書を MEPC64 に提出するよう関係者に要請した(パラグラフ 10);
- .7 文書 MEPC 63/2/20 (IACS 他)のパラグラフ 9.3 に含まれる解決策が最も適切な前向きな方法を提供するとの部会の結論を承認し、またこの文書の提出者に施行される条件が満足された後、またバラスト水管理条約の施行される前に達成された進捗状況を MEPC に報告するよう要請した(パラグラフ 14);及び
- .8 BWM 条約の規則 D-5.1 の規定に基づき MEPC64 で検証部会を再発足することに合意した(パラグラフ 15)。

2.42 委員会は検証部会の議長及びそのメンバーの尽力に感謝した。

2.43 関連しているが検証部会の報告に直接参照されない問題に関し、バハマの代表団は目的に合致しないと判断されたユニオンバラスト管理システムの現行設計の市場からの撤退に関する新聞発表について、委員会に通知しバラスト水管理システムからの排水が世界的に引き受けられる保証がないまま相当金額の投資を行っている船主の存在

について懸念を表明した。リベリア、パナマ、バヌアツ、ベネズエラの代表団及び INTERTANKO, IFSMA 及び IPTA からのオブザーバーは、バハマが表明した懸念に同調した。

2.海洋環境保護委員会第 64 回次会合について

海洋環境保護委員会第 64 回次会合では、新たに 5 件の基本承認、3 件の最終承認が与えられ、BWMS の搭載適用時期や PSC サンプルングガイドライン、BWMS の型式承認の透明性の工場等について検討が行われた。

本次会合の報告書から、議題 1 序文及び議題 2 バラスト水中の有害水生生物を翻訳し、次項以降に示す。

なお、annex を除いた本報告書の原文は参考資料中に掲載している。また、各議題に対する提案文書については、IMO の HP (<http://docs.imo.org/>) を参照のこと。

11 Oct. 2012

2.海洋環境保護委員会第 64 回次会合の報告書（一部仮訳）

項目

- 1 序文
- 2 バラスト水中の有害水生生物
- 3 船舶のリサイクリング
- 4 大気汚エネルギー効率
- 5 船舶からの GHG 排出の削減
- 6 強制的協議に対する修正の検討及び採択
- 7 MARPOL 及び関連法規の解釈及び改正
- 8 OPRC 条約及び OPRC・HINS 議定書並びに関連会議決議の実施
- 9 特別地域特に敏感海域の特定及び保護
- 10 受入れ施設の不備
- 11 小委員会の報告
- 12 他の機関の活動
- 13 条約の現況
- 14 船舶の有害付着生物防止システム
- 15 MARPOL 及び関連協議の実行及び施行の推進
- 16 海洋環境保護のための技術協力サブプログラム

- 17 人的要因の役割
- 18 商業海運からの騒音及び海洋生態への悪影響
- 19 委員会及び下部組織の作業プログラム
- 20 委員会のガイドラインの適用
- 21 2012 年度の議長及び副議長の選出
- 22 他の案件

附属書のリスト

- ANNEX1 バラスト水レビューグループの報告に関する国際海運会議所のオブザーバーによる声明 (MEPC64/WP.8)
- ANNEX2 決議 MEPC.222(64)2012・香港条約の下での船舶の検査と認証に関するガイドライン
- ANNEX3 決議 MEPC.223(64)2012・香港条約の下での船舶の検査に関するガイドライン
- ANNEX4 船舶のエネルギー効率の改良に関する技術的な専門的協力及び転化の促進における MEPC 決議案のベネズエラ代表団による声明
- ANNEX5 第3段階 NO_x 排出基準の実施における技術上の開発の状況の再調査に関する国際海洋産業協会 (ICOMIA) のオブザーバーによる声明
- ANNEX6 大気汚染とエネルギー効率における作業部会の報告に関して中国、デンマーク及びギリシャ代表団による声明
- ANNEX7 MARPOLVIの統合解釈
- ANNEX8 決議 MEPC.224(64)新造船の達成エネルギー効率設計指標 (EEDI) の計算方法に関する 2012 年のガイドラインの改正

- ANNEX9 2012 年エネルギー効率設計指標 (EEDI) の検査と認証に関するガイドライン
の脚注 2 の改正
- ANNEX10 外航海運の推測における市場に関するエジプト代表团による声明
- ANNEX11 国連気候変動枠組条約事務局の代表による声明
- ANNEX12 決議 MEPC.225(64)2012-危険化学薬品の撒積運送のための船舶構造及び設備
に関する国際規則 (IBC CODE) の改正
- ANNEX13 MARPOL 附属書 I の下の国際油濁防止証書の別紙付録のフォーム A 及びフ
ォーム B に関する改正案
- ANNEX14 文書 MEPC64/INF.30 の STOLT VALOR 号の事故に関するリベリア代表团
による声明
- ANNEX15 決議 MEPC.226(64)-特別敏感海域としてサババンクの指定
- ANNEX16 船舶状態評価制度 (CAS) に関する改正案 (改正用決議 MEPC.94(46))
- ANNEX17 総会決議案-主管庁による国際安全管理コード (ISM コード) の実施に関する
ガイドラインの改正
- ANNEX18 総会決議案-船舶の緊急事態遭遇プランニングの統合システムの機構に関する
ガイドラインの改正
- ANNEX19 総会決議案-国際海事機関実行コード (III コード)
- ANNEX20 MARPOL 附属書 I、II、III、IV、V、及びVIの改正案 (強制 III コード作成
のため)
- ANNEX21 強制 2 コードを作成するために III コード案、認証機関コード案及びMARPOL
の改正案の承認に関するキプロス代表团による声明
- ANNEX22 決議 MEPC.227(64)2012-汚水処理プラントの排出基準及び試験履行の実施に

関するガイドライン

- ANNEX23 MARPOL 附属書 I 及び II の改正案（強制認証機関コード作成のため）
- ANNEX24 RIO+20 の結果に関するブラジル代表团による声明
- ANNEX25 環境問題に関連する DE、DSC、FP、COMSAR、NAV、SLF、及び STW 小委員会の 2 年間の議題の項目
- ANNEX26 BLG 小委員会の 2 年間の議題と BLG17 の暫定議題
- ANNEX27 FSI 小委員会の 2 年間の議題と FSI21 の暫定議題
- ANNEX28 2012-2013 年の 2 年間の MEPC の作業結果状況の報告
- ANNEX29 MEPC65、MEPC66、MEPC67 の議題に含まれるべき項目

1 序文

1.1 第 64 回海洋環境保護委員会は、**Mr. Andreas Chrysostomou**(キプロス)議長の下で、2012 年 10 月 1 日から 5 日に IMO 本部で開催された。委員会の副議長 **Mr. Arsenio Domingues** (パナマ)もまた出席した。

1.2 文書 **MEPC 64/INF.1** にリストされているメンバー、及び準メンバーの代表団、国連プログラム、特別機関及び他の機関の代表者、協力協定にある多国籍組織のオブザーバー及び顧問契約のある非政府組織のオブザーバーが出席した。

1.3 評議会議長 **Mr. Jeffrey G. Lantz**(米国)、BLG 小委員会の議長 **Mr. Sveinung Oftedal** (ノールウエイ)、及び旗国の責務(FSI)小委員会議長 **Capt. Dwain Hutchinson**(バハマ)がまた出席した。

事務総長の開会の辞

1.4 事務総長は出席者を歓迎し、開会の辞を述べた。その全文は次のリンクの IMO ウェブサイトで閲覧可能である：

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

議長の注釈

1.5 議長は事務総長の開会の辞に謝意を示し、彼の忠告及び要請には委員会の万全の配慮を払うことを約束した。

議題の採択

1.6 委員会は議題(**MEPC 64/1**)を採択し、日々の達成度合により調整されることを前提で暫定的日程(**MEPC 64/1/1 修正附属書 2**)に基づくことに合意した。個々の議題の下で検討される文書のリストを付随した採択された議題は文書 **MEPC 64/INF.34** に記述されている。

信任状

1.7 委員会は会合に出席した代表団の信任状が正当かつ適切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、2004“(BWM 条約)が 2005 年 5 月 31 日以来承認可能であり、また前回の MEPC 会合より、さらに 3 カ国(デンマーク、ニウエ及びロシア連邦)が加盟し、契約政府の総数は 36 となり、また全世界の商船トン数の 29.07 パーセントを占めるにいたったことを想起した。委員会はまた批准していない国に可及的速やかに批准するよう要請した。

活性物質を使用するバラスト水管理システムの検討及び承認

2.2 GESAMP-BWWG の第 21 回、第 22 回及び第 23 回会議が Mr. Jan Linders 議長の下で、IMO 本部でそれぞれ 2012 年 4 月 16 日から 20 日、5 月 7 日から 11 日及び 6 月 25 日から 29 日に開催されたことを委員会は認めた。これら 3 回の会議中、GESAMP-BWWG は中国、デンマーク、オランダ、日本、韓国(4 提案)及びシンガポールより提出された活性物質を使用するバラスト水管理システムの 9 の承認申請を受領した。評価された 9 の申請のうち、部会の 21 回会議で検証された 3 の申請が時間的制約のため MEPC63 で検討できなかった残りの提出文書であることを委員会はまた認めた。

基本承認

2.3 委員会は“GESAMP-BWWG の第 21 回会議報告”(MEPC 64/2/6)の附属書 5 及び 6 に含まれる勧告、“GESAMP-BWWG の第 22 回会議報告”(MEPC 64/2/7)の附属書 4 に含まれる勧告及び”GESAMP-BWWG の第 23 回会議報告“(MEPC 64/2/19)の附属書 4 及び 5 に含まれる勧告を検討した結果、以下に対し基本承認を認めることに合意した：

- .1 文書 MEPC 63/2/8 で韓国より提案された KTM バラスト水管理システム；
- .2 文書 MEPC 63/2/9 でオランダより提案された Hamworthy Aquarius EC BWMS；
- .3 文書 MEPC 64/2 で中国より提案された OceanDoctor バラスト水管理システム；
- .4 文書 MEPC 64/2/3 で韓国より提案された HS バラスト水管理システム；及び
- .5 文書 MEPC 64/2/4 で韓国より提案された GloEn-Saver バラスト水管理システム。

2.4 委員会は、中国、オランダ及び韓国の主管庁にシステムの更なる開発段階で GESAMP-BWWG の前述の報告(第 21 回会議の附属書 5 及び 6、第 22 回会議の附属書 4 及び第 23 回会議の付属所 4 及び 5)のすべての勧告を考慮するよう要請した。

2.5 委員会は、文書 MEPC 64/2/5 でシンガポールより提案された Dow-Pinnacle バラスト水管理システムに対し、基本承認を認めないという”GESAMP-BWWG 第 23 回会議報告”の附属書 6 の勧告に合意した。

最終承認

2.6 ”GESAMP-BWWG の第 21 回会議報告“(MEPC 64/2/6)の附属書 4 及び”GESAMP-BWWG の第 22 回会議報告“(MEPC 64/2/7)の附属書 5 及び 6 に含まれる勧告を検討した結果、委員会は以下に対し最終承認を認めることに同意した：

- .1 文書 MEPC 63/2/7 でデンマークより提案された DESMI Ocean Guard BWMS;
- .2 文書 MEPC 64/2/1 で日本より提案された NEO-CHLOR MARINE を使用する JFE Ballast Ace;及び
- .3 文書 MEPC 64/2/2 韓国より提案された Smart Ballast BWMS.

2.7 委員会はデンマーク、日本及び韓国の主管庁に GESAMP-BWWG の第 21 回及び第 22 回会議報告(デンマークに対し MEPC 64/2/6、附属書 4;日本に対し MEPC 64/2/7、附属書 5 及び韓国に対し附属書 6)に含まれているすべての勧告が型式承認証明書発行以前に完全に対応されていることを証明するよう要請した。

GESAMP-BWWG の今後の会議

2.8 委員会は、GESAMP-BWWG の次回定例会議が暫定的に 2012 年 12 月 10 日から 14 日に開催されることを認め、またメンバーに対し承認申請(申請文書)及びバラスト水管理システムの非守秘文章をできる限り早く、遅くともパラグラフ 19.22(2012 年 10 月 8 日の BWM.2/Circ.38/Rev.1 を参照)に記述されているように、MEPC65 に対する新しく合意された日程に基づき 2012 年 10 月 26 日までに MEPC65 に提出するよう要請した。

2.9 委員会は、さらに、四つ以上の申請が部会の検証のために、またそれに引き続く MEPC65 の承認のために提出される可能性を認識し、GESAMP-BWWG が会議を組織する必要な条件が満足される前提で、出来る限り多くの提案を検証するために追加会議の要請を表明したことを銘記した。時間的制約のために第 24 回会議及び追加会議(即ち第 25 回会議)期間中検証されない申請は、MEPC65 の後の一番早い部会の会議で検証され、MEPC66 に報告される(GESAMP-BWWG の第 23 回会議報告 MEPC 64/2/19,項目 3)。

GESAMP-BWWG 会議から派生する他の問題点

2.10 承認申請の評価の効率化に関する GESAMP-BWWG の勧告を検討した結果、委員会は、以下の点で合意した：

- .1 申請者、試験研究場及び主管庁に対し、使用に選択された試験水の水質の評価の重要性を認識するよう、また基本及び最終承認両方の申請書に試験水評価の詳細な結果を含めるよう要請する；
- .2 BWMS 試験のために合成された海水の使用よりも、汚染されない自然海水の使用を優先する部会の勧告を銘記；
- .3 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提出する主管庁に対し、提出後の環境評価に影響を及ぼす可能性のある追加データは、委員会への最初の提出文書に含まれるべきものであり、それらは引き受けできないことを申請者に通知するよう要請する；及び
- .4 部会の作業を円滑化するために作成された、バラスト処理水に最も通常関係する化学物質を含むデータベースの進展状況を銘記。

2.11 活性物質を使用するバラスト水管理システムに関する守秘情報の最小化を要求する文書 MEPC 64/2/12 (IUCN) 検討した結果、委員会は関係するメンバーに完全な透明性を保証する。また BWM 条約の早期の批准を支援するために守秘性を最小化するよう要請した。

バラスト水処理技術の利便性の検証

2.12 委員会は次の文書で提供されている最新の型式承認を受けたバラスト管理システムに関する情報を認めた：

- .1 OceanSaver バラスト水管理システムの型式承認に関する MEPC64/INF.4(ノールウェイ)；
- .2 Cyeco バラスト水管理システムの型式承認に関する MEPC64/INF.12(中国)；
- .3 MICROFADE バラスト水管理システムの型式承認に関する MEPC 64/INF.17 (日本)；

- .4 AquaStar バラスト水管理システムの型式承認に関する MEPC 64/INF.18(韓国) ;
- .5 BalPure BP 500 バラスト水管理システムの型式承認に関する MEPC 64/INF.20(ドイツ) ;
- .6 ERMA First バラスト水管理システムの型式承認に関する MEPC 64/INF.26 (ギリシャ);及び
- .7 ARA PLASMA BWTS バラスト水管理システムの型式承認に関する MEPC 64/INF.33 (韓国)。

型式承認を受けたバラスト水管理システムの総数は、これで 28 に増加した。

2.13 委員会は、ノールウェイ、中国、日本、韓国、ドイツ及びギリシャの代表団に対し、提供された情報を感謝し、またバラスト水検証部会に将来検証を実施する際この情報を考慮するよう指示した。

2.14 委員会は、さらに、バラスト水処理技術の産業案内の最新情報に関する文書 MEPC 64/INF.13(英国)、及び 2020 年までに 6 万以上のバラスト水管理システムが韓国のみで製造されることを示すバラスト水管理システム及び搭載施設船渠の情報に関する文書 MEPC 64/INF.19(韓国)が提供されたことを銘記した。委員会はバラスト水検証部会に、将来検証を行う際この情報を考慮するよう要請した。

2.15 委員会は、MEPC63 がメンバー国に情報の共有を助けるために文書 MEPC 63/23 の附属書 2 にある雛形に基づき、各国の BWMS の船上搭載の状況に関する最新の情報を提供するよう要請したことを想起した。

2.16 上記のパラグラフ 2.15 に記述されている情報を提供する文書 MEPC 64/2/8(香港)、MEPC 64/2/10 (日本)及び MEPC 64/2/13(中国)を検討した結果、委員会はバラスト水検証部会にこれらの文書を詳細に検討し、結果を委員会に報告するよう要請した。

2.17 BWM 条約の現実的施行を提案する文書 MEPC 64/2/16 (ICS)及び BWM 条約の効率的施行を目的とする文書 MEPC 64/2/18 (リベリア他)を検討した際、委員会はこれら二つの文書で推薦されている提案に対するいくつかの代表団により表明された支持、特に特定された懸念に対応する総会決議に対する支持を銘記した。この点に関し、日本の代表団が 2013 年 11 月の総会の第 28 回会合での採択を目指し、検討のために MEPC65 に提出可能な総会

決議の作成の調整を表明した。”既存船”に対し船舶の一周年後の最初の中間検査、あるいは更新検査より、むしろ最初の更新検査で要求される整合性の規定の支持が表明された。いくつかの代表団は、施行以前に建造されたすべての船舶を”既存船”として扱う提案を支持した。ある年数を経た船舶にバラスト水の管理と制御の手段として、深海域におけるバラスト交換の継続を許す見解が表明された。

2.18 いくつかの他の代表団は、十分な型式承認を受けたシステムが入手可能であり、また現在船上に搭載されている事実に基づきバラスト水管理条約の規約 **B-3** に含まれる施行日の変更を、特に反対する文書 **MEPC 64/2/16** 及び **MEPC 64/2/18** の提案を支持しなかった。更にドイツは、条約に対する団体の意志を先取りすることに反対し、条約の修正は条文の施行後に始めて可能となる意見を強調した。アルゼンチン、ベルギー及びドイツの代表団は条約を批准する過程は、自国で最終あるいは進展段階にあること、また批准文書は近い将来 **IMO** に預託されることを示した。

2.19 広範囲の議論の後、委員会は産業界の懸念を認識し、そのような懸念に対応する総会決議の作成に同意した。決議は条約の施行を容易にし、また円滑化を助ける目的で規約 **B-3** に含まれる適用日の変更を目的としていない。これに関連し、日本の代表団は日本の調整の下で総会決議の作成を実行するために、通信部会に検討項目草案を提供するよう要請した。条約の規定の修正は検討され、また施行後に決定されることが合意された。

2.20 他の代表団との協議により、日本の代表団により準備された検討項目草案を検討した結果、委員会は以下の検討項目に合意した：

“関連データ、文書 **MEPC 64/2/8**, **MEPC 64/2/10**, **MEPC 64/2/13**, **MEPC 64/2/16**, **MEPC 64/2/18**, **MEPC 64/INF.5** 及び **MEPC 64/INF.19** に含まれるコメント及び提案、及び総会での議論を考慮して、**2004** 年船舶のバラスト水及び沈殿物の制御と管理の国際条約の適用の総会決議に関し、通信部会は以下を指示されている：

- 1** **BWM** 条約の規約 **B-3** の施行に関連する **IMO** 総会決議を **2013** 年の第 **28** 回総会までの採択を目的とし、ただし **BWM** 条約の **19** 項の下での修正手続きを先取り又は妨げることなく作成する;及び
- 2** **IMO** 総会決議草案を含む報告文書を **MEPC65** に提出する。“

2.21 委員会は次の文書で提供された **BWM** 条約施行状況及び **BWMS** 搭載の現状に関する情報を認めた：

- .1 スウェーデンの船主に管理されている船舶へのバラスト水管理システム搭載の現況に関する MEPC 64/INF.5(スウェーデン);
- .2 バラスト水管理システムの搭載の現況及び利便性に関する情報の MEPC 64/INF.19(韓国);及び
- .3 インド船籍として登録されている船舶へのバラスト水管理システム搭載の現況に関する MEPC 64/INF.27(インド)。

委員会はスウェーデン、韓国及びインドが提供した情報に感謝すると同時に、バラスト水検証部会に、今後検証を行う際この情報を考慮するよう要請した。

2.22 マルタ及びシンガポールの代表団は、彼らの管理の下にある船舶へのバラスト水管理システム搭載の状況の直近の評価を通知した。その結果は今会合に文書で報告されたものと近似しているとの結論であった。

BWM 関連のガイドラインに対する修正の検討及び採択

2.23 委員会は MEPC63 が関係団体に対し修正を通じて改善される一般的事象、変更の必要性に関するコメント、及びそれを実行する日程を含むバラスト水管理システム承認のガイドライン(G8)の修正の適正に関し、MEPC64 に文書を提出するよう要請したことを想起した。

2.24 ガイドライン(G8)に対する幾つかの変更、及び既存のガイドライン(G8)の下で型式承認されたバラスト水管理システムの整合のためのサンプリング及び分析に関する考慮を提案している文書 MEPC 64/2/17(ICS)を検討した結果、委員会は検証部会にこの文書を詳細に検討し、結果を委員会に報告するよう要請した。

2.25 違法捜査の開始を起こさない方法で、条約に基づき港湾国の自由裁量の行使に対する共通の理解の文書化を、バラスト水管理システムのモニターのためのパラメーター及び原則の更なる進化と併せて提案している文書 MEPC 64/2/15(ドイツ)を検討した結果、委員会は検証部会に文書 MEPC 64/2/17 (ICS)、及び文書 MEPC 64/2/18 (リベリア他)の関係部分と連結して、この文書を検討するよう、また結果を委員会に報告するよう要請した。

BWM 条約の実施

2.26 文書 MEPC 63/2/13(オランダ)に記載されているバラスト水処理の内部循環方法を使用する移動式海洋設備と BWM 条約との整合性を保証する手段を提案している文書 MEPC 64/2/9(シンガポール)を検討した結果、委員会は解釈が条約施行以前に可能であれば今後の明確化を条件に、統一解釈の作成を開始することに合意した。誰が何時統一解釈を採用するかに関しては、機構の法規及び対外関係部門より入手した忠告は、それが施行後に、これは条約の当事者に委ねられるとのことである。これは法律と条約に関するウィーン条約の 31 項に沿うものであるが、施行以前に共通見解の作成を排除するものと見做されない。しかしながら、共通見解は当事者を束縛するものではない。この点に関し、委員会はメンバー及びオブザーバーに関連する提案を MEPC65 に提出するよう要請した。

2.27 BWM 条約の規約 A-1.4 に規定されているようにバラスト水管理システムの新規搭載を”重大な改造”と認めないことを提案する文書 MEPC 64/2/11(日本)の検討後、委員会は提案に賛成し、事務局に MEPC65 での検討及び承認のために、この点に関する回覧の草案を準備するよう要請した。

2.28 BWM 条約の海洋支援船舶への適用に関し、予想される問題点に対応する選択肢を提案する文書 MEPC 64/2/14 及び MEPC 64/2/20(バヌアツ)を検討した結果、委員会は、この点に関する BWM 回覧の作成に対し、いくつかの代表団が支持したことを銘記した。幾つかの他の代表団は、規約 A-4 の規定は海洋支援船舶の特定の状況に対応するのに充分であり、したがって、そのような回覧の必要性はないとの意見であった。さらに、ノールウェイの代表団は、バラスト水管理条約の本文、そのガイドライン及び侵入種の拡散を回避する意図が条約のいかなる解釈でも優先されることを強調した。

2.29 議論の後、委員会は BWM の回章が海洋支援船舶の特殊なケースにおいては条約の規定の施行を促進することに合意し、BLG 小委員会に議題項目 4(文書 BLG 17/1 参照)の下での文書 MEPC 64/2/14 及び MEPC 64/2/20 の提案に基づく回章の作成を開始するよう指示した。

バラスト水の抑制と管理に係る他の事柄の検討

2.30 委員会は文書 MEPC 64/INF.16 (NACE インターナショナル)及び MEPC 64/INF.21 (IPPIC)に提供されているバラスト水管理システムとタンクの塗装の共存性に関する情報を銘記し、NACE インターナショナル及び IPPIC の貢献に感謝した。

2.31 バラストタンクへのバラスト水管理システムの潜在的腐食影響を決定するために、文書 MEPC 64/INF.16 に提供されている NSCE インターナショナルにより作成された標準的

試験方法の委員会による検討の支持を表明する文書 **MEPC 64/2/21**(マーシャル諸島)を検討した結果、委員会はバラスト水検証部会にガイドライン(**G8**)の修正を検討する際この情報を考慮するよう要請した。

2.32 委員会は、IMO ウェブサイトに公開するためにバラスト水管理ガイドライン及び関連するガイダンス文書の編集の可能性を事務局に検討依頼する **INTERTANKO** の提案に合意した。

バラスト水検証部会の立ち上げ

2.33 委員会は次の検討議題とあわせ、バラスト水検証部会の立ち上げに合意した：

” バラスト水検証部会は総会でのコメント及び決定を考慮し以下を要請されている：

- .1 文書 **MEPC 64/2/8**, **MEPC 64/2/10**, **MEPC 64/2/13**, **MEPC 64/2/16**, **MEPC 64/2/18** に含まれる関連するコメント及び提案及び文書 **MEPC 64/INF.4**, **MEPC 64/INF.5**, **MEPC 64/INF.12**, **MEPC 64/INF.13**, **MEPC 64/INF.17**, **MEPC 64/INF.18**, **MEPC 64/INF.19**, **MEPC 64/INF.20**, **MEPC 64/INF.26**, **MEPC 64/INF.27** 及び **MEPC 64/INF.33** で提供された情報を検討し、バラスト水処理技術の利便性を検証し、**BWM** 条約の規約 **D-2** に含まれる基準を達成する適切な技術が入手可能か委員会に報告する；
- .2 文書 **MEPC 64/2/15**, **MEPC 64/2/17**, **MEPC 64/2/18** 及び **MEPC 64/2/21** に含まれ決議 **MEPC.174(58)**により採択されたように、バラスト水管理システム承認のガイドライン(**G8**)を修正する提案及び文書 **MEPC 64/INF.16** 及び **MEPC 64/INF.21** に含まれる情報を検討し、適切な行動手順を提案する；
- .3 文書 **MEPC 64/2/15** に含まれる関連する提案及び **MEPC 64/2/16** 及び **MEPC 64/2/17** の関連する部分を考慮し、検査及び証明及びサンプリング及び分析手順に関連するものを含め、文書 **MEPC 64/2/18** で特定された **BWM** 条約の効率的実施の残る課題を検討し、適切な行動手順を提案する；及び
- .4 検討事項及び勧告を含む実施された検証の報告文書を 2012 年 10 月 4 日木曜日の総会に提出する。“

バラスト水検証部会の報告の検討

2.34 バラスト水検証部会の報告(MEPC 64/WP.8)を検討した結果、委員会は本綱でそれを承認し、次のパラグラフに記載されている行動を起こした:

2.35 中国、キューバ、ギリシャ、リベリア、マルタ、マーシャル諸島、パナマ、バヌアツ、BIMCO,INTERCARGO, IPTA,ITF 及び WSC の代表団により支持された ICS のオブザーバーは、バラスト水検証部会の幾つかの結論に対し、失望を示した。その全文は附属書 1 に記載されている。

2.36 委員会は、PSC のサンプリング及び分析手順はバラスト水管理システム承認に要求されるものよりも厳格であってはならないことを BLG 及び FSI 小委員会に指示するという INTERTANKO の提案に合意した。

2.37 INTERTANKO に支持されたバハマの代表団は、部会の報告のパラグラフ 16 に記述されている数多くの懸念を引用し、ガイドライン(G8)の修正が現段階では必要ではないという検証部会の見解に賛成できなかった。またガイドライン(G8)が提案されている BWM の回章の展開というより、むしろこれらの懸念に直接対応することを優先することを同代表団は主張した。委員会はガイドライン(G8)の修正の必要性に関し部会の見解を銘記する決定をした。

2.38 検証部会により要請された行動に関し、委員会は(カッコ内のパラグラフ及び附属書番号は文書 MEPC 64/WP.8 と同じである):

- .1 適切な技術が BWM 条約の規約 D-2 に含まれる基準を達成するものが入手可能であることに合意した(パラグラフ 6) ;
- .2 量的データを含むケーススタディー、及び供給機材、操作、並びに型式承認を受けたバラスト水管理システムの適正さの点での問題を記録する情報を、それらの事象の更に詳しい分析を可能にするために、代表団に BLG 小委員会に提出するよう要請した(パラグラフ 9);
- .3 ガイドライン(G8)に対する修正の一連の新規のセットは、現段階では必要ないとの部会の見解を銘記した(パラグラフ 14);
- .4 決議 MEPC.175(58)を改善するために提出された本文草案を更に検討するよう BLG17 に指示し、またメンバー国及びオブザーバーにこの点に関する関連提案を提出するよう要請した(パラグラフ 15 及び附属書 1);

- .5 BLG17にBMW.2/Circ.28の検討を含むガイドライン(G8)に含まれる規程の適用に関する追加ガイダンスを提供するよう指示した。またメンバー国及びオブザーバーにこの点に関する関連提案を提出するよう要請した(パラグラフ 16);
- .6 BLG17に文書 MEPC 64/2/15 で提出された提案を更に発展するよう指示した。またメンバー国及びオブザーバーに、この点に関する関連するコメントを提供するよう要請した (パラグラフ 18) ;
- .7 上記のパラグラフ.6 に記載されているそのような文書の提出期限を 2012 年 11 月 30 日金曜日まで、延長することに合意した (パラグラフ 18) ;
- .8 BWM 条約の施行以前のバラスト水管理証明書の発行に関する回章を認め、また事務局に MEPC63 で合意されているように決議 A.868(20)に基づき承認されたバラスト水管理計画の引き受けに関し、それを検討するよう、またそれを BMW.2Circ.40 として公布するよう指示した。(パラグラフ 20 及び 21) ;
- .9 BLG17 より派生するバラスト水制御と管理に係る緊急事案は、MEPC65 に報告されることに合意した (パラグラフ 22) ;及び
- .10 BWM 条約の規約 D-5 の規定に基づき、MEPC65 で検証部会を再発足することに合意した (パラグラフ 23)。

2.39 委員会は検証部会の議長及びメンバーの激務に感謝した。

Ⅲ むすび

む す び

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、同条約は、30カ国以上が批准し、その合計船腹量が世界全体の船腹量の35%となった日の1年後に発効することとされている。現在の批准状況は、2013年2月現在で、批准国数36カ国、世界の合計商船船腹量29.07%となっており、条約発効が間近に迫ってきている。

MEPC63・64においては、BWMSの搭載時期のリスケジュール、PSCサンプリングガイドライン、BWMSの型式承認の透明性の向上などについて審議を行い、これらについては、今後も引き続き議論されることとなっている。

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。

IV 参 考

平成 24 年 3 月 5 日

問合せ先

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国際海事機関(IMO)第63回海洋環境保護委員会(MEPC63)の開催結果

IMO 第 63 回海洋環境保護委員会(MEPC63)が 2 月 27 日から 3 月 2 日までロンドンの IMO 本部で開催されました。今次会合では、平成 25 年 1 月に発効予定の国際海運における CO2 規制(燃費規制)の実施に必要な各種ガイドラインが採択され、これにより規制の枠組みが整いました。また、船舶の省エネ対策にインセンティブを与える仕組みの導入(経済的手法)に関する議論も行われました。

加えて、シップリサイクル条約(2009 年 5 月採択)の実施に必要なガイドラインが採択され、これにより規制の枠組みがほぼ整うことになりました。さらに、海洋環境に有害な貨物残渣の分類基準を定める MARPOL 条約附属書 V 関連ガイドラインの審議等も行われました。

2 月 27 日から 3 月 2 日まで、ロンドンの IMO 本部において、国際海事機関(IMO)第 63 回海洋環境保護委員会(MEPC63)が、日本を含む 101 の国及び地域並びに 58 の機関からの参加により開催されました。日本からは国土交通省、環境省、水産庁、(独)海上技術安全研究所その他関係海事機関・団体から成る約 50 名の代表団が出席し、日本の意見反映に努めました。今次会合における審議結果の概要は以下のとおりです。

1. 船舶の温室効果ガス(GHG)削減対策**(1) 船舶の温室効果ガス(GHG)削減対策に関する審議**

気候変動枠組条約・京都議定書は、国際海運には適用されておらず、同議定書第 2 条第 2 項において、IMO において、CO2 排出量の抑制対策を検討することとされています。国際海運から排出される CO2 は、2007 年で約 8.7 億トン(世界全体の排出量の約 3%。ドイツ一国分に相当)ですが、発展途上国等の海上貿易量の増加に伴い、将来的に大幅に増加していくことが予想されており、CO2 排出抑制の国際的枠組みの確立が急務となっています。

① 技術的・運航的手法**(ア) 背景・経緯**

2011 年 7 月に開催された MEPC62 においては、エネルギー効率設計指標(EEDI^{※1}:Energy Efficiency Design Index)及び船舶エネルギー効率マネジメントプラン(SEEMP^{※2}:Ship Energy Efficiency Management Plan)の義

※1 EEDI(Energy Efficiency Design Index):新造船の効率を、設計・建造段階において「一定条件下で、1トンの貨物を1マイル運ぶのに排出すると見積もられる CO2 グラム数」としてインデックス化し、船舶の燃費性能を差別化するもの。(⇒自動車のカatalog燃費(例:30km/リットル)に相当。船舶の場合は一品受注生産であり、全て仕様が異なるため EEDI は個船ごとに全て違う。)

※2 SEEMP (Ship Energy Efficiency Management Plan):既存船が自船の CO2 排出量等をモニタリングしつつ、CO2 排出削減のためにもっとも効率的な運航方法(減速、海流・気象を考慮した最適ルート選定、適切なメンテナンス等)をとるよう、①計画、②実

務化について、日本提案をベースとした海洋汚染防止条約(MARPOL 条約)附属書 VI の一部改正案が採択され、この結果、国際海運分野に初めて CO2 排出規制が導入されることとなりました。

今次会合においては、この改正 MAROL 条約の実施に不可欠なガイドライン(EEDIの計算方法を記載したガイドライン、EEDI の検査・認証方法を記載したガイドライン、SEEMP を作成するためのガイドライン)の採択に向けた審議等が行われました。また、MEPC62 において時間の制約から作成されなかった技術協力に係る決議案についても審議が行われました。

(イ)審議結果

審議の結果、「EEDI 計算ガイドライン」、「EEDI 検査・認証ガイドライン」、「SEEMP 策定ガイドライン」の3つのガイドライン等が採択されました。これにより来年 1 月に発効予定である規制の枠組みが整いました。

一方、技術協力に係る決議案については、気候変動枠組み条約(UNFCCC)の CBDR 原則の適用を主張し、財政的支援を含めようとする途上国と、IMO においては他の条約の原則に触れるべきでなく、また財政的支援は IMO の技術的規則に関する決議にはふさわしくないと主張する先進国との間で意見がまとまらず、次回会合において継続審議されることとなりました。

② 船舶の省エネ対策にインセンティブを与える仕組みの導入(経済的手法)

(ア)背景・経緯

IMO では、船舶の効率改善を促進するため、燃料油課金制度や排出量取引(ETS)などの経済的手法についても検討が行われています。日本からは、燃料油課金制度をベースとし、船舶の効率改善に一層のインセンティブを与える手法(規制値から更に燃費の優れた船舶には燃料油課金を減免する制度)を世界海運評議会(WSC^{※3})と共同で提案しています。

提案国等	制度名称	制度概要
グループ A: 国際海運からの実質的な CO ₂ 排出削減に焦点をあてた制度		
日本、WSC	EIS: Efficiency Incentive Scheme	燃料油への課金制度をベースとして、EEDI の優れた船舶の課金を減免する制度
米	SECT: Ship Efficiency and Credit Trading	一定の効率基準を設定し、当該基準を達成していない船舶と達成している船舶間において、効率クレジット(効率基準からの乖離率に活動量を乗じたもの)を取引する制度
ジャマイカ	PSL: Port State Levy	航海毎の燃料消費量に応じて、寄港地で課税する制度
バハマ	義務的な排出削減 ^{※6}	過去の実績を基に、個船に排出削減義務をかける制度
グループ B: 海運セクターの排出総量規制(キャップリング等)を行い、主として他セクターからの排出権の購入により削減を行う制度		
デンマーク等	GHG FUND	燃料油への課金制度であり、かつ、海運セクターの排出総量規制を伴う制度
独、諾、仏、英	ETS: Emission Trading System	海運セクターの排出総量規制を行い、個船に排出権を割り当て、実排出量に応じて排出権を取引する制度

※ その他、IUCN(国際自然保護連合)より、輸入額に応じて、収益の発生する MBM とセットで適用することを想定した、途上国に MBM の収益を払い戻す制度が提案されている。

昨年 3 月に開催された GHG 中間会合において、各経済的手法案については上記のように、制度の特徴に応じグループ A とグループ B に分類されています。

我が国提案の EIS を含むグループ A については、エネルギー効率の優れた国際海運へのキャップリングを伴わないため、世界経済の担い手である国際海運の活動を阻害しない、船舶の効率改善のための初期投資(効率の優れた

施、③モニタリング、④評価及び改善というサイクルを継続して管理することを促すもの。

※3 WSC(World Shipping Council): 世界の定期航路船社約 30 社からなる海運業界団体であり、IMO のオブザーバー資格を有する。

船舶の導入等)を行ったとしても、燃料消費量の削減によって当該費用は回収可能である等の長所があります。

今次会合では、MBMに係る議論を加速するため、これらIMOに提案されている各制度を導入した場合の貿易等への影響調査の実施について審議が行われました。

(イ) 審議結果

影響調査の実施については、時間の制約により、調査の手法、クライテリア等の詳細について合意されなかったため、引き続き MEPC64 において検討されることとなりました。

2. シップリサイクルに関するガイドラインの審議及び採択

(1) 背景・経緯

シップリサイクル(船舶の解撤)に関しては、2009 年 5 月に香港において新条約「2009 年の船舶の安全かつ環境上適正な再生利用のための香港国際条約(仮称)」(シップリサイクル条約)が採択されました。その後、MEPC においては、本条約に付随する6つのガイドラインの策定が進められており、これまでに、「有害物質インベントリ作成ガイドライン」及び「船舶リサイクル計画に関するガイドライン」の2つのガイドラインが採択されました。今次会合においては、残り4つのガイドライン「船舶リサイクル施設に関するガイドライン」、「船舶リサイクル施設の承認に関するガイドライン」、「検査と証書に関するガイドライン」及び「PSCに関するガイドライン」の審議が行われました。

(2) 審議結果

審議の結果、「船舶リサイクル施設に関するガイドライン」※⁴及び「船舶リサイクル施設の承認に関するガイドライン」※⁵の2つのガイドラインが採択されました。「検査と証書に関するガイドライン」及び「PSCに関するガイドライン」については、本年 10 月に開催される次回会合(MEPC64)における最終化、次々回会合(MEPC65)での採択を目指し、日本をコーディネータ(調整役)としたコレスポnden スグループ(CG)において引き続き検討することになりました。

3. MARPOL 条約附属書 V(船舶からの廃物による汚染の防止のための規則)ガイドライン改正案の審議

(1) 背景・経緯

MEPC54(平成 18 年 3 月)において、海洋廃物対策を強化するために国連総会から MARPOL 条約附属書 V 改正を要請されたことを報告する文書(MEPC54/11/5)が提出されました。以後、船舶からの廃物の海洋への廃棄を「原則的に禁止」とするコンセプトの導入等の改正内容について検討され、MEPC62(平成 23 年 7 月)において附属書 V の改正案が採択されるとともに、附属書 V 実施のためのガイドラインについても改正内容を反映させるべく MEPC61(平成 22 年 9 月)以降検討されてきました。

附属書 V では貨物艙残渣の排出について、ガイドラインに従って海洋環境に有害なものを含まない場合に限るとされており、今次会合におけるガイドライン案の審議においては、特に海洋環境に有害な貨物艙残渣の分類基準について活発な議論が行われました。

(2) 審議結果

我が国は、附属書 V の発効時期(2013 年 1 月 1 日)が迫っていることから、比較的評価の容易な急性水生毒性

※⁴ 「船舶リサイクル施設に関するガイドライン」: 条約上、船舶リサイクル施設(解撤ヤード)が満たすべき事項を定めた指針。

※⁵ 「船舶リサイクル施設の承認に関するガイドライン」: 所管官庁が船舶リサイクル施設(解撤ヤード)を承認する方法の手順を示した指針。

及び慢性水生毒性のある物質並びにプラスチック類のみを海洋環境に有害な貨物艙残渣として分類することを提案していましたが、多くの国はこれに長期健康有害性のある物質も含めることを支持し、ガイドラインは急性水生毒性、慢性水生毒性及び長期健康有害性のある物質並びにプラスチック類を海洋環境に有害な貨物艙残渣として分類する形で採択されました。ただし、長期健康有害性の評価は難しく、時間がかかるという我が国の主張も一定程度認められ、同様の懸念を有する国において長期健康有害性のみ適用時期を遅らせるための回草案を今後検討の上、次回の MEPC64 に提出することとなりました。

4. バラスト水管理条約関係

(1) 背景・経緯

船舶のバラスト水による有害生物の移動を防止するため、2004 年 2 月に IMO において「バラスト水管理条約」が採択されました^{※6}。条約では、船舶に対して、バラスト水交換基準（沖合におけるバラスト水交換）、バラスト水排出基準（バラスト水中のプランクトン及び菌を一定の基準値以下とする）への適合等を要求しています。また、バラスト水排出基準を満足するために、船舶の建造年・サイズに応じて予め定められている時期までに、バラスト水管理システム(BWMS: Ballast Water Management System)を搭載することが要求されています。

さらに、バラスト水中の生物を殺滅するために活性物質（化学薬品等）を使用する BWMS にあっては、海洋環境に影響を与えないことを確認するため、IMO において、「基本承認」（実験室レベルで海洋環境に影響がないことを確認）と「最終承認」（実船スケールで海洋環境に影響がないことを確認）の二段階の承認を取得することが要求されています。

(2) 審議結果

①BWMS に使用する活性物質の承認

今次会合では 3 件に対して基本承認が、また我が国から申請した㈱クラレの「MICROFADE™ Ballast Water Management System」を含む 5 件に対して最終承認が付与されました。我が国から申請した住友電気工業㈱の「SEI-Ballast Water Management System」の基本承認については、「本システムは活性物質を使用しておらず、かつ環境・健康等にリスクを与えないことから基本承認が不要である」との委員会の判断から承認不要となりました。

承認を与えられたシステムは以下のとおりです。

	承認が与えられたバラスト水処理システム名	申請国
基本承認	Ballast Water Management System (Smart Ballast)	韓国
	DMU -OH Ballast Water Management System	中国
	EcoGuardian™ Ballast Water Management System	韓国
最終承認	SiCURE™ Ballast Water Management System	ドイツ
	ERMA FIRST Ballast Water Management System	ギリシャ
	MICROFADE™ Ballast Water Management System	日本
	AquaStar™ Ballast Water Management System	韓国
	Neo-Purimar™ Ballast Water Management System	韓国

②バラスト水処理に係る技術等のレビューについて

※6 バラスト水管理条約は、30 カ国以上が批准し、その合計船腹量が世界全体の船腹量の 35%となった日の 1 年後に発効することとされています。現時点（2011 年 3 月）で、批准国数は 33 カ国で船腹量は約 26%となっています。

前回会合 (MEPC62) において、条約が発効要件を充足した後から発効するまでの期間 (12 カ月) にバラスト水処
理に係る技術的なレビューを行うことが合意されています。また、IMO 加盟国及び関連機関に対して、レビューに必要
なクライテリア及びデータを提案することが要求されています。

これを受け、我が国は、社団法人日本船主協会の協力のもと、日本の主要な船主及び運航者の支配下にある
船舶について現時点での BWMS の搭載状況をまとめた文書を IMO に提出しました。これによれば、日本関係船舶に
おいて BWMS の搭載が順調に進んでいる状況ではないことから、上記レビューの適切な実施に向け、他国においても
同様の調査を実施し、IMO において詳細に検討することを提案しました。この日本提案をベースにデータ収集テンプレ
ートが作成され、これに従い各国からデータを収集・分析していくことが合意されました。

5. その他

その他、今次会合では次の条約改正案及びガイドラインが採択されています。

- ①MARPOL 附属書 I・II・IV・V・VI の改正案 (港湾の受入施設に関する地域協定関連)
- ②NO_x テクニカルコード 2008 の改正案 (選択触媒還元 (SCR) 認証ガイドライン関連)
- ③地域受入施設計画の策定に関するガイドライン
- ④廃物管理計画の策定に関するガイドライン

平成 24 年 10 月 9 日
総合政策局海洋政策課

国際海事機関(IMO)第64回海洋環境保護委員会(MEPC64)の開催結果

IMO 第 64 回海洋環境保護委員会(MEPC64)が 10 月 1 日から 5 日までロンドンの IMO 本部で開催されました。

今次会合では、我が国が策定を主導していた実海域における燃費測定のための暫定ガイドラインが承認されるとともに、LNG 運搬船や自動車運搬船への燃費規制適用拡大について我が国提案をベースに議論を進めていくこととなりました。

また、バラスト水処理装置の搭載時期に関する IMO 総会決議を我が国が主導して起草することが合意されました。

さらに、シップリサイクル条約の実施に必要なガイドラインのうち、最後の2つのガイドラインが採択され、これにより規制の枠組みが整いました。

1. 船舶からの温室効果ガス(GHG)削減対策

気候変動枠組条約・京都議定書は、国際海運には適用されておらず、同議定書第2条第2項において、IMO において、CO2 排出量の抑制対策を検討することとされています。国際海運から排出される CO2 は、2007 年で約 8.7 億トン(世界全体の排出量の約 3%。ドイツ一国分に相当)ですが、発展途上国等の海上貿易量の増加に伴い、将来的に大幅に増加していくことが予想されており、CO2 排出抑制の国際的枠組みの確立が急務となっています。

① 技術的・運航的手法

(ア) 背景・経緯

2011 年 7 月に開催された MEPC62 において、エネルギー効率設計指標(EEDI:Energy Efficiency Design Index)及び船舶エネルギー効率マネジメントプラン(SEEMP:Ship Energy Efficiency Management Plan)の義務化について、日本提案をベースとした海洋汚染防止条約(MARPOL 条約)附属書 VI の一部改正案が採択されました。これらの義務化については 2013 年 1 月より開始することとなり、これにより、国際海運分野に初めて CO2 排出規制が導入されます。

今次会合では、実海域における船舶の燃費を計算するためのガイドライン(fw ガイドライン)、LNG 運搬船や自動車運搬船への EEDI 規制適用拡大、荒天下での操船を確保するための最低出力を算定するためのガイドライン(最低出力ガイドライン)の検討等が行われました。

(イ) 審議結果

・実海域における船舶の燃費を計算するためのガイドライン(fw ガイドライン)

EEDI 規制は静穏海面状態における船舶の燃費値を活用する規制体系ですが、現実の海象条件では波風の影響を受け船舶の燃費値は悪化します。我が国は、このような実海域における船舶の燃費を計算するためのガイドライン(fw ガイドライン)の提案を行ってまいりました。

今次会合において、fw ガイドラインは多くの国からの支持を得て、IMO 暫定ガイドラインとして承認されました。今後、実海域状態により即した燃費値計算の普及浸透が期待されます。

・LNG 運搬船及び自動車運搬船等への燃費規制適用拡大

蒸気タービンや電気推進システムを採用した LNG 運搬船や、自動車運搬船等は EEDI 規制の対象外とされていますが、これらの船舶について、2014 年の規制枠組み合意を目指し、今次会合から本格的議論が開始されました。我が国は、これらの船舶の燃費計算方法や将来の削減目標値等の提案を行っていました。

今次会合において、これら船舶に関する我が国提案は幅広い支持を集め、我が国提案を中心に議論を進めていくこととなりました。

・最低出力ガイドライン

船舶の燃費向上の方策として一般的なものに、搭載エンジンの小型化が挙げられます。しかしながら、燃費向上を追求しすぎるあまりに超小型のエンジンを搭載した場合、荒天下において船舶が漂流し、衝突・座礁事故が発生してしまう危険性があります。そこで、IMO では荒天下での操船を確保するための最低出力を算定するためのガイドライン(最低出力ガイドライン)の検討を行っていました。

今次会合では、十分な審議時間がなく、この最低出力ガイドラインの最終化には至りませんでした。今次会合の議論をベースに、本年 11 月末に開催される第 91 回海上安全委員会(MSC91)において暫定ガイドラインを作成するとともに、並行して、コレスポンデンス・グループ(E メールベースの会議グループ)において本ガイドラインの詳細検討を進めることとなりました。

・コレスポンデンス・グループの設置

上記最低出力ガイドラインのほか、革新的省エネルギー技術の効果測定ガイダンスの策定作業等を進めるため、コレスポンデンス・グループを設置することが合意されました。我が国は、このコレスポンデンス・グループのコーディネータ(調整役)を務め、引き続きこれらの議論を主導していくことになります。

・技術移転・技術協力決議

MARPOL 条約附属書 VI 改正案が採択された MEPC62 以後、燃費規制の実施に関する技術協力・移転を促進するための決議について議論が継続されています。今次会合においても、気候変動枠組条約(UNFCCC)の「共通だが差異ある責任(CBDR)」の原則の取扱い等に関する各国間の見解統一にまで至らず、次回 MEPC65 において引き続き議論を行うこととなりました。

② 経済的手法

(ア) 背景・経緯

IMO では、船舶の効率改善を一層促進することを目指し、燃料油課金制度や排出量取引制度(ETS)などの経済的手法についても検討が行われています。我が国からは、燃料油課金制度をベースとし、船舶の効率改善に一層のインセンティブを与える手法(規制値から更に燃費の優れた船舶には燃料油課金を免除する制度)を提案しています。

(イ) 審議結果

今次会合において、我が国は、我が国提案制度の条約条文案を提出しました。しかしながら、時間の制約により、我が国提案を含め、経済的手法に関する各提案等について詳細な審議は行われず、次回 MEPC65 において審議を継続することとなりました。

2. シップリサイクル条約関係

(1) 背景・経緯

シップリサイクル(船舶の解撤)に関しては、2009 年 5 月に香港において新条約「2009 年の船舶の安全かつ環境上適正な再生利用のための香港国際条約(仮称)」(シップリサイクル条約)が採択されました。その後、MEPC においては、本条約に付随する6つのガイドラインの策定が進められており、これまでに、「有害物質インベントリ作成ガイドライン」、「船舶リサイクル計画に関するガイドライン」、「船舶リサイクル施設に関するガイドライン」及び「船舶リサイクル施設の承認に関するガイドライン」の4つのガイドラインが採択されました。今次会合においては、残り2つのガイドライン「検査と証書に関するガイドライン」※¹及び「PSCに関するガイドライン」※²の審議が行われました。

(2) 審議結果

審議の結果、「検査と証書に関するガイドライン」及び「PSCに関するガイドライン」の2つのガイドラインがともに採択されました。これにより、条約に付随する6つのガイドライン全てが採択され、規制の枠組みが整いました。

また、有害物質インベントリ作成ガイドラインに掲げる有害物質の閾値及び適用除外に関しては、更なる検討が必要であることから、米国をコーディネータとしたコレスポネンス・グループにおいて検討することになりました。

3. バラスト水管理条約関係

(1) 背景・経緯

船舶のバラスト水による有害生物の移動を防止するため、2004 年 2 月に IMO において「バラスト水管理条約」が採択されました。同条約では、船舶に対して、バラスト水交換基準(沖合におけるバラスト水交換)、バラスト水排出基準(バラスト水中のプランクトン及び菌を一定の基準値以下とする)への適合等を要求しています。また、バラスト水排出基準を満足するために、船舶の建造年・サイズに応じて予め定められている時期までに、バラスト水処理装置(BWMS: Ballast Water Management System)を搭載することが要求されています。さらに、バラスト水中の生物を殺滅するために活性物質(化学薬品等)を使用する BWMS にあっては、海洋環境に影響を与えないことを確認するため、IMO において、「基本承認」(実験室レベルで海洋環境に影響がないことを確認)と「最終承認」(実船スケールで海洋環境に影響がないことを確認)の二段階の承認を取得することが要求されています。

※¹ 「検査と証書に関するガイドライン」: 条約に基づく、主管庁による船舶に対する検査及び証書の発給に関する事項を定めた指針。

※² 「PSC に関するガイドライン」: 寄港国官庁が寄港船舶に対して行うポートステートコントロール(PSC)に関する事項を定めた指針。

(2) 審議結果**① 活性物質を使用する BWMS の承認**

活性物質を使用する BWMS の承認について、今次会合では 5 件に対して基本承認が、また我が国から申請した JFE エンジニアリング(株)の「JFE BallastAce that makes use of NEO-CHLOR MARINE™」を含む 3 件に対して最終承認が付与されました。承認を与えられたシステムは以下のとおりです。

	承認が与えられたバラスト水処理システム名	申請国
基本承認	KTM-Ballast Water Management System	韓国
	Hamworthy Aquarius -EC BWMS	オランダ
	Ocean Doctor Ballast Water Management System	中国
	HS-BALLAST WATER MANAGEMENT SYSTEM	韓国
	GloEn-Saver Ballast Water Management System	韓国
最終承認	DESMI Ocean Guard Ballast Water Management System	デンマーク
	JFE BallastAce that makes use of NEO-CHLOR MARINE™	日本
	Smart Ballast BWMS	韓国

② BWMS の搭載適用時期について

前回 MEPC63 会合において、日本の提案を受け、各国に対し既存船への BWMS 搭載状況について報告することが要請されていました。これを受け、今次会合で各国から報告が行われましたが、世界的にも BWMS 搭載率が極めて低いことが判明しました。

このため、条約の円滑な実施のためには BWMS の搭載適用時期に関する検討が必要であるとの認識のもと、我が国がコーディネータを務めるコレスポンス・グループを立ち上げることが合意されました。コレスポンス・グループでは、BWMS 搭載時期に関する新たな取り扱いに関する IMO 総会決議の起草を中心に検討が進められる予定であり、検討結果は次回会合 (MEPC65) に報告され、次回総会 (2013 年) での決議採択が目指されています。

③ その他

PSC サンプリングガイドラインの整備、BWMS の型式承認の透明性の向上等について、引き続き議論を進めていくことが合意されました。

4. MARPOL 条約附属書 V 関係 (貨物残渣の取扱い)**(1) 背景・経緯**

MEPC62 において、MARPOL 条約附属書 V 改正案が採択されました。その発効日 (2013 年 1 月 1 日) 以後は、船舶で発生した廃棄物の海洋への投棄は原則的に禁止されることとなります。ただし、貨物残渣等については一定の条件下で排出が認められており、このうち貨物残渣については、海洋環境に有

害でないものに限り、沿岸から 12 海里以上離れた海域でのみ排出が認められます。

貨物残渣の海洋環境への有害性は、①毒性(急性水生毒性、慢性水生毒性)があるもの、②長期の健康有害性(発がん性、生殖毒性等)があるもの、③プラスチック類で分類することとなります。このうち、②長期の健康有害性については、評価に時間を要するため、2013 年 1 月 1 日からの附属書Ⅴの適用が困難であることから、前回会合において適用延期のための回章を作成することが合意されました。

(2) 審議結果

日本等からの回章案が承認されました。これにより、長期の健康有害性に関する評価ができない貨物残渣については、2013 年 1 月 1 日から 2014 年 12 月 31 日までの間は、海洋環境に有害なものとは分類されないこととなりました。また、船舶で発生した廃棄物については、各国が受入施設を確実に整備することが附属書Ⅴにおいて規定されていることから、当該規定の遵守を各国に要請する旨が追記されました。

5. その他

その他、今次会合では次の条約改正案及びガイドラインが採択されています。

- ① IBC コード 17 章、18 章、19 章の改正案（物質の修正）
- ② 汚水処理設備の排水基準及び汚水処理プラントの性能テストの実地に関するガイドライン（特別区域を航行する旅客船の汚水処理）

<問合せ先>

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

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1 INTRODUCTION

1.1 The sixty-third session of the Marine Environment Protection Committee was held at IMO Headquarters from 27 February to 2 March 2012 under the chairmanship of Mr. Andreas Chrysostomou (Cyprus). The Vice-Chairman of the Committee, Mr. Arsenio Dominguez (Panama), was also present.

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

ALGERIA	IRAQ
ANGOLA	IRELAND
ANTIGUA AND BARBUDA	ISRAEL
ARGENTINA	ITALY
AUSTRALIA	JAMAICA
AZERBAIJAN	JAPAN
BAHAMAS	KENYA
BANGLADESH	KIRIBATI
BARBADOS	KUWAIT
BELGIUM	LATVIA
BELIZE	LIBERIA
BOLIVIA (PLURINATIONAL STATE OF)	LIBYA
BRAZIL	LITHUANIA
BULGARIA	LUXEMBOURG
CAMEROON	MALAYSIA
CANADA	MALTA
CHILE	MARSHALL ISLANDS
CHINA	MEXICO
COLOMBIA	MONACO
COOK ISLANDS	MOROCCO
CROATIA	NETHERLANDS
CUBA	NEW ZEALAND
CYPRUS	NIGERIA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	NORWAY
DENMARK	OMAN
DOMINICAN REPUBLIC	PANAMA
ECUADOR	PERU
EGYPT	PHILIPPINES
EL SALVADOR	POLAND
ESTONIA	PORTUGAL
FINLAND	QATAR
FRANCE	REPUBLIC OF KOREA
GABON	ROMANIA
GERMANY	RUSSIAN FEDERATION
GHANA	SAINT KITTS AND NEVIS
GREECE	SAINT VINCENT AND THE GRENADINES
GRENADA	SAN MARINO
GUATEMALA	SAUDI ARABIA
HONDURAS	SINGAPORE
ICELAND	SOUTH AFRICA
INDIA	SPAIN
INDONESIA	SWEDEN
IRAN (ISLAMIC REPUBLIC OF)	SWITZERLAND
	SYRIAN ARAB REPUBLIC

THAILAND
TONGA
TRINIDAD AND TOBAGO
TUNISIA
TURKEY
TUVALU
UKRAINE

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

and from the following Associate Member of IMO:

HONG KONG, CHINA

1.3 The session was also attended by representatives from the following UN Programmes, UN Specialized Agencies and other UN Entities:

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE
(UNFCCC)
REGIONAL ACTIVITY CENTER OF THE REGIONAL MARINE POLLUTION
EMERGENCY, INFORMATION AND TRAINING CENTER FOR THE WIDER
CARIBBEAN REGION (RAC/REMPEITEC-Carib)
THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR
THE MEDITERRANEAN SEA (REMPEC)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)
COMMISSION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF
THE NORTH-EAST ATLANTIC (OSPAR COMMISSION)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)
REGIONAL ORGANIZATION FOR THE CONSERVATION OF THE
ENVIRONMENT OF THE RED SEA AND THE GULF OF ADEN (PERSGA)

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)
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 ASSOCIATION OF DRILLING CONTRACTORS (IADC)
INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)

COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
 INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
 (INTERTANKO)
 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 TOWING TANK CONFERENCE (ITTC)
 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)
 SUPERYACHT BUILDERS ASSOCIATION (SYBAss)

1.4 The Chairman of the Council, Mr. Jeffrey G. Lantz (United States); the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Sveinung Oftedal (Norway); and the Chairman of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR), Mr. Carlos Salgado Riveros (Chile) were also present.

The Secretary-General's opening address

1.5 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

Chairman's remarks

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

Statements on the *Costa Concordia* accident

1.7 With reference to the Secretary-General's opening address concerning the grounding and subsequent capsizing of the **Costa Concordia** cruise ship last month, the delegation of Italy stated that it would continue to provide any useful information on the terrible accident to IMO with a view to help the maritime community in learning lessons from the accident, so that the safety of cruise ships could be further improved.

1.8 The observer from the Cruise Lines International Association (CLIA) thanked the Secretary-General and the delegation of Italy for their remarks on the matter and stated that, as part of the industry's continuous efforts to review and improve safety measures, CLIA had launched a Cruise Industry Operational Safety Review and would share any recommendations from the Review with IMO.

1.9 As requested, the text of the statements by the delegation of Italy and the observer from CLIA is set out in annex 1.

Adoption of the agenda

1.10 The Committee adopted the agenda (MEPC 63/1) and agreed to be guided during the session by the provisional timetable (MEPC 63/1/1, 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 63/INF.18.

Credentials

1.11 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, 2004" (BWM Convention) had been open for accession by any State since 31 May 2005 and noted that five more States (Lebanon, Mongolia, Montenegro, Palau, and Trinidad and Tobago) have acceded to the Convention since the last MEPC session, bringing the number of contracting Governments to 33, representing 26.46 per cent of the world's merchant fleet tonnage. The Committee urged those States, which have not yet ratified the Convention to do so at their earliest possible opportunity.

CONSIDERATION AND APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS THAT MAKE USE OF ACTIVE SUBSTANCES

2.2 The Committee noted that the eighteenth, nineteenth and twentieth meetings of the GESAMP-BWWG were held from 5 to 9 September 2011, from 31 October to 5 November 2011 and from 12 to 16 December 2011, respectively, at IMO Headquarters, under the chairmanship of Mr. Jan Linders. During the three 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, Denmark, Germany, Greece, Japan and the Republic of Korea (five proposals). The Committee also noted that out of the 10 proposals evaluated, three proposals reviewed at the eighteenth meeting of the Group were the remainder of the submissions to MEPC 62, which, due to the limited time available, could not be considered at that session.

Basic Approval

2.3 The Committee, having considered the recommendations contained in annex 4 of the "Report of the eighteenth meeting of the GESAMP-BWWG" (MEPC 63/2/10), the recommendations contained in annex 4 of the "Report of the nineteenth meeting of the GESAMP-BWWG" (MEPC 63/2/11) as well as the recommendations contained in annex 4 of the "Report of the twentieth meeting of the GESAMP-BWWG" (MEPC 63/2/21), agreed to grant Basic Approval to:

- .1 "Smart Ballast" Ballast Water Management System proposed by the Republic of Korea in document MEPC 62/2/8;
- .2 DMU ·OH Ballast Water Management System proposed by China in document MEPC 63/2; and
- .3 EcoGuardian™ Ballast Water Management System proposed by the Republic of Korea in document MEPC 63/2/4.

2.4 Having noted the conclusion of the GESAMP-BWWG (MEPC 63/2/10, annex 5) that the SEI-Ballast Water Management System does not use Active Substances and does not pose unacceptable risk to the environment, human health, property and resources, the Committee agreed that this system should not have been submitted because it does not make use of Active Substances and consequently does not need to go through the approval process in accordance with Procedure (G9). The Committee invited the concerned Administrations to conduct their future evaluations of this system in accordance with Guidelines (G8).

2.5 The Committee invited the Administrations of China and the Republic of Korea to take into account all the recommendations made in the aforementioned reports of the GESAMP-BWWG (annex 4 of the eighteenth meeting, annex 4 of the nineteenth meeting, and annex 4 of the twentieth meeting) during the further development of the systems.

2.6 The Committee concurred with the recommendation contained in annex 5 to document MEPC 63/2/21 not to grant Basic Approval to HS-BALLAST Ballast Water Management System proposed by the Republic of Korea in document MEPC 63/2/5.

Final Approval

2.7 The Committee, having considered the recommendations contained in annex 6 of the "Report of the eighteenth meeting of the GESAMP-BWWG" (MEPC 63/2/10), the recommendations contained in annexes 5, 6 and 7 of the "Report of the nineteenth meeting of the GESAMP-BWWG" (MEPC 63/2/11) as well as the recommendations contained in annex 6 of the "Report of the twentieth meeting of the GESAMP-BWWG" (MEPC 63/2/21) agreed to grant Final Approval to:

- .1 SiCURE™ Ballast Water Management System proposed by Germany in document MEPC 62/2/10;
- .2 ERMA FIRST Ballast Water Management System proposed by Greece in document MEPC 63/2/1;

- .3 MICROFADE™ Ballast Water Management System proposed by Japan in document MEPC 63/2/2;
- .4 AquaStar™ Ballast Water Management System proposed by the Republic of Korea in document MEPC 63/2/3; and
- .5 Neo-Purimar™ Ballast Water Management System proposed by the Republic of Korea in document MEPC 63/2/6.

2.8 The Committee invited the Administrations of Germany, Greece, Japan and the Republic of Korea to verify that all recommendations contained in the report of the eighteenth meeting of the GESAMP-BWWG (MEPC 63/2/10, annex 6 (Germany)), in the report of the nineteenth meeting of the GESAMP-BWWG (MEPC 63/2/11, annex 5 (Greece), annex 6 (Japan), and annex 7 (Republic of Korea)), and in the report of the twentieth meeting of the GESAMP-BWWG (MEPC 63/2/21, annex 6 (Republic of Korea)) are fully addressed prior to the issuance of the Type Approval Certificates.

Future meetings of the GESAMP-BWWG

2.9 The Committee noted that 10 submissions for either Basic or Final Approval had been received by the deadline of 2 September 2011. Despite the efforts made by the GESAMP-BWWG and the Secretariat, the Group was able to evaluate only the first seven proposals for approval mentioned above 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 a similar workload for year 2012, the GESAMP-BWWG had agreed to hold an extraordinary meeting (GESAMP-BWWG 21), scheduled from 16 to 20 April 2012, to evaluate the remaining three proposals described in documents MEPC 63/2/7 (Denmark), MEPC 63/2/8 (Republic of Korea) and MEPC 63/2/9 (Netherlands), the outcome of which would be reported to MEPC 64.

2.10 The Committee also noted that the next regular meeting of the GESAMP-BWWG (i.e. the twenty-second meeting) had been tentatively scheduled from 7 to 11 May 2012 and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems to MEPC 64, as soon as possible but not later than 16 March 2012 (BWM.2/Circ.36 of 19 December 2011 refers).

2.11 The Committee further noted that, recognizing the possibility that more than four proposals may be submitted for review by the Group and subsequent approval by MEPC 64, the GESAMP-BWWG had expressed its availability to have an additional meeting, (GESAMP-BWWG 23) in June 2012 to accommodate as many proposals as possible, provided that all the necessary conditions for organizing such a meeting are met. Any proposal for approval that is not reviewed in the twenty-second meeting and the additional meeting, (i.e. the twenty-third meeting), due to time constraints, will be reviewed at the earliest meeting of the Group after MEPC 64 and reported to MEPC 65 (MEPC 63/2/21, section 3 of the report of the twentieth meeting of the GESAMP-BWWG).

Other matters emanating from the GESAMP-BWWG meetings

2.12 Having received the recommendations of the GESAMP-BWWG regarding the optimization of the evaluation of the proposals for approval, the Committee agreed:

- .1 to request the applicants and the submitting Administrations to provide the full data-set, in accordance with the Methodology for information gathering

and conduct of work of the GESAMP-BWWG, to avoid difficult and time-consuming communication with the applicants during the meeting of the Group;

- .2 to request the applicants/Administrations to make available publicly, the data related to safety and environmental protection, including physical/chemical properties, environmental fate and toxicity in accordance with the provision contained in paragraph 8.1.1 of Procedure (G9) regarding non-confidential information;
- .3 to encourage the applicants/Administrations to provide complete electronic versions (CD-ROM or pen drive) of the entire application dossier to facilitate enhanced efficiency of the evaluation process; and
- .4 that there is no need to evaluate the results of chronic ecotoxicity testing using treated and effectively neutralized ballast water for BWMS using electrolysis and/or ozonation, submitted for Basic Approval.

2.13 Having considered the updated Methodology for information gathering and conduct of work of the GESAMP-BWWG contained in annex 7 of its eighteenth report (MEPC 63/2/10 and MEPC 63/2/10/Corr.1), the Committee noted the comments made by Germany, Japan, CEFIC and IPPIC, and instructed the Ballast Water Review Group to consider the Methodology in detail, taking those comments into consideration and advise the Committee as appropriate.

2.14 The Committee also agreed that the database mentioned in appendix 6 of the updated Methodology, currently under development by GESAMP-BWWG, should be made publicly available when completed.

2.15 Having discussed the date on which the new provisions of the updated Methodology should be applied, the Committee instructed the Ballast Water Review Group to consider the matter in detail, taking into account the recommendation to allow 18 months from the publication and advise the Committee as appropriate.

2.16 Having considered the request of Germany to retain the possibility to conduct face-to-face meetings to provide additional clarification during the GESAMP-BWWG evaluations, the Committee agreed that, subject to time availability and at no costs for the Organization, such meetings could continue at the request of the interested Administrations.

2.17 Having considered document MEPC 63/2/14 (Australia et al.) regarding the information to be made available in proposals for Basic Approval and Final Approval of ballast water management systems that make use of Active Substances or Preparations, the Committee noted that the proposal was structured based on the 2008 version of the Methodology for information gathering and conduct of work of the GESAMP-BWWG and agreed to instruct the Ballast Water Review Group to consider this document after the finalization of the updated Methodology and to advise the Committee as appropriate.

2.18 In line with the recent decisions of the Council and in order to contribute to the general effort to reduce the costs of the Organization, the Committee agreed that for documents containing the non-confidential information on proposed ballast water management systems submitted for Basic or Final Approval, which are in many cases more than 50 pages in length, only the cover note (less than four pages) will be printed and distributed in hard copy. The full document (cover and annex) will be made available through IMODOCS.

REVIEW OF THE AVAILABILITY OF BALLAST WATER TREATMENT TECHNOLOGIES

2.19 The Committee noted the information regarding the latest type-approved ballast water management systems provided in the following documents:

- .1 MEPC 63/INF.4, MEPC 63/INF.5 and MEPC 63/INF.6 (Republic of Korea) on the type approval of the HiBallastTM, EcoBallastTM and PurimarTM Ballast Water Management Systems; and
- .2 MEPC 63/INF.12 (Japan) on the type approval of the FineBallast® OZ (the Special Pipe Hybrid Ballast Water Management System combined with Ozone treatment version),

which increases the total number of type-approved systems to 21 and instructed the Ballast Water Review Group to take this information into consideration when conducting its future reviews.

2.20 The Committee noted the information on the estimated value of the global market for purchasing and installing ballast water management systems provided in document MEPC 63/INF.11 (IMarEST), which between 2011 and 2016 may reach \$50 to 74 billion and thanked IMarEST for this estimate.

2.21 Having considered document MEPC 63/2/17 (Japan) providing data on availability of ballast water management systems for installation on ships controlled by Japanese interests, the Committee noted the concern expressed by the delegation of the Bahamas with regard to the situation when even with approved ballast water management systems on board, shipowners could still be penalized in the absence of a clear sampling methodology and unified procedures for port State control officers.

2.22 The delegations of Brazil; Liberia; Malaysia; Malta; Panama; Singapore; Hong Kong, China and ICS supported the position of the Bahamas and, in addition, expressed concerns regarding the slow implementation of the BWM Convention due to lack of approved technologies, limited shipyard capacity, time availability and the costs involved, suggesting that the application dates contained in regulation 3 of the BWM Convention may have to be reconsidered.

2.23 The delegations of Germany, Ireland, Italy, Norway, the Republic of Korea and Spain, on the other hand pointed out that MEPC 60 and MEPC 61 had determined that there are sufficient systems available, with the possible exception of ships requiring very high flow rates and indicated that there is sufficient shipyard capacity and encouraged shipowners to start installing ballast water management systems on their ships in order to avoid possible bottlenecks at a later stage.

2.24 Despite the different views expressed, the Committee noted that there was consensus regarding the need for additional information on the implementation pace, availability of technologies and shipyard facilities and invited Member States to provide updated information regarding the status in their respective countries.

2.25 In this respect, the Committee agreed to a template which was developed based on the proposal contained in document MEPC 63/2/17 (Japan), to assist Member States intending to share the information mentioned in paragraph 2.24 above in order to facilitate an informed analysis of the implementation process. For ease of reference the template is set out in annex 2.

2.26 The delegation of Cyprus requested the Committee to review the possible unavailability of appropriate equipment and consider adopting a similar approach for ships built in or after 2012 having a ballast water capacity of more than 5,000 cubic meters for which regulation B-3.5 applies, with those ships built before 2012 as stipulated in circular BWM.2/Circ. 29/Rev.1.

CONSIDERATION AND ADOPTION OF AMENDMENTS TO BWM RELATED GUIDELINES

2.27 The Committee recalled that MEPC 62 agreed to amend the Guidelines on design and construction to facilitate sediment control on ships (G12) and instructed the Secretariat to replace the old text with the amended one and to prepare a new draft resolution for consideration and adoption by MEPC 63 (MEPC 62/24, paragraph 2.34.3).

2.28 Following consideration of the draft text of the new MEPC resolution on the 2012 Guidelines on design and construction to facilitate sediment control on ships (G12), contained in document MEPC 63/2/12 (Secretariat), the Committee adopted the 2012 Guidelines by resolution MEPC.209(63), as set out in annex 3.

2.29 The Committee recalled that the Assembly, at its twentieth session held in 1997, adopted resolution A.868(20) on the Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens. The Committee recalled further that after the adoption in 2004 of the Ballast Water Management Convention, the MEPC developed 14 sets of Guidelines for the uniform implementation of the Convention including the Guidelines for ballast water management and the development of ballast water management plans (G4).

2.30 Having considered documents MEPC 63/2/15 (Secretariat) and MEPC 63/2/19 (IACS) regarding the relationship between the 1997 Guidelines adopted by the Assembly and the Guidelines adopted by the MEPC after 2004, as required under the BWM Convention, the Committee agreed that whilst the Guidelines adopted after 2004 for the uniform implementation of the BWM Convention have effectively superseded the Guidelines adopted by resolution A.868(20), for practical reasons, the Ballast Water Management Plans, approved in accordance with resolution A.868(20), should remain valid until they require revision due to the installation of a ballast water management system. The Committee, therefore, instructed the Secretariat to reflect this in future editions of the BWM Convention.

2.31 Having examined document MEPC 63/2/16 (Norway and Singapore), proposing amendments to the Guidelines for approval of ballast water management systems (G8) related to the determination of the holding time in ballast water tanks during land-based testing under different climatic conditions, the Committee instructed the Ballast Water Review Group to consider the appropriateness of amending the Guidelines (G8) at this stage and to advise the Committee accordingly.

2.32 Also with respect to the Guidelines (G8), ICS reiterated their great concern with the robustness of the testing requirements in these Guidelines. Their concerns are related to the ability to discount non-compliant tests, the fact that compliance is judged on an average organism count, the ability to use surrogate organisms to the sizes specified in Guidelines (G8) for testing, the quality control in some test facilities and the lack of testing in cold and freshwater conditions; the stipulation to carry out tests on water with at least a difference of 10 PSU means testing in freshwater can be completely avoided. The lack of robustness of the biological Type Approval efficacy testing applied by some test facilities is, in the view of ICS, the root cause of the industry concern with the sampling and analysis guidance that is under development in BLG Sub-Committee. ICS saw the proposal in document

MEPC 63/2/16 as further indication that the Type Approval requirements for testing of treatment equipment are not "fit-for-purpose". ICS firmly believed that experience to date proved that review and reinforcement of the test procedures in Guidelines (G8) is necessary. ICS expressed their intention to assist any Administration willing to propose such action in order to improve confidence in the performance of Type Approved ballast water management systems and the Convention itself; this could also potentially remove the concern some Administrations which have agreed to accept other countries' Type Approvals.

2.33 Having considered document MEPC 63/11/3 (Secretariat) on the outcome of BLG 16 related to ballast water (MEPC 63/11/3), the Committee noted that, although BLG 16 had progressed the development of the draft circular on ballast water sampling and analysis with the information available at that session, the Sub-Committee was not able to finalize the circular and agreed that further work is needed. In this respect, the Sub-Committee urged Members and observers to share their experience and findings in developing and validating sampling and analysis methods through submissions to BLG 17. The Committee noted also that the work on this circular will continue at BLG 17.

IMPLEMENTATION OF THE BWM CONVENTION

2.34 The Committee noted document MEPC 63/2/13 (Netherlands) providing a description of the principles of the treatment by internal circulation considered to represent a practical solution for some types of ships, in particular for semi-submersibles, and thanked the Netherlands for the information provided. Also in this respect, the Committee noted the intention of Singapore to submit a document with regard to similar aspects related to jack-up rigs.

2.35 With regard to document MEPC 63/2/13, the delegation of the Netherlands invited the Committee to reconsider the issue of treatment by internal circulation at MEPC 64.

2.36 Having considered document MEPC 63/2/18 (Norway) seeking clarification of application of the BWM Convention to grey water and sewage stored in ballast tanks, the Committee agreed, after extensive discussions, that handling of grey water and sewage water on board ships should be regulated under MARPOL Annex IV and invited Parties to propose relevant amendments to that Annex for consideration at a future session of the Committee.

2.37 Following consideration of the implications of the entry into force of the BWM Convention for the survey and certification of ships (MEPC 63/2/20 (IACS)), the Committee decided to refer the document to the Ballast Water Review Group for further consideration of the three options proposed in paragraph 9 of the document.

2.38 The delegation of Cyprus expressed concern regarding the option provided by IACS in paragraph 9.3 due to the difficulties of that option which might exceed the allowable five-year period as provided in regulation D-5.1, as well as the legal status of a Certificate issued on behalf of a State, for a convention which is not yet in force.

2.39 The Committee noted the information provided in document MEPC 63/INF.9 (IPPIC) on compatibility between ballast water management systems and ballast tank coatings and thanked IPPIC for submitting this information.

ESTABLISHMENT OF THE BALLAST WATER REVIEW GROUP

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

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

- .1 review the updated Methodology for information gathering and conduct of work of the GESAMP-BWWG (MEPC 63/2/10, annex 7 and MEPC 63/2/10/Corr.1) and advise the Committee on its approval for dissemination as a BWM circular;
- .2 advise on the date the updated Methodology should be applied to allow sufficient time for the applicants to fully implement the new provisions;
- .3 consider the proposal for amendments contained in document MEPC 63/2/16 and advise the Committee on the appropriateness of amending the Guidelines (G8) at this stage;
- .4 consider document MEPC 63/2/20 (IACS et al.) and advise the Committee as appropriate;
- .5 consider the proposal for the minimum information necessary to submit a proposal for Basic/Final approval (MEPC 63/2/14) in light of the newly endorsed Methodology for information gathering and conduct of work of the GESAMP-BWWG and advise the Committee accordingly; and
- .6 submit a written report on the review conducted, including its findings and recommendations, to plenary on Thursday, 1 March 2012."

CONSIDERATION OF THE REPORT OF THE BALLAST WATER REVIEW GROUP

2.41 Upon receipt of the report of the Ballast Water Review Group (MEPC 63/WP.7), the Committee approved the report in general and took action as follows (paragraph and annex numbers are those of document MEPC 62/WP.7):

- .1 endorsed the updated Methodology for information gathering and conduct of work of the GESAMP-BWWG and approved its dissemination as a BWM circular to supersede the existing BWM.2/Circ.13 of June 2008 (paragraph 6 and annex 1);
- .2 agreed that the updated Methodology should be applied to all submissions for Basic Approval to MEPC 65 and subsequent submissions for Final Approval of those systems (paragraph 7);
- .3 concurred with the minimum information that should be made available, as set out in annex 2 of the document MEPC 63/WP.7, and instructed the Secretariat to disseminate the annex as a BWM circular (paragraph 8 and annex 2);
- .4 reiterated the invitation to Administrations to submit information relevant to the evaluation of proposals for approval in accordance with paragraph 8.1.2.6 of Procedure (G9) (paragraph 8);

- .5 concurred with the views and conclusions in paragraph 9 of document MEPC 63/WP.7, in particular the conclusion of the Group not to amend Guidelines (G8) at this stage (paragraph 9);
- .6 requested interested parties to provide submissions to MEPC 64 on the appropriateness of changing Guidelines (G8), including general aspects that might be improved through revision, comments on the necessity for any change and the timeline to do so (paragraph 10);
- .7 endorsed the conclusion of the Group that the solution contained in paragraph 9.3 of document MEPC 63/2/20 (IACS et al.) offers the most appropriate way forward and invited the submitters of this document to advise the MEPC on the progress made after the conditions for entry into force have been met and prior to the entry into force of the Ballast Water Management Convention (paragraph 14); and
- .8 agreed to re-establish the Review Group at MEPC 64 in accordance with the provisions of regulation D-5.1 of the BWM Convention (paragraph 15).

2.42 The Committee thanked the Chairman of the Review Group and its members for their hard work.

2.43 On a related issue, but with no direct reference to the report of the Review Group, the delegation of the Bahamas informed the Committee about a press release regarding the withdrawal from the market of the current design of the Unitor Ballast Water Management System, which was found to be not fit-for-purpose and expressed concern about the possibility of shipowners making considerable investments with no guarantee that the ballast water discharged from the ballast water management systems would be accepted worldwide. The delegations of Liberia, Panama, Vanuatu, Venezuela and the observers from INTERTANKO, IFSMA and IPTA associated themselves with the concern expressed by the Bahamas.

3 RECYCLING OF SHIPS

3.1 The Committee recalled that MEPC 62 had adopted the "2011 Guidelines for the Development of the Inventory of Hazardous Materials" and the "2011 Guidelines for the Development of the Ship Recycling Plan".

3.2 The Committee also recalled that MEPC 62 had agreed to re-establish the intersessional Correspondence Group on Ship Recycling Guidelines which had been instructed to further develop and, if possible, finalize the "Guidelines for Safe and Environmentally Sound Ship Recycling" (Facility Guidelines) and the "Guidelines for the Authorization of Ship Recycling Facilities" (Authorization Guidelines), and also to commence the development of the "Guidelines for Survey and Certification under the Hong Kong Convention" (Survey Guidelines) and the "Guidelines for Inspection of Ships under the Hong Kong Convention" (PSC Guidelines).

Planning of the work

3.3 The Committee had for its consideration 11 documents submitted under the item, covering the following issues:

- .1 There were nine submissions addressing the development of the guidelines and related matters. Four of these submissions formed the report of the correspondence group, which had been submitted by Japan, who was the group's coordinator (MEPC 63/3, MEPC 63/3/1, MEPC 63/3/2 and MEPC 63/3/3). Three further submissions, by France (MEPC 63/3/5), Denmark (MEPC 63/3/9) and ILO (MEPC 63/3/10), proposed amendments to the draft text of the Facility Guidelines and the Authorization Guidelines. Also, the Republic of Korea (MEPC 63/3/4) called for a clarification on whether Statements of Compliance on Inventory of Hazardous Materials issued prior to the Convention's entry into force would remain valid after its entry into force, and IACS proposed (MEPC 63/3/7) a framework for providing guidance to competent authorities to facilitate the delegation to organizations recognized by them for the authorization of Ship Recycling Facilities, on the basis of the draft RO Code, currently being developed by the FSI Sub-Committee.
- .2 There were two further documents reporting on the outcome of the tenth meeting of the Conference of the Parties to the Basel Convention (COP 10), one by the Secretariat of the Basel Convention (MEPC 63/3/6) and one by the IMO Secretariat (MEPC 63/3/8). Both documents concentrated on the decision by COP 10 on whether the Hong Kong Convention established an equivalent level of control and enforcement as that established under the Basel Convention. The document submitted by the Secretariat of the Basel Convention provided an overview of the decision taken by COP 10, while the note by the IMO Secretariat examined the background to the decision.

3.4 The Committee agreed to discuss in plenary only the reports of the correspondence group and the documents reporting on COP 10 to the Basel Convention, while the remaining documents would be introduced in and considered by the working group.

Development of the guidelines and related matters

3.5 In considering the reports of the intersessional correspondence group (MEPC 63/3, MEPC 63/3/1, MEPC 63/3/2, and MEPC 63/3/3), the Committee noted that the group had made good progress on the development of all four guidelines and in particular with the Facility Guidelines and the Authorization Guidelines, whose development had been progressed with a view to their adoption at MEPC 63.

3.6 The Committee thanked Japan for its continuing contribution as coordinator of the correspondence group and all the members of the group for their excellent work.

3.7 In this regard, IACS clarified that its submission MEPC 63/3/7 was intended to provide a common framework to facilitate the delegation by competent authorities to organizations recognized by them for the authorization of Ship Recycling Facilities under regulation 16 of the Hong Kong Convention. The submission had not intended to transfer the requirements for "traditional ROs" from applicable IMO conventions for ships into requirements for organizations recognised by competent authorities of ship recycling States. IACS had simply offered a comprehensive and familiar framework so that the relevant

requirements could be better identified for organizations authorizing Facilities on behalf of competent authorities.

Outcome of the tenth meeting of the Conference of the Parties to the Basel Convention

3.8 The Committee noted the overview provided by the Secretariat of the Basel Convention (MEPC 63/3/6) on decision BC-10/17 of the tenth meeting of the Conference of the Parties to the Basel Convention (COP 10), held in October 2011, on whether the Hong Kong Convention establishes an equivalent level of control as that established under the Basel Convention.

3.9 Parties to the Basel Convention, with decision BC-10/17, had:

- .1 noted that while some parties believed that the Hong Kong Convention provided an equivalent level of control and enforcement to that established under the Basel Convention, some other parties did not believe this to be the case;
- .2 encouraged the ratification of the Hong Kong Convention for its early entry into force; and
- .3 acknowledged that the Basel Convention should continue to assist countries to apply the Basel Convention as it related to ships.

Furthermore, the decision had a second part that highlighted the importance of cooperation amongst the United Nations stakeholders involved in the subject of ship recycling (IMO, ILO, Basel Convention).

3.10 The IMO Secretariat introduced document MEPC 63/3/8, which provided a historical background to the work of the Basel Convention on the issue of ship recycling and then discussed how decision BC-10/17 was reached at COP 10.

3.11 As background, the Committee noted that, at the end of the 1990s, Parties to the Basel Convention considered the implementation of the Basel Convention for the regulation of the dismantling of ships, the purpose of the Basel Convention being the protection of human health and the environment against adverse effects that result from the generation, transboundary movement, and management of hazardous and other wastes. However, as the Basel Convention had not been developed for regulating end-of-life ships, it did not address the governance structure of international shipping. Therefore, it became evident quite early that there were practical and legal difficulties in enforcing the Basel Convention to ships and, consequently, the seventh Conference of the Parties to the Basel Convention, in October 2004, with decision VII/26, decided to invite IMO to establish in its regulations mandatory requirements that would ensure an equivalent level of control as that established under the Basel Convention, and also ensure the environmentally sound management of ship dismantling.

3.12 The Committee also noted that, in June 2008, the ninth Conference of the Parties to the Basel Convention, with its decision IX/30 on Dismantling of Ships, expressed again its support for the development of the mandatory instrument by IMO for ship recycling and also requested its Open-Ended Working Group to carry out in 2010 a preliminary assessment on whether the ship recycling convention, as adopted, establishes an equivalent level of control and enforcement as that established under the Basel Convention and to transmit the results of that assessment to COP 10, to be held in 2011. In May 2010, the seventh session of its Open-Ended Working Group commenced work on the assessment of the equivalency

between the two conventions. The group compiled a set of criteria for the comparison between the two conventions but was unable to agree on a preliminary assessment.

3.13 In October 2011 COP 10 of the Basel Convention met in Colombia where the consensus could not be reached on the issue of the equivalency. In COP 10, States that had participated actively in the development of the Hong Kong Convention expressed their strong support for the conclusion that the Hong Kong Convention provides a level of control and enforcement that is at least equivalent to that established under the Basel Convention. However, some other States expressed concerns over the effects the Hong Kong Convention may have on the transboundary movement of hazardous wastes and even expressed fears that the Hong Kong Convention may lead to increased numbers of abandoned ships in their coasts. These States, therefore, did not support the conclusion that the Hong Kong Convention is equivalent to the Basel Convention. Consequently, with decision BC-10/17, COP 10 noted that there was no consensus on equivalency; encouraged the ratification of the Hong Kong Convention for its early entry into force; and acknowledged that the Basel Convention should continue to assist countries to apply the Basel Convention as it related to ships.

3.14 The representative of IMO's Secretariat at COP 10 had discussed with representatives of Parties to the Basel Convention, who had opposed the assessment of equivalency, their reasons for doing so. In the main, these delegates had limited experience with IMO and had not taken part in the discussions leading to the development of the Hong Kong Convention. In most cases these delegates said that they required more background information and explanations about the Hong Kong Convention before they could ascertain on the matter of equivalency. Consequently, the IMO Secretariat reported to the Committee that it intended, where necessary, to provide the required guidance, information and technical cooperation to States that wish to become familiar with the Hong Kong Convention and its provisions regarding the improvement of safety, health and environmental standards.

3.15 The Committee agreed that maritime administrations of Member States should brief their counterparts in ministries of environment that, in developing the Hong Kong Convention, IMO, with the support of the international community, had bridged a gap in maritime law by establishing, for the first time, mandatory requirements for the safe and environmentally sound recycling of ships that took into account the particular characteristics of world maritime transport and which were practicable, achievable and globally enforceable. As such, the Hong Kong Convention provided a level of control and enforcement that was at least equivalent to that established under the Basel Convention.

Establishment of the Working Group on Ship Recycling

3.16 Having considered the above issues, the Committee established the Working Group on Ship Recycling under the chairmanship of Dr. Claude Wohrer (France) with the following Terms of Reference:

"Taking into account comments, proposals and decisions made in plenary, the Working Group on Ship Recycling is instructed to:

- .1 further develop the draft Guidelines for Safe and Environmentally Sound Ship Recycling with a view to their finalization and adoption at this session, using as basis the text contained in document MEPC 63/3, and taking into account the comments and proposals in document MEPC 63/3/9;

- .2 further develop the draft Guidelines for the Authorization of Ship Recycling Facilities with a view to their finalization and adoption at this session, using as basis the text contained in document MEPC 63/3/1, and taking into account the comments and proposals in documents MEPC 63/3/5, MEPC 63/3/7, MEPC 63/3/9 and MEPC 63/3/10;
- .3 further develop the draft Guidelines for Survey and Certification of Ships under the Hong Kong Convention, using as basis the text contained in document MEPC 63/3/2;
- .4 further develop the draft Guidelines for Inspection of Ships under the Hong Kong Convention, using as basis the text contained in document MEPC 63/3/3;
- .5 consider the proposals contained in document MEPC 63/3/4 and propose an appropriate course of action;
- .6 consider and recommend whether an intersessional correspondence group on ship recycling guidelines should be established to further develop the Survey and Certification and the Inspection Guidelines; and if so, develop draft terms of reference for the group; and
- .7 submit a written report to plenary on Thursday, 1 March 2012."

Report of the Working Group on Ship Recycling

3.17 The Committee considered and approved the report of the working group (MEPC 63/WP.8) in general and, in particular (paragraph numbers are those of document MEPC 63/WP.8):

- .1 adopted the "2012 Guidelines for Safe and Environmentally Sound Ship Recycling" by resolution MEPC.210(63), as set out in annex 4 to this report;
- .2 adopted the "2012 Guidelines for the Authorization of Ship Recycling Facilities" by resolution MEPC.211(63), as set out in annex 5 to this report;
- .3 noted that the group did not have sufficient time to further develop the draft Guidelines for Survey and Certification and the draft Guidelines for Inspection of Ships under the Hong Kong Convention (paragraph 23);
- .4 noted the recommendation of the group to develop the *Guidance to facilitate the delegation by competent authorities to organizations recognized by them for the authorization of Ship Recycling Facilities* and the request for submissions on the subject to a future session of the Committee (paragraph 18); and

- .5 agreed to the re-establishment of the intersessional correspondence group on ship recycling guidelines, under the coordination of Japan¹ and approved the terms of reference for the group as follows:

"On the basis of the outcome of MEPC 63 and the report of the working group MEPC 63/WP.8, the correspondence group on ship recycling guidelines is instructed to:

- .1 further develop the draft text of the Guidelines for Survey and Certification under the Hong Kong Convention on the basis of the text contained in the annex to document MEPC 63/3/2 and taking into account document MEPC 63/3/4, for consideration and decision by MEPC 64 as appropriate, prior to forwarding them to FSI 21 (March 2013) for comments from a survey and certification point of view;
- .2 further develop the draft text of the Guidelines for Inspection of Ships under the Hong Kong Convention on the basis of the text contained in the annex to document MEPC 63/3/3, for consideration and decision by MEPC 64 as appropriate, prior to forwarding them to FSI 21 (March 2013) for comments from a port State control point of view; and
- .3 report the outcome of its deliberations to MEPC 64."

3.18 A representative of ILO provided a statement after the adoption of the "2012 Guidelines for Safe and Environmentally Sound Ship Recycling". As requested, the statement is set out in annex 6.

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

4 AIR POLLUTION AND ENERGY EFFICIENCY

4.1 The Committee agreed that, in addition to the documents submitted under agenda item 4, documents MEPC 63/5/4 on a draft resolution on capacity-building, technical assistance and transfer of technology related to energy efficiency measures for ships, MEPC 63/7/7 and MEPC 63/7/8, concerning implementation of MARPOL Annex VI should be considered under this agenda item.

¹

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Order of discussion

4.2 The Committee considered the various issues in the following order:

Energy efficiency for ships

- .1 Outcome of EE-WG 2;
- .2 Guidelines for calculation of reference lines for use with the EEDI;
- .3 Application of energy efficiency measures;
- .4 Work in accordance with the work plan for energy efficiency measures;
- .5 Draft IMO model course on energy efficiency operation of ships;
- .6 Energy efficiency measures;
- .7 Impact of technical and operational energy efficiency measures;

Air pollution from ships

- .8 Completion of the supplement to the IAPP Certificate;
- .9 Assessment of availability of fuel oil under MARPOL Annex VI;
- .10 Review of the status of the technological developments to implement Tier III NO_x standards (regulation 13.10 of MARPOL Annex VI);
- .11 Treatment of ozone-depleting substances used to service ships;
- .12 Designated ports at which VOC emissions are regulated; and

Draft MEPC resolution

- .13 Draft MEPC resolution on capacity-building, technical assistance and transfer of technology related to energy efficiency measures for ships.

ENERGY EFFICIENCY FOR SHIPS

4.3 The Committee recalled that MEPC 62 had adopted the amendments to MARPOL Annex VI incorporating a new chapter 4 on regulation on energy efficiency for ships, which makes the EEDI mandatory for new ships, and the SEEMP for all (new and existing) ships. As the amendments will enter into force on 1 January 2013, the Committee should develop and adopt relevant guidelines as soon as possible for smooth and uniform implementation of the amendments.

Outcome of EE-WG 2 and documents commenting on it

4.4 The Committee recalled that MEPC 62 agreed to the holding of an Intersessional Meeting of the Working Group on Energy Efficiency Measures for Ships (EE-WG 2) with terms of reference, as set out in annex 10 to document MEPC 62/24, and that Council had subsequently concurred with the decision (C/ES.26/D, paragraph 7.3).

4.5 The Committee also recalled that, due to time constraints, MEPC 62 could not consider a number of documents submitted to that session on improvement of the relevant guidelines, as MEPC 62 concentrated on adoption of the amendments to MARPOL Annex VI. Therefore, the Intersessional Meeting had considered documents deferred from MEPC 62, as well as documents submitted to the Intersessional Meeting.

4.6 The Committee considered document MEPC 63/4/11 (report of the Intersessional Meeting) and noted that the most important task for the Intersessional Meeting was to finalize, to the extent possible, three priority guidelines, namely: guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI); guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP); and guidelines on survey and certification of the Energy Efficiency Design Index (EEDI), with a view to consideration for adoption by this session of the Committee, to provide sufficient lead time for industry to prepare.

4.7 The Committee also noted that the Intersessional Meeting considered guidelines for determining minimum propulsion power and speed to enable safe manoeuvring in adverse weather conditions, and other important issues, such as EEDI requirement for large tankers and bulk carriers, and EEDI frameworks for ships not covered by the current EEDI, for further development at future sessions.

4.8 Following consultation between the Secretariat and the Chairman, and in accordance with paragraph 6.15 of the Committee's guidelines, a relaxed deadline had been set for documents of maximum two pages commenting on the report of the Intersessional Meeting. The Committee agreed to consider the four documents submitted within the relaxed deadline commenting on the report of the Intersessional Meeting.

4.9 The Committee considered document MEPC 63/4/14 (Greece) arguing that the reference line is a good representation of small- to medium-sized ships, but not a good representation of the relatively few large ships, in which a standard VLCC falls 9.2 per cent above the reference lines. Greece requested the Committee to reconsider the EEDI reduction factors for large tankers and bulk carriers, as set out in document MEPC 62/6/19 (Greece), before the review time frame set out in regulation 21.6 of MARPOL Annex VI, so as to avoid compliance difficulties and underpowering of such ships.

4.10 The Committee considered document MEPC 63/4/15 (Greece) proposing to develop a minimum design speed requirement at the lower range of current pre-EEDI design speeds as an interim safety measure to avoid underpowered ships, until the results of work undertaken by IACS on minimum required power are known.

4.11 The Committee agreed to forward documents MEPC 63/4/14 and MEPC 63/4/15 to the working group on air pollution and energy efficiency for further consideration.

4.12 The Committee considered document MEPC 63/4/17 (BIMCO, INTERTANKO, OCIMF and RINA) seeking clarification as to whether application of the cubic correction factor f_c for chemical tankers should be limited to chemical tankers as defined in regulation 1.16.1 of MARPOL Annex II or should be extended to NLS tankers as defined in regulation 1.16.2 of MARPOL Annex II and to product carriers as defined in regulation 1.7 of MARPOL Annex I.

4.13 The Committee agreed that the cubic capacity correction factor f_c for chemical tankers should be applied only to such ships having an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued under paragraph 1.5.4.1 of the International Bulk Chemical Code (IBC Code). The application of the cubic capacity

correction factor f_c to ships, of any type, without an International Certificate of Fitness was rejected.

4.14 The Committee considered document MEPC 63/4/11 (ICS) proposing textual amendments to the guidelines on survey and certification of the EEDI to improve the clarity of the text and the consistency of the verification process.

4.15 The delegation of Japan expressed the view that any numerical calculation method should be open for shipowners, shipbuilders and ship designers, and that paragraph 2.4 of the draft guidelines on survey and certification of the EEDI should be retained.

4.16 The Committee agreed to forward this document to the working group on air pollution and energy efficiency for further consideration.

4.17 The Committee approved the report of the second Intersessional Meeting of the Working Group on Energy Efficiency Measures for Ships in general and, in particular:

- .1 noted that the draft guidelines for calculation of reference lines should clearly indicate that 70 per cent deadweight had been used for the calculation of estimated index values for containerships and that these estimated index values had been plotted against 100 per cent deadweight in order to obtain the values of parameters a and c ;
- .2 endorsed the view of the Intersessional Meeting that additional guidance with respect to innovative energy efficiency technologies, supporting the guidelines on the method of calculation of attained EEDI and guidelines on the survey and certification of the EEDI, should be developed as separate documents from the guidelines;
- .3 noted that Japan would further develop the draft guidance for the assessment of innovative energy efficiency technologies in calculation and verification of the attained EEDI in cooperation with interested members;
- .4 noted that ITTC would develop a standard for assessment of speed and power performance by analysis of speed trial data in time for MEPC 64;
- .5 noted that IACS would develop a new iteration of the draft guidelines for determining minimum propulsion power to enable safe manoeuvring in adverse weather conditions in time for MEPC 64 as an interim measure and would be the basis for a more permanent solution;
- .6 endorsed the view of the Intersessional Meeting that the guidelines for the voluntary use of the ship energy efficiency operational indicator (EEOI) in MEPC.1/Circ.684 should be kept under review and invite Member States and observer organizations to provide information to the Committee on their experiences in applying the guidelines with a view to improving them;
- .7 noted that Japan would further develop draft guidelines for the calculation of f_w ;
- .8 noted the challenges identified by the Intersessional Meeting in applying the current reference line approach to new ship types where no historical ship data exist;

- .9 noted the consideration on EEDI frameworks for passenger ships and ro-ro ships as well as the progress made by Member States and observer organizations in identifying possible approaches to these ship types, and that further progress should be made in accordance with the work plan agreed by MEPC 62; and
- .10 noted the information by the Secretariat on its technical co-operation activities related to the new energy efficiency measures and that the Intersessional Meeting was invited to indicate other areas in which capacity-building activities may be needed and to identify experts for delivering technical co-operation activities.

Guidelines for calculation of reference lines for use with the EEDI

4.18 The Committee recalled that MEPC 62 requested the Secretariat to finalize the draft guidelines for calculation of reference lines for use with the Energy Efficiency Design Index (EEDI) (MEPC 62/6/4, annex 2) and submit them to this session with a view to their final adoption.

4.19 The Committee considered document MEPC 63/4 (Secretariat) providing draft guidelines for calculation of the reference lines for use with the EEDI, and noted that these draft guidelines should be updated, especially in respect of the need to clarify the calculation of the reference line estimated index values for containerships (paragraph 4.17.1 refers).

4.20 The Committee agreed to forward this document to the working group on air pollution and energy efficiency and to instruct it to refine the draft guidelines for calculation of the reference lines for use with the EEDI, with a view to adoption at this session.

Application of Energy Efficiency Measures

4.21 The Committee noted that regulation 19 of MARPOL Annex VI identifies the ships to which the energy efficiency regulations apply and that, under regulation 19.4 of MARPOL Annex VI, subject to the conditions given in regulation 19.5 of MARPOL Annex VI, a waiver can be issued for new ships, or existing ships that undergo a major conversion, as defined in regulation 2.24 of MARPOL Annex VI.

Major conversions

4.22 The Committee considered document MEPC 63/4/9 (China) seeking an interpretation of the terms "substantially", "major conversion" and "so extensive" related to major conversion. China also stressed that the relationship between the definition of a new ship in regulation 2.23 of MARPOL Annex VI and the application date of each phase in regulation 21 of MARPOL Annex VI is not clear. In order to solve this problem, China proposed that, regardless of contract date, requirements of each phase should be applied based on the constructed date, in which "constructed" should mean that the keel is laid or that the ship is at a similar stage of construction.

4.23 The Committee considered document MEPC 63/4/12 (IACS) proposing an interpretation of the term "major conversion" for use in survey and certification of the EEDI.

4.24 The Committee agreed that a Unified Interpretation for "major conversion" should be developed using document MEPC 63/4/12 (IACS) as basis, taking into account comments made in document MEPC 63/4/9 (China), and IACS agreed to develop a draft Unified Interpretation and submit it to MEPC 64 for consideration.

Unified interpretation of implementation dates of EEDI

4.25 The Committee considered document MEPC 63/4/6 (India) proposing a Unified Interpretation where flag States issuing waivers, as per regulation 19.4 of MARPOL Annex VI, would apply phase 0 only after completion of the waiver period, e.g. after four years.

4.26 Some Member States supported the interpretation proposed in document MEPC 63/4/6 (India) as there is a technological gap for construction of ships between developing and developed countries.

4.27 The majority view was that the waiver provisions specified in regulation 19.4 of MARPOL Annex VI should be granted to an individual ship and not be applied as a general waiver to postpone the implementation of the EEDI requirements for four years, and did not support the interpretation proposed in document MEPC 63/4/6 (India).

Ship Energy Efficiency Management Plan (SEEMP) matters

4.28 The Committee considered document MEPC 63/7/7 (IACS and ICS) seeking the Committee's advice on their understanding of regulation 5.4.4 of MARPOL Annex VI, in which initial survey of SEEMP on board existing ships is required at the first intermediate or renewal survey of the IAPP Certificate on or after 1 January 2013. The co-sponsors highlighted that, in the event the SEEMP is not found on board at the initial survey, they consider the validity of the IAPP Certificate should not be impacted by the lack of a SEEMP as it is a survey item solely under the International Energy Efficiency Certificate (IEEC).

4.29 The Committee agreed to invite IACS to develop a Unified Interpretation on this matter and submit it to MEPC 64 for consideration.

Work in accordance with the work plan for energy efficiency measures

4.30 The Committee agreed that documents MEPC 63/4/10 and MEPC 63/INF.17 (Italy), MEPC 63/4/3, MEPC 63/4/7 and MEPC 63/INF.15 (Cruise Lines International Association (CLIA)), and MEPC 63/4/4 and MEPC 63/INF.8 (International Tank Towing Conference (ITTC)) be forwarded to the working group for consideration.

Draft IMO model course on energy-efficient operation of ships

4.31 The Committee recalled that MEPC 62 had considered documents MEPC 62/5/29 and MEPC 62/INF.39 (Secretariat) providing information on the development of the draft IMO Model Course for energy-efficiency operation of ships prepared by WMU. MEPC 62 had invited interested delegations to provide practical information and examples of energy-efficient operation of ships to the Secretariat by 31 August 2011 for inclusion in the Model Course (MEPC 62/24, paragraph 5.32.1).

4.32 The Committee considered documents MEPC 63/4/5 and MEPC 63/INF.10 (Secretariat) notifying that WMU had finalized the draft Model Course for energy-efficient ship operation. The draft model course had been further developed to include some tutorial examples, but further work was needed to align it with the guidelines finalized at EE-WG 2.

4.33 The Committee noted that, for other IMO model courses developed to support implementation of IMO Conventions, a validation group had been established which reviews the model course in question and provides comments and recommendations to the Secretariat on the course content and structure. The Committee noted also that the validation group would consist of some five to seven expert individuals working independently of the Committee's other working and correspondence groups.

4.34 The Committee agreed to establish a validation group to review and update the draft Model Course on energy-efficiency measures for ships for consideration by the Committee at MEPC 65. The Committee noted that nominations for the validation group should be forwarded to the Secretariat by the end of March 2012.

Energy Efficiency Measures

4.35 The Committee considered document MEPC 63/4/8 (CSC) providing updated estimates of the impact of hull and propeller performance of individual vessel efficiency and on world fleet GHG emissions. CSC proposed to develop a transparent and reliable standard for measuring hull and propeller performance, by arguing that such standard will offer shipowners a more informed basis for their investments in seeking a better vessel performance and reduce overall GHG emissions.

4.36 The Committee noted document MEPC 63/INF.7 (OCIMF) presenting a study on estimated CO₂ emission reductions associated with technologies currently available in support of mandatory technical and operational measures, and agreed to keep this document in abeyance for future reference.

4.37 Some delegations expressed the view that, taking into account the wide range of ship type, size and operating parameters, it was challenging to develop a reliable standard for measuring hull and propeller performance as proposed in document MEPC 63/4/8 (CSC). Other delegations expressed the view that, as hull and propeller performance are a consequence of different characteristics, a common standard may not be appropriate.

4.38 A large number of delegations supported the proposal to develop a standard for measuring hull and propeller performance and that IMO should request ISO to develop such standard.

4.39 The Committee noted the offer by ISO to develop a standard for measuring hull and propeller performance but that there was a need for further information and so agreed to invite interested Member Governments and observer organizations to provide further input and specific proposals on what elements to be included in such a standard for further consideration of this matter at a future session.

Impact of technical and operational energy efficiency measures

4.40 The Committee noted documents MEPC 63/4/1 and MEPC 63/INF.2 presenting a study undertaken by Lloyd's Register and DNV on estimated CO₂ emission reductions associated with the mandatory technical and operational measures adopted at MEPC 62.

4.41 The delegation of China made a statement that the study had significant uncertainties in future emission projections, accuracy of the database used, as well as the fleet growth and scrapping rate scenarios. China considered that the study optimistically estimated the cost of complying with the EEDI requirements and that there was a lack of transparency in terms of the calculation process. As requested, the full statement is set out in annex 7.

4.42 The Committee noted that these documents were provided for information only.

AIR POLLUTION FROM SHIPS**Completion of the Supplement to the IAPP Certificate**

4.43 The Committee recalled that MEPC 62 had approved MEPC.1/Circ.718 in respect of the revised section 2.3 of the Supplement to the International Air Pollution Prevention (IAPP) Certificate.

4.44 The Committee considered document MEPC 63/7/8 (IACS) emphasizing that section 2.3 of the supplement to IAPP Certificate will lead to situations that do not accurately reflect the current or future means by which the ship intends to operate either when inside/outside an ECA or when lower sulphur limits enter into force. IACS recommended that the wording "as documented by bunker delivery notes" in section 2.3 of the supplement should be understood that an "x" can be entered in advance in respect of all the relevant checkboxes.

4.45 The Committee agreed to invite IACS to develop a unified interpretation on this matter, and submit it to MEPC 64 for consideration.

Assessment of availability of fuel oil under MARPOL Annex VI

4.46 The Committee recalled that MEPC 62 had considered document MEPC 62/4/5 (United States) providing the report of the Correspondence Group on the assessment of availability of fuel oil under MARPOL Annex VI, including a draft methodology framework to examine the availability of compliant fuel. The Committee also recalled that it had considered document MEPC 62/4/21 (ICS) providing comments on the need for early validation and refinement of a fuel availability model. Some delegations at MEPC 62 had supported the proposal by ICS to undertake a preliminary study during the period 2012-2013 with a focus on availability of compliant fuel oil in Emission Control Areas (ECA) to provide fuel availability scenarios for the period 2015-2016. Other delegations at MEPC 62 were of the view that carrying out such a preliminary study would not lead to an effective validation for global supply of compliant-fuel oil in 2020 as the scope of the study would be limited only to ECA.

4.47 The Committee further recalled that MEPC 62 had agreed to defer the consideration of this matter and invited further submissions to this session on the proposed draft methodology for detailed consideration and action, and noted that no submissions had been received at this session (MEPC 63).

4.48 The Committee agreed to invite Member Governments and interested delegations to submit concrete proposals to the next session for further consideration.

Review of the status of the technological developments to implement Tier III NO_x standards (regulation 13.10 of MARPOL Annex VI)

4.49 The Committee recalled that MEPC 62 had established a Correspondence Group (NO_x-CG) to review the status of the technological developments to implement the Tier III NO_x emissions standards under the coordination of the United States, and requested the correspondence group to provide an interim report to MEPC 64, and to submit a final report to MEPC 65 in 2013.

4.50 The delegation of the United States, on behalf of the coordinator of the Correspondence Group (NO_x-CG), gave an oral update of the group's work to date, and highlighted that expertise relating to after-treatment of NO_x emissions and supply of global

consumables, e.g. urea, is not currently represented in the group and, for the review to be comprehensive, such expertise should be incorporated. It was emphasized that other expertise not currently represented in the correspondence group would provide valuable information to support the aims of the review.

4.51 The Committee agreed that the coordinator of the Correspondence Group (NO_x-CG) can identify and incorporate into the group's findings information from non-IMO affiliated technical bodies, as necessary.

Treatment of ozone-depleting substances used to service ships

4.52 The Committee recalled that MEPC 62 had requested the Secretariat to continue liaising with the United Nations Environment Programme (UNEP) and its Secretariat of the Montreal Protocol (the Ozone Secretariat) on the correct procedures for purchasing HCFCs in foreign ports.

4.53 The Committee considered document MEPC 63/4/13 (Secretariat) providing information on the decision by the Parties to the Montreal Protocol on the treatment of ozone-depleting substances used to service ships. The decision requested the Ozone Secretariat to collect current information about the sale of ozone depleting substances to ships for onboard servicing and other onboard uses. The Secretariat also provided information on a study that Lloyd's Register had been commissioned to undertake on the treatment of ozone depleting substances used to service ships.

4.54 The Committee agreed to request the Secretariat to continue liaising with the Ozone Secretariat and requested the Secretariat to provide an update on the work of the Montreal Protocol to MEPC 64, to facilitate the Committee's further deliberation of this issue.

4.55 The Committee also agreed that the Secretariat should provide the Ozone Secretariat with only information requested by the decisions adopted by the Twenty-Third Meeting of the Parties to the Montreal Protocol, namely information on whether and how IMO address (a) trade in ozone-depleting substances for use on board ships, and (b) use of ozone depleting substances on board ships.

Designated ports at which VOC emissions are regulated

4.56 The Committee noted that requirements related to the emissions of volatile organic compounds (VOCs) from tankers are set out in regulation 15 of MARPOL Annex VI, under which, if the emissions of VOCs from tankers are to be regulated in a certain port or terminal under the jurisdiction of a Party, such Party shall submit a notification to the Organization.

4.57 The Committee recalled that MEPC 54 had urged Member States to notify the Organization of any VOC requirements already in place or planned to be introduced and, for this purpose, approved MEPC/Circ.509 on notification to the Organization on ports or terminals where VOC emissions are to be regulated.

4.58 The Committee considered document MEPC 63/4/2 (Secretariat) providing information on notifications received from the Administrations of the Netherlands and the Republic of Korea. The details of the designated ports and size of tankers, etc., had been uploaded to the IMO GISIS module under MARPOL Annex VI, and a summary of the relevant information had been set out in annex to MEPC.1Circ.774.

4.59 The Committee agreed to encourage other Member States to notify the Organization of any VOC requirements already in place or planned to be introduced.

Establishment of Working Group on Air Pollution and Energy Efficiency

4.60 The Committee established the Working Group on Air Pollution and Energy Efficiency under the Chairmanship of Mr. Koichi Yoshida (Japan), with the following terms of reference:

"Taking into account all relevant documents as well as comments and decisions made in plenary, the Working Group on Air Pollution and Energy Efficiency is instructed to:

- .1 finalize the draft 2012 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships and the associated resolution, with a view to adoption at this session;
- .2 finalize the draft 2012 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP) and the associated resolution, with a view to adoption at this session;
- .3 finalize the draft 2012 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI) and the associated resolution, with a view to adoption at this session;
- .4 finalize the draft Guidelines for calculation of reference lines for use with the EEDI and the associated resolution, with a view to adoption at this session;
- .5 continue work in accordance with the work plan agreed at MEPC 62 as set out in annex 9 to document MEPC 62/24; and
- .6 submit a written report to plenary on Thursday, 1 March 2012."

Outcome of the Working Group on Air Pollution and Energy Efficiency

4.61 The Committee received the report of the Working Group on Air Pollution and Energy Efficiency (MEPC 62/WP.9). In his introduction of the report, the Chairman of the Working Group, Mr. Koichi Yoshida (Japan), noted that the delegation of Malta had also attended the group and emphasized that the Working Group had:

- .1 finalized four sets of guidelines and associated resolutions, namely guidelines on the method of calculation of the EEDI; guidelines for the development of a SEEMP; guidelines on survey and certification of the EEDI; and guidelines for the calculation of reference lines for use with the EEDI;
- .2 reiterated the agreement of the Intersessional Meeting (EE-WG 2) on reduction factors for large tankers and bulk carriers, and interim minimum design speed;
- .3 considered matters related to ro-ro passenger ships, cruise passenger ships with non-conventional propulsion, ship model testing and speed correction, LNG carriers and the development of future reference lines; and

- .4 updated the work plan and schedule for further development of technical and operational measures for ships, taking into account the outcome of EE-WG 2 and deliberation at this session.

Action taken on the report of the Working Group on Air Pollution and Energy Efficiency

4.62 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 63/WP.9):

- .1 adopted the 2012 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships (paragraph 3.3), by resolution MEPC.212(63), as set out in annex 8;
- .2 adopted the 2012 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP) (paragraph 4.2), by resolution MEPC.213(63), as set out in annex 9;
- .3 adopted the 2012 Guidelines on survey and certification of the Energy Efficiency Design Index (EEDI) (paragraph 5.3), by resolution MEPC.214(63), as set out in annex 10;
- .4 adopted the Guidelines for calculation of reference lines for use with the Energy Efficiency Design Index (EEDI) (paragraph 6.4), by resolution MEPC.215(63), as set out in annex 11, and instructed the Secretariat to make an editorial check of the guidelines incorporating any conforming changes that may be necessary (paragraph 6.5); and
- .5 endorsed the work plan and schedule for further development of technical and operational measures for ships (paragraph 7.17), as set out in annex 12.

4.63 The delegation of Greece highlighted that, in accordance with the revised work plan and paragraph 7.7 of the report, requirements for minimum design speed for tankers and bulk carriers as an interim safety measure proposed in document MEPC 63/4/15 (Greece) should be further considered at MEPC 64, so as to prevent the possibility of underpowered ships being designed and built for the first phase of the EEDI requirements. The delegation of Greece emphasized that a suitable interim safety measure should be agreed at MEPC 64. The delegations of Brazil and Vanuatu associated themselves with the comments made by the delegation of Greece.

4.64 The Committee agreed to delete an item on "identification and development of other guidelines or supporting documents for technical and operational measures" from the revised work plan, taking into account the decision made by Council that work plans should be specific. In this regard, the Chairman of the Working Group elaborated that, under this item, it was, inter alia, expected to develop guidelines for the calculation of weather coefficient f_w , guidance for the assessment of innovative energy efficiency technologies (air lubrication system, waste heat recovery system, solar power system, and wind propulsion technologies), as a long-standing work plan.

4.65 The Committee thanked the Chairman, Mr. Koichi Yoshida, and members of the group for their hard work.

Draft MEPC resolution on capacity-building, technical assistance and transfer of technology related to energy efficiency measures for ships

4.66 The Committee recalled that MEPC 62 had agreed that capacity-building, technical assistance and transfer of technology were important elements in a future comprehensive regulatory framework to promote energy efficiency in international shipping, and included regulation 23 of MARPOL Annex VI on promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships.

4.67 The Committee also recalled that MEPC 62 had developed a draft MEPC resolution on capacity-building, technical assistance and transfer of technology with the intention of adopting it with the amendments introducing a new chapter 4 of MARPOL Annex VI as a package; however, due to time constraints and some divergences of views, it was not possible to finalize the draft resolution. MEPC 62 noted that the Chairman would further develop the draft resolution based on the input during MEPC 62 and would submit it to this session, with a view to further consideration and adoption at MEPC 63.

4.68 The Committee considered document MEPC 63/5/4 submitted by the Chairman providing a draft MEPC resolution on capacity-building, technical assistance and transfer of technology related to energy efficiency measures for ships.

4.69 A group of Member States provided comments and proposed additional amendments to the Chairman's draft resolution, set out in an informal paper, by adding new paragraphs on the following: a methodology for assessing implementation, the necessary financial, technological and capacity-building support for developing countries by developed countries, taking into account the principles of common but differentiated responsibilities and respective capabilities under the UNFCCC and its Kyoto Protocol.

4.70 Some delegations expressed the view that, taking into account the entry into force of the amended MARPOL Annex VI, there was a compelling need to develop the draft resolution as soon as possible.

Establishment of Working Group on Draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships

4.71 The Committee, after discussion, established the Working Group on the draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships under the Chairmanship of Mr. Arsenio Dominguez (Panama), with the following terms of reference:

"Taking into account all relevant documents as well as comments and decisions made in plenary, the Working Group on the draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships is instructed to:

- .1 finalize the draft MEPC resolution on promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships, with a view to adoption at this session; and
- .2 submit a final report to plenary on Friday, 2 March 2012."

Outcome of the Working Group on Draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships

4.72 The Committee received the report of the Working Group on the draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships (MEPC 63/WP.13). In his introduction of the report, the Chairman of the Working Group, Mr. Arsenio Dominguez (Panama), noted that the delegation of Nigeria had also attended the group and emphasized that the Working Group had:

- .1 discussed the development of the draft resolution on the basis of consensus, the need for the resolution to adequately reflect consideration of climate change under the UNFCCC and Article 2.2 of the Kyoto Protocol, including common but differentiated responsibilities and respective capabilities; IMO resolution A.963(23); responsibilities of developed countries to provide for means to achieve technical co-operation, technological development and transfer of technology; reference to regulation 23 in chapter 4 of MARPOL Annex VI, and to States, particularly developing States; the establishment of a mechanism to assess the implementation of regulation 23 in chapter 4 of MARPOL Annex VI, and legal clarification of the interaction of IMO and other United Nations bodies, in particular UNFCCC;
- .2 discussed at length the text for the draft resolution but the Group could not reach agreement by consensus on some of the proposals and decided to keep the text that could not be agreed in square brackets for further consideration by the Committee; and
- .3 considered the remaining proposals referred to the Group for consideration, but due to time constraints, the Group was unable to review the further changes proposed and the views expressed could not be reflected in the report of the Group.

4.73 The Committee noted the statements by the delegations of Brazil, China and India expressing disappointment that a resolution had not been finalized at this session and reiterating the importance of promotion of technical co-operation and transfer of technology. The Committee also noted the statements by the delegations of Australia, Sweden and the United Kingdom, also expressing disappointment that a resolution had not been finalized at this session and reiterating their commitment to fully comply with their obligations under regulation 23 of chapter 4 of MARPOL Annex VI. The delegations of Argentina, Chile, Democratic People's Republic of Korea, Ecuador, Ghana, Indonesia, Islamic Republic of Iran, Malaysia, Mexico, Nigeria, Peru, Philippines, Saudi Arabia, South Africa, Uruguay, Venezuela, associated themselves with the statements made by Brazil, China and India and expressed similar views. The delegations of Denmark, Italy, Germany, the Netherlands, Norway, Poland, Portugal and the United States, associated themselves with the statements made by Australia, Sweden and the United Kingdom and expressed similar views. As requested, the statements are set out in annex 13.

Action taken on the report of the Working Group on the draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships

4.74 In concluding its consideration of the report of the Working Group, the Committee (paragraph numbers are those of document MEPC 63/WP.13):

- .1 noted the outcome of the deliberations on development of the draft resolution on promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships (paragraphs 20 and 21); and
- .2 agreed to continue to work on the draft resolution at its next session.

4.75 The Committee, in noting the importance of the resolution, thanked the Chairman, Mr. Arsenio Dominguez (Panama), and the members of the Working Group for their hard work and efforts.

5 REDUCTION OF GHG EMISSIONS FROM SHIPS

5.1 The delegations of Brazil, Chile, China and India made general statements on issues of policy and principle related to control of greenhouse gas emissions from international shipping. As requested, the statements are set out in annex 14.

5.2 The Committee noted that, with the mandatory technical and operational measures to increase energy efficiency in shipping having been adopted at the last session as a new chapter of MARPOL Annex VI, it was now opportune to consider the third element of the Organization's GHG policy, as set out in Assembly resolution A.963(23), namely the Market-Based Measures (MBM).

5.3 The Committee agreed that the focus at this session should be, as recommended both by the MBM Expert Group and by the Intersessional Working Group meeting, on a more comprehensive impact assessment of the possible consequences of introducing an MBM for international shipping under IMO. The assessment should focus on possible impacts for consumers and industries in developing countries as well as the impacts on developing countries' ability to continue developing in line with their priorities for poverty eradication and sustainable development.

Order of discussions

5.4 Based on a proposal by its Chairman, the Committee agreed on the following order of discussions:

- .1 Market-based Measures:
 - .1 *Report of the third Intersessional Meeting,*
 - .2 *Impact assessment,*
 - .3 *Consideration and possible consolidation of MBM proposals,*
 - .4 *Climate finance and use of MBM revenues,*

- .5 *Relation between an MBM and the WTO Rules;*
- .2 Reduction target for international shipping;
- .3 UNFCCC matters; and
- .4 Other GHG issues.

Market-based Measures

5.5 The Committee recalled that, at its fifty-ninth session, it had held an in-depth debate on MBMs and noted the opinion of some Member States that such measures could serve two main purposes: the provision of incentives for the maritime industry and the possibility to offset growing ship emissions. The Committee also noted that some of the proposed measures could generate funds which could, among other purposes, be used for climate change actions in developing countries.

5.6 The Committee also recalled that, having received and considered the report of the Expert Group on Feasibility Study and Impact Assessment of possible MBMs, which was established by the Secretary-General following agreement at MEPC 60, MEPC 61 had agreed to hold an Intersessional Meeting on MBMs.

Report of the third Intersessional Meeting of the Working Group on GHG Emissions from Ships

5.7 The Committee considered document MEPC 62/5/1, containing the report on the third Intersessional Meeting of the Working Group on GHG Emissions from Ships (GHG-WG 3) which was dedicated to further work on MBMs. In approving the report in general, it noted (references are those of MEPC 62/5/1):

- .1 that the third Intersessional Meeting completed, as far as possible, the Terms of Reference given to it by the Committee;
- .2 that there were two opinions as to whether a compelling need and purpose of an MBM for international shipping under IMO had been clearly demonstrated, and agreed to return to the issue in due course;
- .3 that the Intersessional Meeting placed the MBM proposals into two groups: (1) focus on in-sector and (2) in-sector and out-of-sector, based on the emission reduction mechanism used by the MBM proposals (annex 3);
- .4 the debate on the relation to relevant conventions and rules and agreed to consider the issue further, partly based on a submission by India;
- .5 the debate on strengths and weaknesses and that, for the MBM proposals identified under each group, the proponents had identified and listed strengths and weaknesses (annex 4) and that other delegations which were not proponents of MBMs identified additional weaknesses for all the MBM proposals (annex 5);
- .6 that the Intersessional Meeting acknowledged the findings and conclusions of the Expert Group's report, including its identification that there would be a need for further study of both the direct and indirect impacts on developing countries due to the introduction and non-introduction of an MBM for international shipping under IMO; and

- .7 that two documents GHG-WG 3/3/4 (Cyprus, Denmark, Marshall Islands and Nigeria) and GHG-WG 3/3 (Greece), or relevant parts thereof, should be considered further; and agreed to consider them at this session.

Impact assessment

5.8 The Committee noted that MEPC 62 had been unable, due to time constraints, to address, amongst others, MBMs and had agreed to defer relevant submissions to this session, as set out in document MEPC 63/5. In responding to the call for further impact assessments and to facilitate further progress on development of a suitable MBM for international maritime transport, the Chairman had submitted documents MEPC 63/5/2 and MEPC 63/WP.12 which the Committee agreed to use as basis for this part of the debate.

5.9 In his introduction, the Chairman emphasized that the Committee should acknowledge that the feasibility study called for by the work plan for further consideration of MBMs had been successfully completed by the Expert Group on Feasibility Study and Impact Assessment of Possible Market-based Measures (MBM-EG), which had concluded that all MBM proposals under review could be implemented, notwithstanding the challenges associated with the introduction of new measures. On the other hand it was also clear, from the debates at MEPC 61 and those held during GHG-WG 3, that analyses of possible impacts of introducing an MBM for international shipping under IMO, in particular on developing countries, need to continue, which was in line with the recommendations of the MBM-EG itself. The impact assessment would involve substantial gathering of trade and other data as well as computer modelling, and would need to be undertaken by relevant consultants with appropriate multi-discipline expertise and experience. The assessment should be commissioned by the Secretary-General, based on terms of reference and criteria which should be adopted by the Committee at its present session. To make the exercise open and transparent, the Chairman proposed that a Steering Committee with open representation should be established to oversee the assessment and to assist the Secretariat. The Committee was invited to encourage Member States and observer organizations to contribute financially towards the impact assessment, the cost of which had been estimated to be between US\$500,000 and 700,000. The Committee was invited to consider and adopt Terms of Reference and criteria for the impact assessment set out at annex, and also invited the Secretary-General to commission the study as soon as possible.

5.10 The Committee considered document MEPC 63/5/8 by India presenting the findings of an MBM impact study on India's shipping sector and trade, which assessed the impact of MBMs on freight rates and export/import prices of three essential commodities (capesize iron ore exports from India to China, imports of coal to India from Australia and imports of crude oil to India from Saudi Arabia). It also argued that GHG targets should be agreed under UNFCCC and that IMO should maintain consonance with the UNFCCC process.

5.11 The Committee considered document MEPC 63/5/11 by China providing comments on the impact assessment and highlighting the need for further impact studies on impacts on developing countries. The document also proposed revised criteria for the assessment, introducing consistency with the UNFCCC principle of common but differentiated responsibility and respective capabilities (CBDR) as a criterion against which the MBMs should be assessed.

5.12 The Committee noted information provided by the Secretariat on available funds and the preparations made for the impact assessment and that about US\$150,000 was available. This was the surplus from other analytical work in this field and donations by the Governments of Canada and Norway. In addition, the Secretariat had made available US\$50,000 from the ITCP, thus enabling the exercise to commence. Without all

the funding available, the assessment will have to be divided in modules in order to address the most pressing issues first. Furthermore, with limited funding, it may be that some elements could not be addressed in the detail that would meet the expectations of the Committee.

5.13 In the ensuing debate on the need for additional impact assessments of the MBM proposals and on the proposed methodology and criteria for the study, inter alia, the following were highlighted:

- .1 the need for further impact assessment was clearly demonstrated;
- .2 a number of delegations advocated an open and transparent process for the further impact assessment, while noting that the Steering Committee should be kept at a manageable size;
- .3 the Steering Committee should ensure that the Terms of Reference are met;
- .4 different views were expressed on the use of external consultants, with a number of delegations expressing the view that the use of external consultants was needed for analyses and computer modelling, while others maintained the view that the assessment should be undertaken by experts nominated by Member States;
- .5 a number of delegations stated that both IMO's mandate and UNFCCC's CBDR principle must be respected. Some delegations suggested that the debate on MBMs should be suspended until the outcome of the impact assessment was considered;
- .6 the study should be focused and should avoid repetition of work done by the Expert Group on Feasibility Study and Impact Assessment of Possible Market-based Measures;
- .7 Member States should be encouraged to provide expertise, data and relevant information which could be posted in a portal on the website. Relevant international organizations, such as FAO, UNCTAD and WFP should also be invited to provide appropriate information;
- .8 the Steering Committee should be actively involved in the tendering process;
- .9 it was suggested that the composition of the MBM Expert Group established in 2010 may be used as a basis for deciding on the establishment of the Steering Committee; and
- .10 the Chairman stated that it is possible to involve experts from other organizations and IGOs that have observer status with IMO. He suggested empowering the Steering Committee to ensure it would function as intended and stated that the criteria should be clear and unambiguous.

5.14 The Committee reached agreement by consensus on the need for a continued impact assessment and that its focus should be on possible impacts on consumers and industries in developing countries.

5.15 The Committee welcomed, with appreciation, pledges for donations towards the impact assessment by the delegations of Australia, Canada, Finland, Germany, Japan and Norway.

5.16 The Committee noted an intervention by the Secretary-General where he underlined that the Organization should continue to take the lead in addressing GHG emissions from international shipping, and that the next step was to conduct a comprehensive impact assessment of the possible impacts of a Market-Based Measure for international shipping on economic development and growth in developing countries. He thanked the delegations which had pledged for donations towards the impact assessment and urged others to do the same. He stated that, without the pledges, the exercise would have had an uncertain future. He went on to say that, should the Committee decide to entrust him with the impact assessment, the work would be based on four guiding principles:

- ensure speedy action to provide useful information to the Committee;
- ensure full transparency of the process;
- ensure impartiality; and
- apply a dynamic way of handling the matter.

5.17 The Chairman thanked the Secretary-General for his intervention and proceeded with his informal consultations in an effort to develop the draft terms of reference for the Steering Committee, the methodology and criteria for the impact assessment.

5.18 In introducing the outcome of the informal consultations (MEPC 63/WP.14), the Chairman said that the informal consultations had been fruitful and constructive; however, there were issues where consensus had not been reached: one issue was the methodology for the impact assessment: whether by an expert group or by commissioned research institutes; another issue was the scope of impact assessment. Due to time constraints, the Committee agreed to further consider the terms of reference at its next session.

5.19 In respect of the request by a number of delegations concerning the possibility to financially support members/experts from developing countries to participate in the impact assessment and the Steering Committee, thereby securing a geographically balanced and equitable participation, the Committee noted that such a request would be outside the scope of the regular IMO budget.

5.20 The Committee urged those interested Member States and observer organizations that had not already come forward with pledges to contribute financially towards the impact assessment so as to ensure timely delivery of this undertaking, for the sake of environment, consumers and industries in developing countries and the Organization.

Consideration and possible consolidation of MBM proposals

5.21 The Committee considered the various MBM proposals and whether they, or some of them, might be consolidated, thus making the number more manageable.

5.22 The Committee had the following documents for its consideration under this subheading:

- .1 MEPC 63/5/1 (Bahamas) and also relevant parts of document MEPC 62/5/13, deferred from the last session, which set forth a proposal

for draft amendments to MARPOL Annex VI to incorporate a new chapter 5 on regulations for the control of CO₂ emissions from ships with reduction obligations for all ships;

- .2 MEPC 63/5/3 (Japan and WSC), which provided further information on the Efficiency Incentive Scheme (EIS) and stressed that it does not contain the capping nor target line and that "new and existing ships meeting the specified standards would be exempt from any fees";
- .3 MEPC 63/5/9 (Germany), introducing a scientific study on the potential implementation of a worldwide ETS;
- .4 MEPC 63/5/10 (Russian Federation), providing its position on regulation of GHG emissions from international shipping;
- .5 MEPC 62/5/7 on a way ahead, and document GHG-WG 3/3 on grouping and evaluation of proposed MBMs, both by Greece;
- .6 MEPC 62/5/8 (United States), on efficiency improvements within the international marine sector;
- .7 MEPC 62/5/33 (Cyprus, Denmark, Marshall Islands, Liberia, Nigeria, Republic of Korea and IPTA), on the International Greenhouse Gas Fund – strengths and weaknesses; and
- .8 GHG-WG 3/3/4 (Cyprus, Denmark, Marshall Islands and Nigeria), on the International Greenhouse Gas Fund, which was deferred from the Intersessional Meeting.

5.23 The Committee noted document MEPC 63/INF.13 by Japan on the cost analysis on the application of efficiency improvement measures in the maritime fleet; and MEPC 63/INF.14 by Germany on the design and implementation of a worldwide maritime emission trading scheme.

5.24 The Committee noted the oral information provided by:

- .1 Norway as the focal point for the ETS proposal that further work had been undertaken that would be submitted to future sessions;
- .2 Jamaica on its proposal for a "Port State Levy" where it informed that a refined and updated version would be submitted to MEPC 64 which would also explain how the PSL would function in respect to CBDR; and
- .3 WWF as the focal point for the IUCN proposal on a Rebate Mechanism where it informed that further work would be presented in relation to the debate on climate finance and possible use of MBM revenues.

5.25 In the ensuing debate on the possibility of consolidating the various proposals, the Committee:

- .1 agreed that a proposal would be eliminated at this session from being further considered, only if this was agreed to by the proponent(s) of the proposal;

- .2 noted that a number of delegations supported the view expressed by Greece in its document MEPC 62/5/7, that only the GHG Fund and the ETS should be analysed further;
- .3 noted that a number of delegations felt it desirable to carry out the analysis with a reduced number of MBM proposals, but also recognized that, in so doing, vital information could be lost which could be used at a later stage when the final MBM had been advanced in its development, as the resultant MBM could be a combination of elements of different MBMs or some compromise solution rather than any of the proposals in their initial form;
- .4 noted that as the proposals are now grouped in two broad categories (m-sector; in-and-out-of-sector), it would be possible to assess the impacts quite accurately, while a comparative analysis may not be possible to do for all proposals, since some still lack sufficient detail;
- .5 noted that one possibility is to use annex 3 to document MEPC 62/5/1, in which the MBMs are already grouped, as the basis for deciding which MBM to analyse;
- .6 noted that a number of delegates expressed support for further development and consideration of the proposal by the Bahamas and that it should be subject to the impact assessment, as a possible alternative to an MBM or as an interim measure;
- .7 noted that some delegations opposed further consideration of MBM, stating that IMO should focus on technical and operational measures only;
- .8 noted that a large number of delegations were not ready to select a possible MBM proposal at this point in time and that legal text is not directly linked to the maturity of the proposals and should not be used as the benchmark for selection;
- .9 noted that a number of delegations expressed the view that the EDDI was developed as a regulatory tool for new ships only and that it would be inappropriate to extend its application to the existing fleet as part of an MBM, and opposed the use of EEDI as a possible design benchmark for an MBM. Other delegations expressed the view that suitable benchmarks, both for design and operation, would have to be found if a future MBM would rely on such features and in that case, the Committee would have to consider their design and application; and
- .10 agreed that all MBM proponents should be invited to refine their proposals as soon as possible, and not later than MEPC 64.

5.26 The delegations of Brazil and Japan made statements that are set out in annex 15.

5.27 The Committee agreed that the MBM proposals that will be subject to the impact assessment are those set out in annex 3 of MEPC 62/5/1. All proposals should be further developed and finalized in time for MEPC 64 to be part of the horizontal comparative analysis which would be one of the last modules to be undertaken (between MEPC 64 and MEPC 65). The Committee will consider further all proposals at MEPC 64 in order to determine whether they can be analysed against all criteria.

5.28 The Committee also agreed that the Bahamas' proposal will be subject to the impact study.

Climate finance and use of MBM revenues

5.29 The Committee had the following documents for its consideration under this sub-heading:

- .1 MEPC 62/5/15 (Germany) on possible use of revenues generated by an ETS for international shipping, which was deferred from the last session;
- .2 MEPC 63/5/7 (France), providing information on the G-20 report prepared by the World Bank and the International Monetary Fund on mobilizing climate finance, in which international shipping was identified as a possible funding source;
- .3 MEPC 62/5/34 (France) on possible use of revenues generated by an ETS for shipping. The Committee noted that paragraph 8 of document MEPC 62/5/34 (France) referred to the "United Nations General Assembly", however, this was an error in translating the document, as it should refer to the "IMO Assembly"; and
- .4 MEPC 63/5/6 and document MEPC 62/5/14 by WWF, both on ways to ensure no net incidence on developing countries from an MBM for international shipping under IMO.

5.30 The Committee noted document MEPC 62/INF.3 by the Secretariat, which provided information on the United Nations Secretary-General's High-Level Advisory Group on Climate Finance – AGF.

5.31 The Committee recalled that MEPC 59 noted that there was a general preference for the greater part of any funds generated by an MBM under the auspices of IMO to be used for climate change purposes in developing countries, through existing or new funding mechanisms under the UNFCCC or other international organizations.

5.32 The Committee noted that the Secretariat's report on the outcome of the Durban Conference, presented in document MEPC 63/5/5 and, in particular, the information on establishment of the Green Climate Fund and UNFCCC's consideration of climate change finance where international shipping had been mentioned as a possible source, were of relevance for this debate.

5.33 The Committee also noted that the Intersessional Meeting (GHG-WG 3) considered possible use of revenues and noted several possible uses as listed in paragraph 3.19 of its report (MEPC 62/5/1).

5.34 In the ensuing debate, the Committee considered the possible use of revenues from an MBM for international shipping under IMO and its relation with the wider efforts in the world community to mobilize climate finance for use in developing countries. It was, in particular, noted that:

- .1 divergent views were expressed on use of revenues and the relation between an IMO MBM and climate finance, with a number of delegations advocating disbursement of revenues as a way to accommodate (reconcile) both CBDR and the IMO principles, while others opposed this if applied

universally to all ships and advocated an approach that would ensure no net incidence on developing countries;

- .2 a large number of delegations expressed the view that the greater part of any MBM revenues should be used for climate finance in developing countries;
- .3 a number of delegations expressed the view that an MBM for international shipping under IMO should not be used as a source for general climate finance in the context of the Green Climate Fund where funding should be provided by developed countries;
- .4 if international shipping was to contribute to international climate financing, then international shipping should not be liable to "double taxation" (once through the UNFCCC and once through IMO). Moreover, international shipping should only contribute in a manner that is proportional to its share of global GHG emissions, which according to IMO's Second Greenhouse Gas Study 2009 is approximately 2.7% of global emissions;
- .5 some delegations expressed the opinion that the Committee should take note of the ongoing work in other forums such as UNFCCC and G-20;
- .6 a number of delegations stated that the RM is an innovative and constructive proposal that addresses the CBDR principle and should be analysed and considered further; and
- .7 GHG-WG 3 had noted that there were several possible uses for revenues generated by an MBM for international shipping, as identified in the MBM proposals, including:
 - .1 incentivizing shipping to achieve improved energy efficiency;
 - .2 offsetting – purchase of approved emission reduction credits;
 - .3 providing a rebate to developing countries;
 - .4 financing adaptation and mitigation activities in developing countries;
 - .5 financing improvement of maritime transport infrastructure in developing countries (e.g. Africa);
 - .6 supporting R&D to improve energy efficiency of international shipping; and
 - .7 supporting the Organization's Integrated Technical Co-operation Programme.

5.35 The Committee noted the ongoing work under UNFCCC on climate finance, and also noted the AGF report (MEPC 62/INF.2 (Secretariat)) and the G-20 report (MEPC 63/5/7 by France) on mobilizing funding sources for the Green Climate Fund, in which international shipping had been listed as one possible source of finance.

5.36 The delegations of Brazil and the Republic of Korea made statements expressing that revenues mobilized by an MBM from international shipping under IMO should not be included in the GCF of the UNFCCC. The statements are set out in annex 16.

5.37 The Committee agreed that the debate on climate finance and possible use of MBM revenues should be considered further at its next session. It agreed to invite Member States and observers to submit further input to the debate.

Relation between an MBM and the WTO Rules

5.38 The Committee recalled that at the third Intersessional Meeting of the GHG working group (GHG-WG 3), a representative from the WTO Secretariat clarified that WTO could not challenge a global agreement adopted by another international organization, and that it encourages its members to pursue international standards wherever possible. The representative further noted that WTO Rules should not be used as an excuse for inaction in combating climate change.

5.39 The Committee recalled also that, following the presentation by the WTO representative, a large number of delegations concluded that no incompatibility exists between a potential MBM for international shipping under IMO and the WTO Rules. However, a number of other delegations noted that the presentation had to be viewed with caution as it expressed the position of the WTO Secretariat, and maintained the view that there are inconsistency issues between an MBM and the WTO Rules.

5.40 The Committee considered document MEPC 62/5/27 (India) on possible incompatibility between WTO Rules and a Market-Based Measure for international shipping, which was deferred from the last session. The delegation of India made a statement which is reproduced in annex 17.

5.41 The Committee agreed to continue the debate at MEPC 64 and invited further submissions and contributions.

Reduction target for international shipping

5.42 The Committee, due to time constraints, agreed to consider this issue at MEPC 64 and invited further submissions and contributions.

UNFCCC matters

5.43 The Committee noted the submissions containing information by the Secretariat on UNFCCC activities which had been deferred from the last session and related to the Cancun Conference held at the end of 2010 and the June session of 2011 held in Bonn, Germany: MEPC 62/5 and MEPC 62/5/Add.1.

5.44 The Committee considered document MEPC 63/5/5 providing information on the United Nations Climate Change Conference 2011 held in Durban, South Africa and noted that the Conference resulted in the adoption of a number of COP and CMP decisions and conclusions by the subsidiary bodies:

- .1 The most relevant outcomes related to control of GHG emissions from international maritime transport are the conclusion by SBSTA 35, which can be found in paragraphs 23 to 26, the continued consideration of issues related to addressing emissions from international aviation and maritime transport under AWG-LCA, which can be found in paragraphs 18 to 21, and

the work programme on long-term finance, as it contains a reference to alternative sources.

- .2 Also of relevance for IMO, as the custodian of the London Convention and the London Protocol, is the decision referred to in paragraph 8.5 to include carbon dioxide capture and storage in geological formations as a Clean Development Mechanism activity.
- .3 The Conference decided that the next annual Climate Change Conference will take place from 26 November to 7 December 2012 in Doha, Qatar. The Conference will be preceded by a two-week session in Bonn, Germany, and it is expected that additional intersessional meetings of the three ad hoc working groups will be held, as well as workshops related to further work on the Green Climate Fund, in accordance with the decision reproduced in paragraph 8.4. It is intended that the Secretariat will, resources permitting, attend relevant meetings and report the outcomes to the Committee.

5.45 The Committee noted an intervention by the representative of the UNFCCC Secretariat, which provided a brief status report on the current state of negotiations in general and on bunker fuels in particular. As requested, the statement is set out in annex 18.

5.46 The Committee noted an intervention by the FAO representative informing it that FAO is currently working on a project on Climate Change, including GHG emissions from all food producing sectors, which includes the capture fisheries and aquaculture sectors. Part of this work is related to the energy use and GHG emissions of the world fishing fleet, which currently accounts for about 4.3 million vessels, of which about 2.6 million are powered by mechanical means. Although part of the work is related to the Second IMO GHG Study 2009, it should be noted that most of the world fishing fleet is excluded from that study. In this regard, FAO encouraged exchange of information between both organizations related to work programmes that address energy issues and the reduction of GHG emissions from fishing vessels.

5.47 The Committee requested the Secretariat to continue its well-established cooperation with the UNFCCC Secretariat, to attend relevant UNFCCC meetings, including the meetings concerning the identification of possible funding sources for the Green Climate Fund, and to bring the outcome of IMO's work to the attention of appropriate UNFCCC bodies and meetings.

5.48 The delegation of Brazil made a statement that is set out in annex 19.

Other GHG issues

5.49 The Committee had before it the following documents for consideration under this sub-heading:

- .1 document MEPC 63/5/12 (INTERCARGO) expressing concern over possible application of the EEDI to existing ships. INTERCARGO argued that the EEDI has been developed to stimulate improvement in the energy efficiency of new ships through ship design and that once a ship is built it is too late to change the design to apply the EEDI. The EEDI is not a measure of the performance of a ship in operation – there are many influencing factors that overwhelmingly dominate. Applying the EEDI to a new ship is not a trivial task and it is vital it is done accurately. To do this for existing ships is even more challenging because of difficulties in

obtaining accurate data, including the speed in the EEDI condition, and also in verifying the results in a sea trial. INTERCARGO noted that the Committee had already agreed that the EEDI is only applicable to new ships as reflected in the adopted regulations, and hoped the Committee could agree that the application of the EEDI to existing ships is inappropriate; and

- .2 document MEPC 63/5/13 (WWF and CSC) which provides comments on the study by LR and DNV on the effects of EEDI and SEEMP, contained in document MEPC 63/INF.2, and advocates the need for action beyond SEEMP for all vessels not subject to EEDI. It further proposes that the Organization should commission a study, and subsequently develop and implement fuel consumption measurement standards for all vessels subject to SEEMP (400 GT and above), and make such data publicly available.

Application of EEDI to existing ships

5.50 The Committee considered possible application of EEDI to existing ships either as part of an MBM or as an additional measure, as proposed by WWF and CSC.

5.51 A large number of delegations supported the INTERCARGO proposal and stated that the EEDI was developed and intended for new ships only and should not be applied to existing ships. The delegation of Japan stated that there should be some incentive mechanisms to both new and existing ships, and that in order to provide these mechanisms, there should be a benchmark.

5.52 The delegation of Belgium supported INTERCARGO and concurred with the conclusion that the EEDI will reduce CO₂ emissions on the long term and that the SEEMP is a tool with effect on the short and medium term. As mentioned in paragraph 12.10 of MEPC 63/INF.2, to make the application of the SEEMP more effective, the EEOI or a similar performance indicator should be encouraged. Belgium strongly believes in the EEOI as a tool, not only to monitor fuel consumption but also as an incentive to reduce fuel consumption and would like to refer to document GHG-WG 2/3/1 by Belgium proposing to break down the basic formula into sub-indexes which would lead to better understanding and transparency of the variation of the EEOI. The concept of the EVDI (Existing Vessel Design Index) as proposed by WWF and CSC could be used as a kind of indicator if in relation to fuel consumption. Today, there are a variety of tools on the market in order to reduce fuel consumption of existing ships. Classification societies and other organizations involved in research programmes offer the possibility to shipowners to investigate the fuel performance of their existing ships, case by case, and provide options to reduce the fuel consumption.

5.53 IPTA stated that, by definition, the Energy Efficiency Design Index is to be applied at the design stage of a ship and there are limits to what can be achieved at a later stage, particularly when derating the engine to reduce speed is not an option. It is, therefore, inevitable that many ships would be penalized even though they were constructed in good faith to all standards pertaining at the time of their design. Fuel costs provide a strong incentive for owners to ensure that their vessels are as fuel-efficient as they can be and owners will apply all measures that are feasible in the context of their vessels' design and trade to reduce fuel consumption. As far as the EEDI is concerned, however, there will be wide disparities in levels of compliance between ships of similar size and age. Thus some would be unaffected by an EEDI-related charge while others trading in the same markets, including some built not more than five years ago, would be penalized. The construction of a ship implies an extremely high investment and IPTA believes that, where an owner is prepared to make this level of commitment, he has a right to expect that the ship will be able

to compete on an equal footing for the anticipated length of its trading life. To penalize vessels for not conforming to design criteria that did not exist at the time of their construction is unjustified.

5.54 The Committee, having considered the above views, agreed that the EEDI had been developed as a regulatory tool for new ships only and, as a design index, it was inappropriate to extending its application to the existing fleet. Proponents of MBM proposals which rely on design benchmarks/parameters were invited to clarify in their proposals the relation between such design benchmarks/parameters and the EEDI set out in the new chapter 4 to MARPOL Annex VI.

Uncertainty in emission data

5.55 The Committee noted the concerns expressed that the reduction effects of the EEDI and SEEMP may have been overestimated in the study presented in document MEPC 63/INF.2.

5.56 Germany, supported by other delegations, noted a need for more accurate emissions data from international shipping as the current estimates and projections are out of date and were done prior to the recessions in world economy experienced over the last few years. It would be useful, in their view, to have, for example, an international database that includes all relevant data. This database could also be used as a basis for any kind of future emissions calculations. It encouraged updated studies on the topic and welcomed further efforts at international level to have more reliable and accurate up-to-date emission data.

5.57 The representative of the European Commission informed the Committee that the Commission is considering providing funding and other support for the impact assessment study. He also stated that the European Commission is undertaking an extensive analysis to establish the associated emissions of ships calling at European ports and was considering how the European Commission and the European Maritime Safety Agency (EMSA) could contribute to IMO's efforts at the global level.

5.58 The Committee noted that uncertainty exists in the estimates and projections of emissions from international shipping, and agreed that further work should take place to provide the Committee with reliable and up-to-date information to base its decisions on and requested the Secretariat to investigate possibilities and report to future sessions. Member States were encouraged to submit documents to MEPC 64.

Performance standard for fuel consumption measurement

5.59 The Committee agreed that development of an IMO performance standard for fuel consumption measurement for ships could be a useful tool and that the Committee should consider it further at future sessions, and invited further submissions on specific aspects of such a standard to future sessions.

6 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

General

6.1 The Committee recalled that, at MEPC 62, it had approved, with a view to adoption at this session, draft amendments to:

- .1 MARPOL Annexes I, II, IV and V on Regional arrangements for port reception facilities (MEPC 62/24, paragraph 7.7 and annex 21);
- .2 MARPOL Annex VI on Regional arrangements for port reception facilities (MEPC 62/24, paragraph 7.7 and annex 21); and
- .3 the NO_x Technical Code 2008 on Certification of marine diesel engines fitted with Selective Catalytic Reduction Systems (MEPC 62/24, paragraph 4.56.2 and annex 21).

6.2 The Committee noted that the texts of above-mentioned approved amendments were circulated by the Secretary-General on 8 August 2011, under cover of Circular letter No.3220, in accordance with the provisions of article 16(2)(a) of the MARPOL Convention.

6.3 The Committee also recalled that MEPC 62 had agreed, in principle, that a drafting group would be established at this session to make any editorial changes to the draft amendments, as necessary, before adoption by the Committee.

Amendments to MARPOL Annexes I, II, IV and V

6.4 The Committee noted that the draft amendments as approved by MEPC 62, together with the draft MEPC resolution on their adoption, were set out in document MEPC 63/6.

6.5 The Committee considered comments on the draft amendments by the Marshall Islands and the United States (MEPC 63/6/3), proposing that all Parties in unique circumstances should be allowed to meet their obligations to provide adequate port reception facilities through regional arrangements, when such an approach is their only practical option.

6.6 In the ensuing discussion, the proposal by the co-sponsors did not receive sufficient support as the majority of the delegations who spoke maintained their view that 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 by those States that might have difficulties in providing reception facilities as a fundamental obligation for MARPOL Parties.

6.7 Consequently, the Committee agreed that the text of the proposed amendments should reflect that regional arrangements for port reception facilities shall be limited to Small Island Developing States when such arrangements are the only practical means to satisfy MARPOL obligations to provide reception facilities because of their unique circumstance. The Committee also agreed that, in establishing the regional arrangements, the Organization should be consulted and a procedure should be included in the Guidelines for the development of a regional port reception facilities plan.

6.8 With the above-mentioned instructions, the Committee agreed to refer the draft amendments and the draft MEPC resolution on their adoption to the drafting group for editorial review.

6.9 In this connection, the Committee noted the concerns expressed by some delegations that the issue of MARPOL Annex II prewash requirements at the port of unloading was not adequately addressed in the proposed amendments and their intention to work on this issue, including considering the option of a possible consequential amendments to MARPOL Annex II.

Amendments to MARPOL Annex VI and the NO_x Technical Code 2008

6.10 The Committee noted that the draft amendments, as approved by MEPC 62, together with the draft MEPC resolution on their adoption, were set out in document MEPC 63/6/1.

6.11 The Committee agreed to refer the draft amendments and the draft MEPC resolution on their adoption to the drafting group for editorial review.

Draft MEPC resolution in relation to the designation of the Baltic Sea as a Special Area under MARPOL Annex IV

6.12 The Committee recalled that MEPC 62, having adopted, by resolution MEPC.200(62), amendments to MARPOL Annex IV (Special Area Provisions and the Designation of the Baltic Sea as a Special Area under MARPOL Annex IV), had approved the outline for a draft MEPC resolution on the development of technical onboard equipment in relation to the designation of the Baltic Sea as a Special Area under MARPOL Annex IV, for further development with a view to adoption at this session.

6.13 The Committee, having considered the text of the outline for the draft MEPC resolution (MEPC 63/6/2), instructed the drafting group to finalize it, using document MEPC 63/6/2 as a basis.

Establishment of the Drafting Group

6.14 The Committee established the Drafting Group on Amendments to Mandatory Instruments and Associated Guidelines (see also paragraph 7.23) and instructed it, taking into account any comments, proposals and decisions made in plenary to:

- .1 review and finalize the texts of proposed amendments to MARPOL Annexes I, II, IV and V (Regional arrangements for port reception facilities), and to MARPOL Annex VI and the NO_x Technical Code 2008 (Regional arrangements for port reception facilities under MARPOL Annex VI and Certification of marine diesel engines fitted with Selective Catalytic Reduction Systems under the NO_x Technical Code 2008), as well as the two draft MEPC resolutions on their adoption, using documents MEPC 63/6 and MEPC 63/6/1 as a basis;
- .2 finalize the draft MEPC resolution on the development of technical onboard equipment in relation to the designation of the Baltic Sea as a Special Area under MARPOL Annex IV, using document MEPC 63/6/2 as a basis; and
- .3 submit a written report to the plenary on Thursday, 1 March 2012.

Report of the drafting group and action taken by the Committee

6.15 In considering the part of the report of the drafting group (MEPC 63/WP.10) relating to this output, the Committee noted that the drafting group had prepared a draft consequential amendment to regulation 18 of MARPOL Annex II (MEPC 63/WP.10, paragraph 8), with a view to addressing the concerns over prewash requirements (see paragraph 6.9). Following the suggestion by the observer from IPTA, the Committee agreed to modify the text slightly to read:

"2ter Where regulation 13 of this Annex requires a prewash and the Regional Reception Facility Plan is applicable to the port of unloading, the prewash and subsequent discharge to a reception facility shall be carried out as prescribed in regulation 13 of this Annex or at a Regional Ship Waste Reception Centre specified in the applicable Regional Reception Facility Plan."

6.16 In this connection, the Committee also agreed that the option being given to the Government of the receiving Party to issue or not to issue the exemption under regulation 13.4 of MARPOL Annex II should not be used to favour the use of the reception facilities available in the region over appropriate facilities at the next port of call outside the Regional Reception Facilities Plan and, therefore, not obliging the ship to make a significant deviation from its route.

6.17 Having considered the part of the report of the drafting group relating to this output, the Committee approved the report in general and, in particular:

- .1 confirmed the dates in both draft MEPC resolutions concerning the "deemed acceptance" (1 February 2013) and "entry into force" (1 August 2013) of the new amendments, in accordance with articles 16(2)(f)(iii) and 16(2)(g)(ii), respectively, of the 1973 MARPOL Convention;
- .2 adopted, by resolution MEPC.216(63), amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (regional arrangements for port reception facilities under MARPOL Annexes I, II, IV and V), as set out in annex 20;
- .3 adopted, by resolution MEPC.217(63), 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 (regional arrangements for port reception facilities under MARPOL Annex VI and Certification of Marine Diesel Engines fitted with Selective Catalytic Reduction systems under the NO_x Technical Code 2008), as set out in annex 21;
- .4 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
- .5 adopted resolution MEPC.218(63) on the development of technical onboard equipment in relation to the designation of the Baltic Sea as a Special Area under MARPOL Annex IV, as set out in annex 22.

6.18 The delegation of the Cook Islands, in congratulating the Committee on the adoption of the amendments to MARPOL to institutionalize the regional arrangements for port reception facilities for Small Island Developing States, thanked all those involved in the work,

in particular the delegations of Australia and the United States, for their continued contribution in the process.

6.19 The delegation of Cyprus made a statement after the adoption of the amendments to MARPOL Annexes I, II, IV, V and VI on regional arrangements for port reception facilities, set out in annex 23.

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

GENERAL

7.1 The Committee noted that 12 documents had been submitted under this agenda item; and that documents MEPC 63/7/7 (IACS and ICS) and MEPC 62/7/8 (IACS), dealing with matters related to MARPOL Annex VI, had been considered under agenda item 4 – Prevention of air pollution from ships; and that document MEPC 63/7/3 (Marshall Islands and United States), had been reissued under agenda item 6 – Consideration and adoption of amendments to mandatory instruments. The Committee agreed to consider document MEPC 63/11/2 (Chile et al.) under this agenda item as it relates to the development of Guidelines for the Implementation of MARPOL Annex V.

DEVELOPMENT OF ASSOCIATED GUIDELINES TO THE REVISED MARPOL ANNEX V

7.2 The Committee recalled that MEPC 61, having adopted, by resolution MEPC.201(62), the revised MARPOL Annex V, had re-established the correspondence group under the coordination of the United Kingdom to further develop the draft revised Guidelines for the implementation of MARPOL Annex V and the draft revised Guidelines for the development of garbage management plans. The Committee recalled further that MEPC 62 had instructed the DSC and BLG Sub-Committees to consider the issues of discharging of cargo residues and of cleaning agents or additives in cargo hold, deck and external surface wash water respectively, and advise it accordingly.

Outcomes of DSC 16 and BLG 16

7.3 The Committee noted that DSC 16, having noted the divergent views with respect to operational discharges cargo residues and the classification of substances harmful to the marine environment, had agreed to invite the MEPC to consider the issue, bearing in mind that the competence for such classifications lies with the Committee. Nevertheless, with a view to facilitating further debate on the matter, DSC 16 invited MEPC 63 to note that the Working Group on Amendments to the IMSBC Code had prepared a draft set of criteria for the classification of substances harmful to the marine environment (DSC 16/WP.3, annex 3).

7.4 The Committee also noted that, with regard to discharging of cleaning agents or additives in cargo hold, deck and external surface wash water, BLG 16 had agreed that an alternative system of classification to that employed for MARPOL Annex II cleaning additives should be utilized, given the potential diversity of products employed and this should function on a producer self-classification basis in line with principles already established in the IMDG Code. BLG 16 had also agreed that classification criteria should require that the cleaning product is not a harmful substance in accordance with MARPOL Annex III and does not contain any components which are known to be carcinogenic, mutagenic or reprotoxic.

Consideration of the report of the correspondence group and documents commenting on it

7.5 The Committee, in considering document MEPC 63/7 (United Kingdom), containing the report of the correspondence group, noted that the group had made significant progress in further developing the two sets of draft Guidelines with the only outstanding issues being those already referred to the DSC and BLG Sub-Committees for consideration.

7.6 The Committee also had for its consideration the following documents commenting on the report of the correspondence group or the outcomes of DSC 16 concerning the issue of discharge of cargo residues:

- .1 MEPC 63/7/6 (Japan), commenting on the draft criteria, prepared by DSC 16, for the classification of cargo residues harmful to the marine environment, and proposing to include only acute and chronic aquatic toxicity and plastics into the criteria for the classification of cargo residues harmful to the marine environment;
- .2 MEPC 63/7/10 (Secretariat), introducing a modified version of Table 1 of the draft 2012 Guidelines for the Implementation of MARPOL Annex V, which provides a summary of the restrictions to the discharge of garbage into the sea under regulations 4, 5 and 6 of MARPOL Annex V;
- .3 MEPC 63/7/11 (Republic of Korea), commenting on the report of the correspondence group (MEPC 63/7) concerning, inter alia, the discharge of animal carcasses and the discharge or accidental loss of fishing gear; and
- .4 MEPC 63/11/2 (Chile et al.), commenting on the outcome of DSC 16 concerning the issue of discharging of cargo residues and proposing a set of criteria for the evaluation of substances harmful to the marine environment with respect to discharge requirements under MARPOL Annex V for cargo residues from solid bulk cargoes.

Action taken by the Committee

7.7 The Committee, having considered the above documents together with the related outcomes of DSC 16 and BLG 16, took the following decisions:

- .1 endorsed the view of BLG 16 on the issue of discharge of cleaning agents or additives in cargo hold, deck and external surface washwater (see paragraph 7.3) and instructed the drafting group to prepare the relevant text in the draft 2012 Guidelines for the Implementation of MARPOL Annex V accordingly;
- .2 agreed to the modified version of Table 1 (MEPC 63/7/10, annex) for inclusion in the draft 2012 Guidelines for the Implementation of MARPOL Annex V;
- .3 agreed to the set of criteria for the evaluation of substances harmful to the marine environment with respect to discharge requirements under MARPOL Annex V for cargo residues from solid bulk cargoes, as proposed in the annex to document MEPC 63/11/2 (Chile et al.), for inclusion in the draft 2012 Guidelines for the Implementation of MARPOL Annex V;

- .4 noted the suggestion by some delegations regarding the need to introduce an interim measure for the application of bullet points 3 to 6 of the criteria, set out in annex to document MEPC 63/11/2, in order to comply with regulations 4.1.3 and 6.1.2 of MARPOL Annex V, due to the short time frame and the difficulties in obtaining data for evaluation before the entry into force of the revised MARPOL Annex V, and tasked a number of interested delegations to work on the matter outside normal working hours; and
- .5 noted the views expressed by some delegations that ports and terminals receiving solid bulk cargo residues that are harmful to the marine environment should have adequate reception facilities for all relevant residues, including when contained in washwater.

7.8 The Committee instructed the drafting group to review and finalize the draft 2012 Guidelines for the implementation of MARPOL Annex V and the draft 2012 Guidelines for the development of garbage management plans.

DRAFT GUIDELINES FOR THE DEVELOPMENT OF A REGIONAL RECEPTION FACILITIES PLAN

7.9 The Committee recalled that MEPC 62, having approved the draft amendments to MARPOL Annexes I, II, IV, V and VI on regional arrangements for port reception facilities, had invited Australia and other interested delegations to continue the work on the proposed Guidelines for the development of a Regional Reception Facilities Plan (RRFP).

7.10 The Committee, having considered document MEPC 63/7/1 (Australia et al.) presenting a revised version of the draft Guidelines for the development of a Regional Reception Facilities Plan, agreed to refer the draft Guidelines to the drafting group established under agenda item 6 for review and finalization.

7.11 In this connection, the Committee endorsed the proposal by the delegation of the United States to add the following text at the end of paragraph 4 of the draft Guidelines:

"The majority of States participating in an RRFP should be Small Island Developing States (SIDS). Although non-SIDS may participate, they should do so only so far as their ports may be Regional Waste Reception Centres. The obligations of non-SIDS to provide adequate reception facilities in all ports and terminals will not be satisfied by regional arrangement."

PROPOSAL FOR A UNIFIED INTERPRETATION TO THE FORM OF INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE

7.12 In introducing document MEPC 63/7/2, the delegation of India expressed its concern over the fact that there is no common understanding among flag States with respect to the number of persons that needs to be indicated in the International Sewage Pollution Prevention Certificate. The delegation was of the view that the International Sewage Pollution Prevention Certificate should reflect the number of persons the ship is certified to carry based upon the sewage treatment plant capacity or the sewage holding tank capacity, which should cater to the life-saving appliances' capacity of the vessel as available from Form E (Record of Equipment for the Cargo Ship Safety Equipment Certificate), or Form P (Record of Equipment for the Passenger Ship Safety Certificate). The delegation further suggested that a unified interpretation on the issue should be developed.

7.13 A number of delegations expressed their support for the proposal, emphasizing the need to address concerns over non-uniform understanding of port State control officers on the issue in question.

7.14 A number of other delegations did not support the proposal by India. Those delegations were of the view that there was no possible correlation between the number of persons a ship is certified to carry and the sewage treatment plant capacity (sewage holding tank capacity), as other factors, including the length of voyage, the use of port reception facility, as well as types of flush systems used, should also be taken into account.

7.15 Some delegations expressed their views that a standard for the volume of sewage generated per day (hour) per person on board may need to be developed in order to address the issue in question.

7.16 The Committee, in noting the divergent views on the issue and the fact that any modification to the International Sewage Pollution Prevention Certificate should be made through an amendment to MARPOL Annex IV rather than through a unified interpretation, invited the delegation of India and other interested delegations to submit a revised proposal to its future session if they wish to pursue the issue further.

MATTERS CONCERNING MARPOL ANNEX I (UNIFIED INTERPRETATIONS AND GUIDELINES)

Recording of incinerator capacity on the Supplement to the IOPP Certificate

7.17 In introducing document MEPC 63/7/4, the IACS observer expressed concern over the confusion caused in recording the incinerator capacity on the Supplement to the IOPP Certificate Forms A and B by using different units of measurement. The IACS observer was of the opinion that it was not necessary to record incinerator capacity on Form A or Form B, whether by using volumetric unit, in litres/hour (l/h) or by using a unit of heat or weight measurement, in kW or kcal/h and, therefore, suggested its deletion from these Forms.

7.18 Some delegations expressed their support for the proposal by IACS while some other delegations were of the view that careful consideration of the proposal was needed.

7.19 The Committee, recognizing that the proposal by IACS would entail an amendment to MARPOL Annex VI, decided not to pursue this matter further unless a proposal for an amendment to MARPOL Annex VI is received in the future for which a compelling need should be demonstrated.

Unified Interpretations to regulation 12.2 of MARPOL Annex I

7.20 The Committee recalled that MEPC 62 had approved the amendments to the Unified Interpretations to regulation 12.2 of MARPOL Annex I, which had been issued through MEPC.1/Circ.753. The Committee also recalled that MEPC 62 had endorsed the view of IACS that, while the revised Unified Interpretation could serve as interim guidance, options should be explored to formalize the interpretation, including possible amendments to regulation 12 of MARPOL Annex I, and that it had invited IACS and interested delegations to provide further considerations and comments.

7.21 The Committee had for its consideration the following documents:

- .1 MEPC 63/7/5 (Denmark, Spain and BIMCO), seeking clarification on the scope of application of regulation 12 of MARPOL Annex I and its associated Unified Interpretations (UI) in MEPC.1/Circ.753; and
- .2 MEPC 63/7/9 (IACS) providing IACS Unified Interpretation MPC 99 on regulation 12.2 of MARPOL Annex I, and proposing amendments to regulation 12 of MARPOL Annex I following the issuing of MEPC.1/Circ.753.

7.22 The Committee agreed to refer documents MEPC 63/7/5 and MEPC 63/7/9 to DE 57 for further consideration and advise it accordingly.

ADDITIONAL TERMS OF REFERENCE FOR THE DRAFTING GROUP ESTABLISHED UNDER AGENDA ITEM 6

7.23 Having considered all the documents under this agenda item, the Committee agreed to add the following terms of reference to the drafting group established under agenda item 6 (see paragraph 6.14):

- .1 review and finalize the draft 2012 Guidelines for the implementation of MARPOL Annex V and the draft 2012 Guidelines for the development of garbage management plans; and
- .2 review and finalize draft Guidelines for developing a Regional Reception Facilities Plan.

REPORT OF THE DRAFTING GROUP

7.24 In considering the part of the report of the drafting group (MEPC 63/WP.10) relating to this output, the Committee, following the suggestion by the delegation of Cook Islands, agreed to some modifications to paragraphs 4 and 6 of the preamble of the draft MEPC resolution on the Guidelines for the development of a Regional Reception Facilities Plan (MEPC 63/WP.10, annex 7) in line with the Committee's decision that regional arrangements should be limited to Small Island Developing States. The text, as modified, reads as follows:

"RECOGNIZING FURTHER that the unique circumstances of Small Island Developing States pose unique challenges for these States in meeting international shipping's needs for discharging ship generated wastes and cargo residues,

RECALLING ALSO the adoption of amendments to MARPOL Annexes I, II, IV, V and VI by resolutions MEPC.216(63) and MEPC.217(63) respectively, to provide for regional arrangements for Small Island Developing States where a Regional Reception Facilities Plan has been developed in accordance with the Guidelines to be developed by the Organization,"

7.25 The Committee noted that the drafting group, having completed its work on the draft 2012 Guidelines for the implementation of MARPOL Annex V, had worked as an informal working group and, after extensive discussions, had agreed that an MEPC circular on an interim measure should be developed with a view to assisting industry in applying the evaluation criteria for solid bulk cargoes to comply with regulations 4.1.3 and 6.1.2 of revised MARPOL Annex V.

7.26 Having considered the part of the report of the drafting group (MEPC 63/WP.10) relating to this output, the Committee took the following decisions:

- .1 adopted, by resolution MEPC.219(63), the 2012 Guidelines for the implementation of MARPOL Annex V, as set out in annex 24;
- .2 invited interested Member Governments and international organizations to consider developing a draft MEPC circular on discharge of solid bulk cargo residues in the context of applying the 2012 Guidelines for the Implementation of MARPOL Annex V and submit their proposals to MEPC 64, using annex 5 of document MEPC 63/WP.10 as a starting point;
- .3 adopted, by resolution MEPC.220(63), the 2012 Guidelines for the development of garbage management plans, as set out in annex 25;
- .4 adopted, by resolution MEPC.221(63), the 2012 Guidelines for the development of a Regional Reception Facilities Plan, as set out in annex 26; and
- .5 instructed the FSI Sub-Committee to review and update MEPC/Circ.470, MEPC.1/Circ.469/Rev.1, MEPC.1/Circ.644, MEPC.1/Circ.645 and MEPC.1/Circ.671, as necessary, in light of revised MARPOL Annex V and the newly adopted amendments to MARPOL Annexes I, II, IV, V and VI on regional arrangement for port reception facilities.

7.27 The observer from INTERCARGO urged Member Governments and international organizations to disseminate the 2012 Guidelines for the implementation of MARPOL Annex V as widely and as quickly as possible in view of the time constraints that the industry may face in applying the 2012 Guidelines, such as evaluating all solid bulk cargos by shippers against the criteria listed in the 2012 Guidelines, and making necessary investments in reception facilities by ports and terminals in order to receive cargo residues, including those contained in washwater, classified as harmful to the marine environment.

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

8.1 The Committee considered nine documents under this agenda item as follows: MEPC 63/8 (Secretariat), Documents deferred from MEPC 62 for consideration at MEPC 63; MEPC 62/8 (Secretariat), Guidance on sensitivity mapping for oil spill response; MEPC 62/8/1 (Secretariat), Guideline for oil spill response in fast currents; MEPC 62/8/2 (Secretariat), Operational guide on the use of sorbents for spill response; MEPC 62/8/3 (Secretariat), Oil spill waste management decision support tool; MEPC 62/INF.4 (ROPME and MEMAC), Master Plan for the Protection of the Marine Environment in the ROPME Sea Area; MEPC 62/INF.4/Corr.1 (ROPME and MEMAC), Corrigendum to document 62/INF.4; MEPC 62/INF.5 (ROPME and MEMAC), Maritime Emergency Response and Salvage Co-ordination Unit in the ROPME Sea Area; and MEPC 62/INF.26 (United States), Status report and update of follow-on activities related to the Deepwater Horizon response incident and oil spill response.

8.2 The Committee recalled that, due to time constraints at MEPC 62, it had postponed consideration of all documents under agenda item 8 and deferred these for consideration at MEPC 63, with the exception of the report of the twelfth meeting of the OPRC-HNS Technical Group (MEPC 62/WP.14), which was duly approved, along with the Group's planned outputs and agenda for its thirteenth session. The Committee also approved the

exceptional timing of the thirteenth session of the OPRC-HNS Technical Group the week following MEPC 63, from 5 to 9 March 2012.

8.3 In this context, the Committee noted the information contained in document MEPC 63/8, setting out summary information on the documents under agenda item 8 deferred for consideration to MEPC 63 and further noted that no new documents had been submitted under agenda item 8 to this session.

Guidance on sensitivity mapping for oil spill response

8.4 The Committee recalled that, further to the recommendation of the OPRC-HNS Technical Group at its ninth session, MEPC 59 had approved the updating of the IMO/IPIECA Guidance on Sensitivity Mapping for Oil Spill Response (MEPC/OPRC-HNS/TG 9/3/8), last published in 1996 as part of the IMO/IPIECA report series, and added this to the work programme of the Technical Group.

8.5 The Committee, in considering document MEPC 62/8 (Secretariat), setting out the finalized text of the IMO/IPIECA Guidance on sensitivity mapping for oil spill response, as developed by the OPRC-HNS Technical Group:

- .1 approved the finalized draft, set out in the annex to document MEPC 62/8; and
- .2 instructed the Secretariat to work with IPIECA to prepare a joint IMO/IPIECA publication, as part of the IMO/IPIECA Report Series.

Guideline for oil spill response in fast currents

8.6 The Committee recalled that it had considered a proposal at MEPC 56, submitted by the United States, for the development of an international guideline for oil spill response in fast currents that could be elaborated on the basis of an existing Manual by the United States.

8.7 The Committee further recalled that, having approved the proposal, it had referred the matter to the OPRC-HNS Technical Group for its consideration at TG 7 and added it to the Group's work programme.

8.8 The Committee, having considered the finalized draft text of the Guideline for oil spill response in fast currents (MEPC 62/8/1), submitted by the Secretariat, as agreed by the OPRC-HNS Technical Group at TG 11:

- .1 approved the finalized draft text, set out in the annex to document MEPC 62/8/1; and
- .2 instructed the Secretariat to carry out any final editing and to prepare the document for publishing through the IMO Publishing Service.

Operational guide on the use of sorbents for spill response

8.9 The Committee recalled that, having noted the OPRC-HNS Technical Group's consideration of a proposal for the development of an Operational guide on the use of sorbents, submitted by France to the Group's ninth session, it had agreed to add this item to the work programme of the Technical Group at MEPC 59.

8.10 Having considered document MEPC 62/8/2 (Secretariat), containing the finalized draft text of the Operational guide on the use of sorbents for spill response, as developed by the OPRC-HNS Technical Group and finalized at TG 11, the Committee:

- .1 approved the draft text, set out in annex 2 to document MEPC 62/8/2; and
- .2 instructed the Secretariat to carry out any final editing and to prepare the document for publishing through the IMO Publishing Service.

Oil spill waste management decision support tool

8.11 The Committee recalled that, at MEPC 56, it had agreed that the OPRC-HNS Technical Group would participate in the development of a waste management decision support tool for the Mediterranean Region, developed through the Mediterranean Technical Working Group, coordinated by REMPEC.

8.12 The Committee also recalled that, having noted the progress on the draft Oil spill waste management decision support tool for the Mediterranean region at its fifty-ninth session, to which the Technical Group was contributing, MEPC 59 had concurred with the Group's recommendation that it would be further developed as international guidance and added it to the Group's work programme.

8.13 Having considered document MEPC 62/8/3 (Secretariat) setting out the finalized draft text of the Oil spill waste management decision support tool, as agreed by the OPRC-HNS Technical Group at TG 11, the Committee:

- .1 approved the finalized draft text; and
- .2 instructed the Secretariat to carry out any final editing and to prepare the document for publishing through the IMO Publishing Service.

Master Plan for the Protection of the Marine Environment in the ROPME Sea Area

8.14 The Committee noted the information contained in documents MEPC 62/INF.4 and MEPC 62/INF.4/Corr.1 (ROPME and MEMAC), providing background information and the interim results of the Co-ordinated Action: Master Plan for the Protection of the Marine Environment in the ROPME Sea Area.

Maritime Emergency Response and Salvage Co-ordination Unit in the ROPME Sea Area

8.15 The Committee noted the information submitted on the planned Maritime Emergency Response and Salvage Co-ordination Unit (MERCUS) submitted by ROPME and MEMAC (MEPC 62/INF.5), which represents the central element of the ROPME Master Plan's risk reduction package for the ROPME Sea Area.

Status report and update of follow-on activities related to the Deepwater Horizon response incident and oil spill response

8.16 The Committee recalled that, having considered a proposal by the United States to develop internationally accepted guidance for International Offers of Assistance in response to a marine oil pollution incident at MEPC 62, based on lessons learned from the Deepwater Horizon incident (MEPC 62/20/1), it had approved its inclusion as a new unplanned output on the work programme of the OPRC-HNS Technical Group for the 2012-2013 biennium, with a target completion year of 2012.

8.17 The Committee noted the information submitted by the United States (MEPC 62/INF.26) providing a status report and planned follow-up to the Deepwater Horizon incident that occurred in the Spring and Summer of 2010 in the United States Gulf of Mexico.

Scheduling of the fourteenth session of the OPRC-HNS Technical Group

8.18 The Committee recalled that, in approving the planned outputs and provisional agenda of OPRC-HNS TG 13, it agreed to the exceptional request to schedule TG 13 during the week following MEPC 63, to allow delegations to participate in Interspill, the IMO-sponsored European oil spill conference which will take place the week following TG 13.

8.19 Having noted that, at as a result of this schedule change, there would be no report of the OPRC-HNS Technical Group to consider at MEPC 63, the Committee approved the scheduling of the fourteenth session of the OPRC-HNS Technical Group from 24 to 28 September 2012, its usual time slot in the week prior to MEPC 64.

9 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS**Consequential amendments to the Guidelines for the Designation of Special Areas under MARPOL 73/78**

9.1 The Committee recalled that MEPC 62 had adopted, by resolution MEPC.200(62), amendments to MARPOL Annex IV on Prevention of Pollution by Sewage from Ships, to include the possibility of establishing "Special Areas" for the prevention of such pollution from passenger ships and designated the Baltic Sea as the first of such Special Area under that Annex. The amendments are expected to enter into force on 1 January 2013.

9.2 The Committee, having considered document MEPC 63/9 containing draft amendments to the Guidelines for the Designation of Special Areas under MARPOL 73/78 which was adopted by Assembly resolution A.927(22) on 29 November 2001:

- .1 approved the draft Assembly resolution and the draft 2013 Guidelines for the Designation of Special Areas under MARPOL 73/78, as set out in annex 27; and
- .2 instructed the Secretariat to make an editorial check and submit the draft Assembly resolution, as amended, to the twenty-eighth session of the Assembly (December 2013) for adoption.

Collective Arrangement for management of selected areas of the North East Atlantic

9.3 The Committee noted that document MEPC 62/INF.3 contained a communication received from the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic regarding a proposed Collective Arrangement for management of selected areas of the North East Atlantic. This Arrangement had been developed by the OSPAR Commission Secretariat in collaboration with the Secretariats of several competent authorities, including the International Sea-bed Authority and the North-East Atlantic Fisheries Commission. The OSPAR Commission signed an Agreement of Co-operation agreement with IMO in 1999.

9.4 The Committee agreed that any proposal to amend maritime traffic in the North East Atlantic must be made by IMO Member Governments to the appropriate IMO body and requested the Secretariat to keep it informed of any future developments in this regard.

10 INADEQUACY OF RECEPTION FACILITIES

10.1 The Committee noted that the consideration of the inadequacy of port reception facilities is a standing item on its agenda. The International Organization for Standardization (ISO) had submitted a document (MEPC 62/10) to the last session of the Committee, but due to time constraints, the Committee had agreed to defer its consideration until this session.

10.2 In the submission, ISO informed the Committee of the development of an international standard for waste handling and segregation aboard ships, and of another international standard for waste handling and segregation at port reception facilities. These two new standards follow from the work of the FSI Sub-Committee on two of the work items of its Action Plan for tackling the inadequacy of port reception facilities.

10.3 The Committee was informed that ISO 21070 on Management and handling of shipboard garbage was published in 2011 for use by shipowners, Parties to MARPOL, governmental and regulatory bodies, and other stakeholders.

10.4 The Committee was also informed that ISO/DIS 16304 on Arrangement and management of port reception facilities was now in ISO Draft International Standard (DIS) stage for ballot among ISO Sub-Committee voting members for comment, which was expected to be published in 2012. ISO/DIS 16304 addressed many of the issues originally discussed in the correspondence group of the FSI Sub-Committee on tackling the inadequacy of port reception facilities and is meant to be a companion standard to ISO 21070. ISO 16304 will reiterate the principles of reduction, reuse, and recycling of wastes from ships and will build on existing IMO publications on best practices for waste handling at port reception facilities.

10.5 The Committee thanked ISO for its continuing input to the work of the Committee.

11 REPORTS OF SUB-COMMITTEES

11.1 The Committee noted that a number of documents which were deferred from MEPC 62 needed to be addressed at this session. Specifically, these related to the outcome of DE 54 and DE 55.

Outcome of DE 54

11.2 The Committee noted that DE 54 was held from 25 to 29 October 2010 and that its report was issued as DE 54/23. MEPC 62 approved the report of DE 54 in general and took decision on all action items, other than for two which were to be dealt with at MEPC 63.

11.3 The first outstanding action item from DE 54 concerned the juridical status, i.e. mandatory or recommendatory, of resolution MEPC.108(49) on Revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers. In this regard, the Committee affirmed that the Revised Guidelines are of a recommendatory nature.

11.4 With respect to the second outstanding action item, to adopt a draft MEPC resolution on Amendments to the Revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers, the Committee noted that a number of relevant developments have taken place since this was initially proposed. BLG 16 (February 2012) considered a proposal put forward by the Russian Federation to delete references to "oil-like substances" in the revised guidelines as this term is no longer used in MARPOL Annex II. Whilst addressing this, it was also recognized that there was a need to update a number of the references used for MARPOL Annex I regulations and to reflect the requirements in relation to the carriage of biofuel blends. As not all of this work could be completed in the time available, the Sub-Committee agreed that the matter would be deferred to ESPH 18 for finalization in October 2012.

11.5 In view of this, the Committee agreed that it was inappropriate to adopt the draft amendments to the Revised guidelines at MEPC 63 and that a decision should await the outcome of the work of the ESPH Working Group.

11.6 The Committee decided, however, to assess the proposal put forward in document MEPC 63/11/1 (Denmark) in relation to a further amendment aimed at ensuring that sufficient spare parts were carried on board ships to ensure the proper functionality of the ODME at all times. After having considered all the views expressed and the two options presented, the Committee decided that paragraph 5.6*bis* of annex 3 of document DE 54/WP.2 should be included in the draft amendments to be developed for the Revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers. This paragraph states that "Manufacturer recommended spares for the ODME should be carried to ensure the operation of the equipment", but it was noted that, given the recommendatory nature of guidelines, this did not impose a mandatory requirement.

11.7 The observer of IACS advised that, in respect of the decision to reinstate this paragraph, it should be understood that the verification of those spares will not be addressed in relation to issuing an IOPP Certificate in view of the recommendatory nature of the guidelines as clearly established.

11.8 The Committee agreed that this outcome should be taken up by the ESPH Working Group when finalizing the draft Amendments to the Revised guidelines and specifications for oil discharge monitoring and control systems for oil tankers.

Outcome of DE 55

11.9 The Committee noted that DE 55 was held from 21 to 25 March 2011 and that its report had been issued as DE 55/22. MEPC 62 approved the report of DE 55 in general and took decision on all action items other than for two relating to the development of a mandatory code for ships operating in polar waters.

11.10 In relation to the first outstanding action item on the introduction of an environmental protection chapter in the draft Polar Code being developed by the DE Sub-Committee, the Committee noted also document MEPC 62/11/6 (WWF, FOEI and IFAW) dealing with Arctic Shipping and Cetaceans and the request to take account of the information provided in developing the draft Polar Code. In this context, the delegation of Panama noted that this issue has been considered previously by the Sub-Committee on Safety of Navigation and that a Guidance document for minimizing the risk of ship strikes with cetaceans has been issued as MEPC.1/Circ.674.

11.11 The Committee, having considered the proposals and actions taken by DE 55, noted the decision to develop an environmental protection chapter in the draft Polar Code and endorsed the specific decisions taken so far by the Sub-Committee with regard to various environmental aspects of the Polar Code.

11.12 With regards to the further development of an environmental chapter in the Polar Code, the delegations of the Bahamas and Panama questioned whether the scope of the issues to be addressed should not first be discussed by the Committee in order to provide clear terms of reference as to what should be developed by the DE Sub-Committee. The Committee recalled, however, that at MEPC 60 the decision had been taken to refer document MEPC 60/21/1 (Norway), presenting an overview of environmental issues to be considered, to the DE Sub-Committee and that this consequently provided the mandate for this work.

11.13 Recognizing that there may be further aspects which should be considered and that there were accordingly concerns in relation to this, it was agreed that any specific points or issues which may be identified should be submitted to MEPC 64 for consideration. It was noted that as DE 57 will not convene until March 2013, the outcome of MEPC 64 on this matter may then accordingly be referred to the Sub-Committee for their attention as appropriate.

11.14 With respect to the second outstanding action item to consider the options for making the Polar Code mandatory under environment-related IMO instruments, the Committee considered the views expressed by the Legal Office of the Organization in document MEPC 62/11/4/Add.1 which had been prepared in response to a request from the DE Sub-Committee.

11.15 It was proposed that the Code could in theory be made mandatory through an amendment to SOLAS alone, by a range of amendments to a variety of instruments depending on the subject matter concerned or by the adoption of a new convention. The relative merits and issues associated with each approach were summarized as follows:

- .1 an amendment to SOLAS (by adding a new chapter, for example), would have the clear advantage of allowing the use of the tacit acceptance procedure with the corresponding certainty about entry into force. The drawback, however, would be in scope-of-application issues, and in mixing substantial environmental requirements into a Convention which focuses on Safety of Life at Sea;
- .2 amending a range of existing instruments such as SOLAS, the annexes to MARPOL, the Ballast Water Management Convention, and the AFS Convention, would address both the safety and environmental protection aspects of the code by mandating parts of the Code depending on subject matter. However, this approach could leave the Code fragmented with different entry-into-force dates and with different sets of

Parties. It could also pose challenges in coordinating future amendments to the code; and

- .3 development and adoption of a new Convention would have the obvious disadvantages of uncertainty over entry into force and over the number of Contracting States which would be bound by its requirements. The main advantage, however, would be that all the requirements for operation in polar waters, which are supplementary to those already applicable under other IMO instruments, would be addressed by a single instrument and brought into force simultaneously.

11.16 During discussion, there was a preference among the views expressed for the option of amending the existing instruments, provided a way could be found to keep from fragmenting the Code. It was proposed by the Chairman of the Committee that the Code could be incorporated by reference into each instrument (e.g. SOLAS, MARPOL Annexes, BWM and AFS) as a consolidated text, but that the amendment procedures under each instrument would be applicable only to the chapters of the Code which contained the subject-matter which was relevant to the instrument concerned. Furthermore, the entry into force date could be coordinated by adjusting the date on which the amendments were deemed to be accepted. The representative of the Legal Office confirmed that this approach would be legally viable, but advised that the Committee should bear in mind that some sections might be common to the whole Code (such as definitions and certification requirements) and that this might then affect how the incorporation by reference and corresponding amendment procedures were drafted.

11.17 The Committee considered the issue as to whether the Code should be limited only to matters which were additional to those already addressed under existing instruments or if any relevant parts of existing instruments should also be included in the Code. Whilst noting that some support was expressed for a fully consolidated text, the Committee decided that it was preferable to include in the Code only new issues and additional requirements which do not appear in other instruments.

11.18 The Committee, having resolved these issues, instructed that these points should be addressed by the DE Sub-Committee as work on the Polar Code is progressed.

Outcome of DSC 16

11.19 The Committee noted that DSC 16 was held from 19 to 23 September 2011 and that its report had been issued as DSC 16/15. In the context of the environmental classification of solid bulk cargoes and the discharge of cargo residues, DSC 16 had invited the Committee to note the divergent views which had been expressed with respect to operational discharges and the classification of substances harmful to the marine environment, taking into account the deliberations contained in document DSC 16/WP.3 and bearing in mind the views expressed, that the competence for such classifications lies with the MEPC.

11.20 In this regard, the Committee noted that document MEPC 63/11/2 (Chile, the Netherlands and Norway) dealt with this point. As the document had specific relevance to the development of associated guidelines to the revised MARPOL Annex V, this issue was considered under agenda item 7 (see paragraphs 7.6.4, 7.7.4, 7.25 and 7.26.2).

Urgent matters emanating from BLG 16

11.21 The Committee noted that BLG 16 had held its sixteenth session from 30 January to 3 February 2012 and that its report on that session would be circulated under the symbol BLG 16/16. Document MEPC 63/11/3 (Secretariat) highlighted three urgent matters emanating from BLG 16 which required the attention of the Committee.

11.22 With regard to the two action items on ballast water sampling and cleaning agents under MARPOL Annex V, the Committee noted that they had been addressed under agenda items 2 and 7 respectively.

11.23 In respect of the third action item on draft amendments to the IBC Code, the Committee noted that, in accordance with the timeline agreed by MEPC 62 and MSC 89, BLG 16 finalized draft amendments to chapters 17, 18 and 19 of the IBC Code to capture the normal changes and developments which have occurred since the 2007 amendments were adopted. The Sub-Committee also requested the Secretariat to incorporate all of the agreed changes into their respective chapters to produce new consolidated listings and explanatory text for submission to MEPC 63 and MSC 90 for their approval.

11.24 The Committee considered the new listings as presented in document MEPC 63/11/3/Add.1 (Secretariat) and noted that the amendments presented a number of very specific updates but that, due to the short timeline from BLG 16, conducting any immediate, detailed analysis of the proposals was clearly difficult. The Committee recognized, however, that the draft changes had been endorsed by the BLG Sub-Committee and that, during the procedure of circulation and adoption, any inadvertent error which might be found in the listings could be corrected.

11.25 Taking this into account, the Committee approved the draft amendments to the IBC Code, as set out in annex 28, subject to MSC 90's concurrent decision, and requested the Secretary-General to circulate them with a view to adoption at MEPC 64. In taking this action, the Committee also authorized the Secretariat to effect any necessary corrections which may be notified in the time between MEPC 63 and MSC 90.

12 WORK OF OTHER BODIES**Outcome of FAL 37**

12.1 The Committee noted that FAL 37 was held from 5 to 9 September 2011 and that its report had been issued as FAL 37/17.

12.2 The Committee considered the two action items relevant to it as contained in document MEPC 63/12. On the first action item, the Committee concurred with MSC 88 that future revision of the list of certificates and documents required to be carried on board ships should be initiated by the MSC on a regular basis.

12.3 With regard to the request for views on making available electronic copies of documents and certificates held on board ships for facilitation purposes, the Committee, noting that no objections or concerns were raised, agreed with the development of this system.

Outcome of C/ES.26

12.4 The Committee noted that C/ES.26 was held on 17 and 18 November 2011 and that its summary of decisions had been issued under the symbol C/ES.26/D. Matters of interest to the Committee were summarized in document MEPC 63/12/1 (Secretariat).

12.5 With respect to Strategy and Planning, the Committee noted that the Council had requested to update the Committees' Guidelines to include the "checklist for identifying administrative requirements and burdens" for new unplanned outputs, which was dealt with under agenda item 20 on Application of the Committees' Guidelines.

12.6 As regards the report of MEPC 62, the Committee noted that the Council had noted:

- .1 the adoption of amendments to MARPOL Annexes IV, V and VI;
- .2 the decisions taken, concerning the implementation of the BWM Convention, including the granting of Basic Approval to seven, and Final Approval to two, ballast water management systems that make use of Active Substances;
- .3 the decisions taken, concerning the implementation of the Hong Kong Convention, including adoption and development of associated guidelines;
- .4 the progress made, and decisions taken, concerning prevention of air pollution and reduction of GHG emissions from ships, including the approval of draft amendments to the NO_x Technical Code 2008; adoption of guidelines under MARPOL Annex VI; and the development of guidelines related to the EEDI and the SEEMP;
- .5 the decisions taken on, and the adoption of, amendments to MARPOL Annex VI, for inclusion therein of regulations on energy efficiency for ships;
- .6 the decisions taken concerning draft amendments to MARPOL Annexes I, II, IV, V and VI, for circulation with a view to adoption at MEPC 63;
- .7 the action taken concerning implementation of the OPRC Convention, the OPRC-HNS Protocol and relevant Conference resolutions;
- .8 the action taken concerning designation or approval, in principle, of PSSAs;
- .9 the action taken concerning the reports of sub-committees and work of other bodies and, in particular, the approval of three Assembly resolutions for submission to the twenty-seventh session of the Assembly for adoption;
- .10 the action taken concerning the environmental risk evaluation criteria for inclusion in the FSA Guidelines;
- .11 the approval by the Committee of two new planned outputs in the 2012-2013 biennial agendas for the DE and DSC Sub-Committees;
- .12 the status of planned outputs relating to the work of the Committee for the 2010-2011 biennium; and
- .13 the Committee's proposals for the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium.

12.7 The Committee also noted that the Council had approved the planned intersessional meetings for 2012 and had transmitted the report of MEPC 62 to A 27 with its comments and recommendations, in accordance with Article 21(b) of the IMO Convention.

Outcome of A 27

12.8 The Committee noted that A 27 was held from 21 to 30 November 2011 and that its decisions which were relevant to the work of the Committee were contained in document A 27/5(b)/2.

12.9 The Committee noted that the Assembly had approved the report of the last three sessions of the Committee (MEPC 60, MEPC 61 and MEPC 62), as presented in documents MEPC 63/12/2 and 63/12/2/Corr.1.

Assembly resolutions relating to both safety and environmental protection

12.10 The Committee also noted that A 27 had adopted the following resolutions which were jointly prepared by the MEPC and MSC:

- .1 resolution A.1052(27) – Procedures for port State control, 2011;
- .2 resolution A.1053(27) – Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011; and
- .3 resolution A.1054(27) – Code for the Implementation of Mandatory IMO Instruments, 2011.

Strategy and Planning

12.11 The Committee further noted that A 27 had adopted:

- .1 resolution A.1037(27) – Strategic Plan for the Organization (for the six-year period 2012-2017); and
- .2 resolution A.1038(27) – High-level Action Plan of the Organization and Priorities for the 2012-2013 biennium.

Voluntary IMO Member State Audit Scheme

12.12 The Committee noted that A 27 had noted the number of audits conducted so far, the progress made and the ongoing work of various IMO bodies on the further development of the Audit Scheme.

12.13 With regard to the fifth consolidated audit summary report (A 27/8/1), the Committee considered the request of the Assembly and agreed to instruct the FSI Sub-Committee to consider it in detail and to report to MEPC 64 for further consideration by the Committee so that it may report to the Council, in due course, on the outcome of its consideration.

Outcome of LC 33-LP 6

12.14 The Committee noted the information provided in document MEPC 63/INF.16 (Secretariat) concerning the outcome of the thirty-third Consultative Meeting of Contracting Parties to the London Convention 1972 and the sixth Meeting of Contracting Parties to the 1996 Protocol to the London Convention (LC 33-LP 6).

12.15 The Committee noted that, to address the boundary issue between the London Convention/Protocol and MARPOL Annex V with respect to spoilt cargo, LC 33 and LP 6 had established a correspondence group to review the work of MEPC on the Implementation

Guidelines for MARPOL Annex V, with a view to revising the joint LC-LP/MEPC "Guidance on managing Spoilt Cargoes" (LC-LP.1/Circ.30; MEPC.1/Circ.688).

Outcome of C 106 and MEPC.1/Circ.779

12.16 The delegation of the United States recalled that the Council, at its 106th session in July 2011, had endorsed as the theme for World Maritime Day 2012, "IMO: One hundred years after the Titanic". In relation to the centenary of the loss, it was anticipated that an increase in the number of vessels visiting the site of the Titanic would occur and accordingly, a number of recommendations had been drawn up by the United States aimed at restricting pollution in the area and preserving the RMS **Titanic** as a maritime memorial. This guidance has been issued as MEPC.1/Circ.779 (Pollution prevention measures in the area surrounding the wreckage of RMS **Titanic**) and this was respectfully drawn to the attention of all members of the Committee.

12.17 The delegation of the United Kingdom noted that in support of this circular, an Admiralty Notice to Mariners, reference 1026(T)/2012, had been issued reiterating the guidance and recommendations proposed, recognizing that this was a wreck of exceptional international importance which needed to be treated with respect and reverence.

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 16 November 2011 (MEPC 63/13), 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;
- .7 annex 7, showing the status of the 2004 BWM Convention; and
- .8 annex 8, showing the status of the 2009 Hong Kong Convention.

13.2 The Committee noted a correction to document MEPC 63/13 that in annex 3 – Status of MARPOL, Malaysia should be added to the list of Parties to MARPOL Annex IV.

13.3 The Committee also noted the following information provided by the Secretariat since document MEPC 63/13 was issued on 16 November 2011:

- .1 With regard to annex 2 on the status of MARPOL Convention:
 - India deposited its instrument of accession to MARPOL Annex VI on 23 November 2011.

- .2 With regard to annex 5 on the status of 2000 OPRC-HNS Protocol:
- Norway deposited its instrument of accession on 16 February 2012.
- .3 With regard to annex 6 on the status of 2001 AFS Convention:
- The Republic of Montenegro deposited its instrument of accession on 29 November 2011;
 - Trinidad and Tobago deposited its instrument of accession on 3 January 2012;
 - Barbados deposited its instrument of accession on 30 January 2012; and
 - Brazil deposited its instrument of accession on 20 February 2012.
- .4 With regard to annex 7 on the status of 2004 BWM Convention:
- The Republic of Montenegro deposited its instrument of accession on 29 November 2011;
 - Lebanon deposited its instrument of accession on 15 December 2011; and
 - Trinidad and Tobago deposited its instrument of accession on 3 January 2012.

13.4 The Committee noted the information provided by the delegation of Venezuela (Bolivarian Republic of) on the activities and progress under the GloBallast Partnerships Project, as one of the leading partnering countries in the wide Caribbean region.

13.5 The delegation of Panama informed the Committee that their Government had prepared a draft national legislation related to ballast water management and thanked the Organization's ITCP and the GloBallast Partnerships Project for providing the technical assistance.

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 has 58 Parties, representing 78.92 per cent of the gross tonnage of the world's merchant fleet. All those States that have not yet ratified this Convention were invited to do so at the earliest opportunity.

14.2 Having considered document MEPC 62/14 (ISO), deferred to this session by MEPC 62, the Committee noted that the Ships and Marine Technology Technical Committee/Marine Environment Protection Sub-Committee of ISO (ISO TC8/SC2) had been developing the ISO 13073 standards on risk assessment on anti-fouling systems on ships, consisting of:

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

Part 2: Marine environmental risk assessment method for anti-fouling systems using biocidally Active Substances on ships; and

Part 3: Human health risk assessment for the application and removal of anti-fouling systems.

14.3 The observer from ISO informed the Committee on the updated status of the standards under development, indicating that Part 1 is now in the Final Draft International Standard (FDIS) stage, Part 2 is in the Draft International Standard (DIS) stage and Part 3 is in the Committee Draft (CD) stage.

14.4 The Committee noted the progress made and requested ISO to keep it updated on the status of the development of those standards.

15 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS

15.1 The Committee considered two documents which were deferred from MEPC 62.

INTERPOL Project Clean Seas

15.2 The Committee considered document MEPC 62/15 (INTERPOL) which provided information on INTERPOL's activity for the protection of the environment. This was welcomed by the Committee and, as noted by the delegation of Australia, the desirability of cooperation between IMO and INTERPOL was endorsed.

15.3 As regards the actions requested of it, the Committee agreed to invite Member Governments to provide information on prosecutions for MARPOL violations to INTERPOL and also noted the availability of INTERPOL's expertise to assist in capacity-building in the area of investigation of MARPOL violations through investigative tools and model training courses.

15.4 The observer of ICS noted that the investigative manual and the model training course referred to in the document are only available to law enforcement officials through a restricted part of the INTERPOL website. It was recognized that, without further background knowledge and information, it was difficult to understand the reasoning for such developments, but it was noted that the increasing criminalization of seafarers is of rising concern and that this action may be one further indication where a "pollution crime working group" is being promoted in the context of shipping.

Magnetic holding power-based oil spill stopper for damaged tankers

15.5 The Committee noted the information provided in document MEPC 62/INF.11 (Republic of Korea) on the development of a magnetic holding power-based oil spill stopper for damaged tankers and, recognizing that the information may be useful for the work of the OPRC-HNS Technical Group, agreed to refer the document to that Group for reference.

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

16.1 The Committee noted the information provided in documents MEPC 63/16, MEPC 63/16/1, MEPC 63/16/2, MEPC 63/16/3, MEPC 63/16/4, MEPC 63/16/5 and MEPC 63/16/6 on the Organization's technical co-operation activities related to the protection of the marine environment, during the period from 1 April 2011

to 30 November 2011, 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. These were aimed at assisting Member States in the implementation of the provisions of the relevant IMO instruments, including AFS, BWM, MARPOL, OPRC, OPRC-HNS, London Convention/Protocol and the Hong Kong Ship Recycling Convention.

16.2 The Committee further noted that during the period under review, significant progress has been achieved through the major projects, namely the Marine Electronic Highway Demonstration Project; the GEF-UNDP-IMO GloBallast Partnerships project and its related initiatives, including the Global Industry Alliance (GIA); the GI WACAF project which aims at assisting the West, Central and Southern African region in implementing the OPRC Convention; the EC/MEDA financed regional project on EUROMED Co-operation on Maritime Safety and Prevention of Pollution from Ships being implemented by REMPEC with technical support from the Secretariat; and the IMO-KOICA Project on building capacities in East Asian countries to address greenhouse gas (GHG) emissions from ships.

16.3 The Committee also took note of the information provided in document MEPC 63/16/5 which gave a progress report on the implementation of the protocol to the Barcelona Convention concerning Co-operation in Preventing Pollution from Ships and, in cases of Emergency, combating Pollution of the Mediterranean Sea.

16.4 The Committee noted with appreciation the Cooperation Agreement signed between the Korea International Cooperation Agency (KOICA) and IMO, and that KOICA had generously contributed support for a two-year technical co-operation project, entitled "Building Capacities in East Asia Countries to address GHG emissions from ships", which aims at assisting the East Asian countries with their transition to energy efficient shipping.

16.5 The Committee also noted with appreciation that the Secretariat and the Norwegian Agency for Development Cooperation (Norad) concluded a framework cooperation agreement which will provide the basis for three project specific agreements, with an approximate total budget of \$3 million, in the field of marine environmental protection. The Committee also took note with appreciation that Norway is also funding a technical co-operation project to undertake a preliminary feasibility study on LNG fuelled short sea and coastal shipping in the wider Caribbean region.

16.6 The Committee noted the information provided by the delegation of Turkey that the "Mediterranean Strategy on Ships' Ballast Water Management, including its Action Plan and Timetable", was developed by the Mediterranean Regional Task Force under the chairmanship of Turkey and with the coordination support from REMPEC. The Strategy was later adopted by the 17th Ordinary Meeting of the Contracting Parties to the Barcelona Convention. The Committee noted that the Meeting of the Contracting Parties also adopted the "General Guidance on the Voluntary Application of the D1 Ballast Water Exchange Standard by Vessels Operating between the Mediterranean Sea and the North-East Atlantic and/or the Baltic Sea" which was prepared in close cooperation with the HELCOM and OSPAR Commissions. The Committee also noted that the General Guidance document would be submitted to IMO soon.

16.7 The delegation of Turkey referred to the positive impacts of the GEF-IMO-UNDP GloBallast Partnerships Project in assisting the countries to prepare for the implementation of BWM Convention and recommended that the Secretariat should explore opportunities to initiate similar major technical co-operation projects on energy efficiency of ships and GHG emissions, in cooperation with multilateral donor agencies such as the Global Environment Facility (GEF).

16.8 The Committee noted the information provided by the delegation of Russian Federation on the successful outcomes of the cooperation between IMO and the European Bank for Reconstruction and Development (EBRD) in providing technical assistance to the countries and encouraged the Secretariat to continue such fruitful cooperation.

16.9 The Committee noted the information provided by the delegation of Nigeria that the 4th biennial conference of the GI WACAF Project was held in Lagos, Nigeria in October 2011 which determined the project objectives for the next biennium. The Committee also noted the suggestion by the delegation of Nigeria that the Secretariat should explore opportunities for sustaining the momentum in the region while replicating such successful initiatives in other regions and countries.

16.10 The Committee noted the information provided by the delegation of Singapore that the inaugural subregional workshop on GHG emissions and energy efficiency of ships was held in Singapore, under the framework of the IMO-KOICA project. The Committee noted with appreciation the continued commitment from Singapore in supporting IMO's ITCP activities.

16.11 Several other delegations highlighted the importance of IMO's ITCP activities and the key role these activities play in capacity-building for implementation of the IMO Conventions and encouraged the Secretariat to continue the efforts in identifying the critical needs of the countries and regions while prioritizing the ITCP interventions.

16.12 In summing up, the Chairman recalled that the constituent programmes of IMO's ITCP 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 the financial and in-kind contributions to the ITCP and major projects and, especially, the generous financial contribution by the Republic of Korea and Norway in supporting technical co-operation activities related to the energy efficiency of ships. He 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 could be achieved.

17 ROLE OF THE HUMAN ELEMENT

Joint MSC/MEPC Working Group on the Human Element

17.1 The Committee recalled that, at MSC 88, the delegation of the Netherlands had proposed that the general subject of the human element could well be included within the responsibility of the STW Sub-Committee, where human element experts could attend on a regular basis and advise the Committees accordingly. In this context, the delegation had advised MSC 88 of its intention to submit proposals on this issue to MSC 89 and MEPC 62, respectively.

17.2 The Committee also recalled that MSC 89 (11 to 20 May 2011), after an in-depth discussion, agreed, in principle, to entrust a leading and coordinating role for the implementation of the Organization's strategy to address the human element to the STW Sub-Committee, subject to the concurrence of MEPC 62. Accordingly, MSC 89 approved the revised terms of reference for the STW Sub-Committee (MSC 89/25, annex 21) and agreed, subject to MEPC 62's concurrent decision, to include the "Role of the human element" in the 2012-2013 biennial agenda of the STW Sub-Committee and in the provisional agenda for STW 43 as an ongoing output.

17.3 The Committee further recalled that MEPC 62 had before it four documents on the issue: MEPC 62/17 (Australia et al.); MEPC 62/17/1 (United Kingdom); MEPC 62/17/3 (Germany); and MEPC 62/17/4 (ITF). However, due to time constraints, MEPC 62 had deferred consideration of those documents to MEPC 63.

17.4 The Committee noted that document MEPC 62/17 (Australia et al.) proposed to discontinue the present Joint MSC/MEPC Working Group on the Human Element and, alternatively, to include the general subject of the human element within the responsibility of the STW Sub-Committee.

17.5 The United Kingdom withdrew its document (MEPC 62/17/1) that commented on document MEPC 62/17 (Australia et al.).

17.6 The Committee further noted that document MEPC 62/17/3 (Germany) also commented on document MEPC 62/17 with the view that the discontinuation of the Joint MSC/MEPC Working Group on the Human Element, under the auspices of the two Committees, would affect the structured approach for addressing human-element issues in a holistic way, as set out in resolution A.947(23). Accordingly, Germany recommended the continuation of the Joint MSC/MEPC Working Group on the Human Element and, in case the scheduling of regular meetings of the Joint Working Group became difficult due to the workload of the Committees, consideration could be given to convening the Working Group during the meetings of Sub-Committees. However, when an appropriate time slot became available for a working group session under the direction of both the MSC and the MEPC, the Working Group should meet during the Committees.

17.7 In addition, Germany, supported by others, expressed the view that they did not agree with the decision of MSC 89. Following MSC 89, the Assembly had approved the High-level Action Plan indicating that matters relating to the ISM Code were within the purview of the Committees only. If work related to the Human Element were to be transferred to the STW Sub-Committee, the Committees must, in line with the Assembly decision, retain responsibility for the ISM Code and related guidance and consequently any related issues should be considered only by them.

17.8 The Committee noted the proposal set out in document MEPC 62/17/4 (ITF) that the Joint MSC/MEPC Working Group on the Human Element should not be discontinued, but remain on the agenda of the two parent Committees, as the relevant skills required to address these issues were available within them.

17.9 The observer from ITF made a statement on the issue of the human element. As requested, it is set out in annex 29.

17.10 The Committee recalled that most of the foregoing comments had also been discussed at MSC 89 which had, nevertheless, already decided to entrust a leading and coordinating role for the implementation of the Organization's strategy to address the human element to the STW Sub-Committee and that an ongoing output on the "Role of the Human Element" had been established under the agenda of the STW Sub-Committee.

17.11 After an in-depth discussion, the Committee agreed, in principle, to entrust a coordinating role for the implementation of the Organization's strategy to address the Human Element to the STW Sub-Committee, subject to review of this arrangement after a few years to decide if it achieved the objectives. However, the Committee could refer human element matters relating to environmental issues directly to the Human Element Working Group, and that the Working Group should consider the issues referred to it, without discussion firstly in the plenary of the STW Sub-Committee.

17.12 Furthermore, it was clarified that matters related to the ISM Code, which was mandatory under the SOLAS Convention, were within the purview of the Maritime Safety Committee. Accordingly, the STW Sub-Committee could consider matters related to the ISM Code, as agreed by MSC 89.

17.13 With regard to retaining the item of "Role of the Human Element" on the Committee's agenda, the Committee agreed to consider this issue when discussing agenda item 19 (Work Programme) (see paragraph 19.8).

Human and organizational factors – The critical role of "Just Culture"

17.14 The Committee noted with appreciation the information provided by the United Kingdom (MEPC 62/17/2), on how an effective "Just Culture" could lead to significant improvements in organizational performance and safety, and be an effective basis for self-regulation. In this context, the United Kingdom invited input from Member Governments and international organizations to develop this concept further, for the benefit of the international maritime industry.

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 this item in the work programme and agenda of the Committee with a target completion date of three or four sessions, established an intersessional Correspondence Group, coordinated by the United States, to identify and address ways to minimize the introduction of incidental noise into the marine environment from commercial shipping and to develop voluntary technical guidelines for ship-quieting technologies as well as potential navigation and operational practices. The intersessional Correspondence Group reported its progress to MEPC 59, 60 and 61.

18.2 The Committee also recalled that MEPC 62, having noted that a new output had already been planned on the DE Sub-Committee's biennial agenda to develop the technical guidelines to address the issue of noise from commercial shipping and its adverse impacts on marine life, instructed the DE Sub-Committee to address this issue. MEPC 62 also decided that this issue would remain active as a distinct item on the Committee's agenda. However, due to time constraints, MEPC 62 agreed to postpone consideration of all documents submitted under this item to MEPC 63.

Development of international standards for underwater noise from ships

18.3 The Committee noted the information provided by the International Organization for Standardization (MEPC 62/19) on progress made in developing the international standard, ISO 16554, entitled: "Protecting marine ecosystem from underwater irradiated noise – Measurement and reporting of underwater sound radiating from merchant ships" and, in particular, that the standard would be published shortly.

Information on the propeller as the main source for ship-generated underwater noise

18.4 The Committee also noted the information provided by Germany (MEPC 62/19/1) aimed at narrowing the focus of global shipping noise research towards the most important noise contributor. In this regard, it was noted that the screw-propeller, as the dominating propulsion type of ships, is the main source of noise and, therefore, any activities should be directed to reducing the underwater noise level produced by these propeller types.

In recognizing further, the Committee agreed that any relevant research should be funded under national programmes.

Information on Shipping Noise Research and Marine Biodiversity, with a special focus on cetaceans

18.5 The Committee further noted the information provided by Spain (MEPC 62/INF.22) on shipping noise research and marine biodiversity, with a special focus on cetaceans.

18.6 The Committee agreed to refer the three aforementioned documents to the DE Sub-Committee for consideration.

Outcome of DE 56 on noise from commercial shipping and its impact on marine life

18.7 The Committee noted that the DE Sub-Committee had just concluded its fifty-sixth session which met from 13 to 17 February 2012. Due to the close proximity of DE 56 to MEPC 63, the outcome of DE 56 on the matter would be reported to MEPC 64 for consideration.

19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

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

19.1 The Committee noted that the biennial agendas of the DE, DSC and NAV Sub-Committees for the 2012-2013 biennium which relate to environmental issues were approved by MEPC 62 and the items were consequentially included in resolution A.1038(27) on "High-level Action Plan of the Organization and priorities for the 2012-2013 biennium".

19.2 The Committee, having considered document MEPC 63/WP.2, approved the items in the biennial agendas of the DE, DSC and NAV Sub-Committees which relates to environmental issues with amendments proposed by DE 56 (February 2012), as set out in annex 30.

Biennial agenda of the BLG Sub-Committee and provisional agenda for BLG 17

19.3 The Committee noted that the biennial agenda of the BLG Sub-Committee was approved by MSC 89 and MEPC 62 and the items were then included in resolution A.1038(27) on "High-level Action Plan of the Organization and priorities for the 2012-2013 biennium".

19.4 The Committee also noted that BLG 16 (February 2012) made progress on a number of items and proposed some amendments to the planned outputs for the 2012-2013 biennium. The Committee, having considered annex 1 to document MEPC 63/WP.3 with reference to annex 8 to document BLG 16/16, approved the revised biennial agenda of the BLG Sub-Committee and the provisional agenda for BLG 17 with the amendments proposed by BLG 16, as set out in annex 31.

19.5 The delegation of the Cook Islands, supported by some delegations, expressed the view that the title of draft agenda item 10 for BLG 17 "Consideration of the impact on the Arctic of emissions of Black Carbon from international shipping" should be amended to have a focus on impact of Black Carbon emissions from "international shipping in the Arctic", and that the matter should be considered further at MEPC 64. The Committee noted the reconfirmation given by the Chairman of the Committee that the report of MEPC 62

(MEPC 62/24, paragraphs 4.14 to 4.21) was factual and correct in this regard and agreed not to modify the title of agenda item 10 for BLG 17.

Biennial agenda of the FSI Sub-Committee

19.6 The Committee noted that the biennial agenda of the FSI Sub-Committee was approved by MSC 89 and MEPC 62 and the items were then included in resolution A.1038(27) on "High-level plan of the Organization and priorities for the 2012-2013 biennium".

19.7 The Committee, having considered annex 2 to document MEPC 63/WP.3, noted the biennial agenda of FSI Sub-Committee for 2012-2013 biennium, as set out in annex 32.

Items to be included in the draft agendas of MEPC 64, MEPC 65 and MEPC 66

19.8 The Committee, having considered document MEPC 63/WP.4 and taking into account the decisions made at this session including the retention of the item on the "Role of the human element" on the agenda of MEPC 64, approved the items to be included in the agendas for MEPC 64, MEPC 65 and MEPC 66 and the proposed groups, as set out in annex 33.

Report of the status of planned outputs for the MEPC for the 2012-2013 biennium

19.9 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 of the Organization" adopted by resolution A.1013(26), reports on the status of planned outputs included in the High-level Action Plan and priorities for the 2012-2013 biennium should be prepared and annexed to the report of each session of the sub-committees and committees, and to be reported to the Council and Assembly. Such reports should separately identify unplanned outputs accepted for inclusion in their biennial agendas.

19.10 The Committee also noted that the Assembly requested it to take action in accordance with the "High-level Action Plan of the Organization and priorities for the 2012-2013 biennium" adopted by resolution A.1038(27) and, in particular, Table 2 on the "High-level actions and related planned outputs".

19.11 The Committee, having considered document MEPC 63/WP.5 containing all the items listed in Table 2 of the annex to resolution A.1038(27) relating to the work of the Committee and relevant sub-committees, approved its report on the status of the planned output for the MEPC for the 2012-2013 biennium with amendments proposed by BLG 16 and DE 56, as set out in annex 34, and requested the Secretariat to update the status of planned outputs, taking into account the progress made at this session.

Working/review/drafting groups at MEPC 64

19.12 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 64:

- .1 Ballast Water Review Group;
- .2 Working Group on Ship Recycling;
- .3 Working Group on Air Pollution and Energy Efficiency; and
- .4 Drafting Group on Amendments to Mandatory Instruments.

Correspondence group

19.13 The Committee agreed to establish the intersessional Correspondence Group on ship recycling guidelines, which would report to MEPC 64.

Intersessional meetings

19.14 The Committee agreed to hold the following intersessional meetings, subject to approval by the Council:

- .1 OPRC/HNS Technical Group to be held in the week before MEPC 64 in October 2012, which should report to MEPC 64; and
- .2 ESPH Working Group to be held in October 2013.

20 APPLICATION OF THE COMMITTEES' GUIDELINES

The Committees' Guidelines and its release on the IMO Website

20.1 The Committee recalled that MEPC 62 concurred with the decision of MSC 89 on the approval of the revised Committees' Guidelines, which were issued as MSC-MEPC.1/Circ.4.

Checklist for identifying administrative requirements and burdens

20.2 The Committee noted the request of C/ES 26 that, in accordance with paragraph 4 of resolution A.1013(26) – Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization, the checklist for identifying administrative requirements and burdens, to be used when preparing the analysis of implications required of submissions of proposals for inclusion of unplanned outputs, should be included in the Committees' Guidelines and, pending its inclusion in the Committees' Guidelines, Member Governments are advised to complete the checklist when proposing new unplanned outputs for the consideration by the Committee.

20.3 The Committee agreed to include the checklist, as set out in the annex to document MEPC 63/WP.11, in the Committees' Guidelines as annex 6, subject to concurrent decision by MSC 90.

21 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2012

21.1 The Committee recalled that, at its last session, it unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman for 2012 in accordance with rule 17 of its Rules of Procedure and that it also decided to conduct the election of Vice-Chairman at this session.

21.2 The Committee unanimously elected Mr. Arsenio Dominguez (Panama) as Vice-Chairman for 2012.

22 ANY OTHER BUSINESS

22.1 The Committee had before it five documents: Documents MEPC 63/22 and MEPC 63/WP.6; and three further documents (MEPC 62/23, MEPC 62/INF.36 and MEPC 62/INF.38), which had been submitted to the last session of the Committee, but due to time constraints, the Committee had agreed to defer their consideration until this session.

Cooperation between the Basel Convention and the International Maritime Organization – Report of the tenth meeting of the Conference of the Parties to the Basel Convention

22.2 The Committee noted document MEPC 63/22 by the Secretariat of the Basel Convention, which provided an overview of decision BC-10/16 on cooperation between the Basel Convention and the International Maritime Organization, which had been adopted by the tenth meeting of the Conference of the Parties to the Basel Convention in October 2011.

22.3 The submission had informed the Committee that decision BC-10/16 focuses on the relationship between the Basel Convention and MARPOL, and that it identified three main areas of cooperation in relation to hazardous and other wastes generated on board ships:

- The first main area of cooperation related to the legal analysis of the application of the Basel Convention to hazardous and other wastes generated on board ships (UNEP/CHW.10/INF/16). Parties and others, including IMO, had been invited to submit further comments on the legal analysis to the Secretariat of the Basel Convention by 15 March 2012.
- Besides the cooperation in this area, COP 10 had requested its Secretariat, subject to the availability of resources, to develop a guidance manual, in cooperation with IMO, on how to improve the sea-land interface to ensure that wastes falling within the scope of MARPOL, once offloaded from a ship, are managed in an environmentally sound manner.
- And lastly, COP 10 had invited any Party willing to do so to undertake an assessment on how far the current Basel Convention technical guidelines covered wastes that are also covered by MARPOL, or to provide funds to enable the Secretariat of the Basel Convention to undertake such an assessment in close consultation with the IMO.

22.4 The Committee also noted that COP 10 had requested the Secretariat of the Basel Convention to keep IMO informed, as appropriate, of any developments arising in the context of the Basel Convention, and to monitor any consideration by IMO's MEPC and MSC regarding any issues of relevance to the Basel Convention. In this regard, it was highlighted that wastes generated during the normal operation of ships are within the regulatory scope of the MARPOL Convention.

Recommendations to regulate the use of the information resulting from statistical data presented by the Organization

22.5 Panama, in introducing document MEPC 62/23, which had been deferred to this session by MEPC 62, raised issues concerning flag State performance. Panama had made some observations regarding the report of the FSI Sub-Committee (FSI 19/19) and had raised concern on the use of information resulting from IMO statistical data by some private companies related to ship vetting. In this regard, the delegation of Panama suggested to establish guidelines aimed at promoting the official use of such information. In particular, Panama suggested either to put in place a mechanism to identify the private companies using this information, or to establish a new module in GISIS that could help to maintain transparency of IMO objectives while enhancing security and protecting the marine environment.

22.6 The observer from ICS stated that the Shipping Industry Flag State Table simply reproduced information which is already available in the public domain, and that it sought to provide information that could help shipping companies to make informed decisions about the flags they use. It was also stated that the concerns raised by governments at FSI 19 were taken into account when the most recent update of the table, published in January 2012, was prepared. Following discussion, the Committee agreed to refer document MEPC 62/23 to the FSI Sub-Committee for consideration.

United Nations General Assembly resolution on Oceans and the law of the sea

22.7 The Committee noted document MEPC 62/INF.36 by the Secretariat that had been deferred to this session by MEPC 62. The document drew attention to resolution 65/37 on Oceans and the law of the sea, which had been adopted by the General Assembly of the United Nations at its 65th session in December 2010. The resolution particularly encouraged States to become Parties to the following international instruments: the Ballast Water Management Convention; the London Protocol 1996; the OPRC Convention and OPRC-HNS Protocol; MARPOL Annex VI and the Hong Kong Convention. The resolution also noted IMO's work on the review of MARPOL Annex V to prevent pollution by garbage from ships and on the reduction of greenhouse gas emissions from ships.

Preparation of Rio+20

22.8 The Committee noted that document MEPC 62/INF.38 by the Secretariat, which was deferred to this session by MEPC 62, provided information on the preparations for the United Nations Conference on Sustainable Development (UNCSD) or Rio+20, which will be held from 20 to 22 June 2012.

22.9 The Committee noted that ocean and shipping related issues and the so-called "blue economy" were on the agenda of Rio+20 and had been particularly highlighted in the preparatory meetings. Accordingly, the Secretariat was actively participating in the preparations and process leading up to Rio+20. In this regard, the Secretariat would keep the Committee informed of developments and would submit to Rio+20 a document summarizing the regulatory and technical assistance work of IMO in addressing relevant provisions of the Rio Declaration and Agenda 21 of 1992, as previously reported by the Committee to the United Nations Commission on Sustainable Development, and further work undertaken by the Organization since then, in response to the Millennium Development Goals, the World Summit on Sustainable Development (WSSD) and other related instruments.

22.10 In this context, the Committee also noted document MEPC 63/WP.6, which provided further information on United Nations General Assembly resolution A/RES/64/236 "Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development", on the timeline for the United Nations Conference on Sustainable Development (UNCSD) Rio+20, and on IMO's involvement in the preparatory process.

22.11 The Committee was informed that IMO had contributed to a number of interagency publications and papers which provide context for the Rio+20 discussions and that IMO continues to participate actively in the preparatory process.

22.12 The Committee noted that Rio+20 would be an opportunity for IMO to show continued leadership towards the goal of sustainable development in its area of responsibility, namely safe, secure, environmentally sound, efficient and sustainable shipping through cooperation, which contains aspects of all of the three pillars of sustainable development: economic, social and environmental.

22.13 The Committee further noted that delegations were invited to consider providing input on ocean- and shipping-related issues through their national delegates to Rio+20 with a view to demonstrating IMO's contribution to a green economy within the context of sustainable development, bearing in mind that sustainable development would only be possible if the environmental and social pillars of sustainable development were given equal footing with the economic one.

MARINE ENVIRONMENT PROTECTION
COMMITTEE
64th session
Agenda item 23

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

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1 INTRODUCTION

1.1 The sixty-fourth session of the Marine Environment Protection Committee was held at IMO Headquarters from 1 to 5 October 2012 under the chairmanship of Mr. Andreas Chrysostomou (Cyprus). The Vice-Chairman of the Committee, Mr. Arsenio Dominguez (Panama), was also present.

1.2 The session was attended by delegations from Members and Associated Members; by representatives from the United Nations Programmes, specialized agencies and other entities; by observers from the intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MEPC 64/INF.1.

1.3 The Chairman of the Council, Mr. Jeffrey G. Lantz (United States), the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Sveinung Oftedal (Norway), 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, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

Chairman's remarks

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

Adoption of the agenda

1.6 The Committee adopted the agenda (MEPC 64/1) and agreed to be guided by the provisional timetable (MEPC 64/1/1, annex 2, as revised), on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 64/INF.34.

Credentials

1.7 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, 2004" (BWM Convention) had been open for accession by any State since 31 May 2005 and noted that three more States (Denmark, Niue and the Russian Federation) have acceded to the Convention since the last MEPC session, bringing the number of contracting Governments to 36, representing 29.07 per cent of the world's merchant fleet tonnage. The Committee urged those States which have not yet ratified the Convention to do so at their earliest possible opportunity.

CONSIDERATION AND APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS THAT MAKE USE OF ACTIVE SUBSTANCES

2.2 The Committee noted that the twenty-first, twenty-second and twenty-third meetings of the GESAMP-BWWG were held from 16 to 20 April 2012, from 7 to 11 May 2012, and from 25 to 29 June 2012, respectively, at IMO Headquarters, under the chairmanship of Mr. Jan Linders. During the three meetings, the GESAMP-BWWG had reviewed a total of nine proposals for approval of ballast water management systems that make use of active substances, submitted by China, Denmark, the Netherlands, Japan, the Republic of Korea (four proposals) and Singapore. The Committee also noted that out of the nine proposals evaluated, three proposals reviewed at the twenty-first meeting of the Group were the remainder of the submissions to MEPC 63, which, due to the limited time available, could not be considered at that session.

Basic Approval

2.3 The Committee, having considered the recommendations contained in annexes 5 and 6 of the "Report of the twenty-first meeting of the GESAMP-BWWG" (MEPC 64/2/6), the recommendations contained in annex 4 of the "Report of the twenty-second meeting of the GESAMP-BWWG" (MEPC 64/2/7) as well as the recommendations contained in annexes 4 and 5 of the "Report of the twenty-third meeting of the GESAMP-BWWG" (MEPC 64/2/19), agreed to grant Basic Approval to:

- .1 KTM-Ballast Water Management System proposed by the Republic of Korea in document MEPC 63/2/8;
- .2 Hamworthy AquariusTM-EC BWMS proposed by the Netherlands in document MEPC 63/2/9;
- .3 OceanDoctor Ballast Water Management System proposed by China in document MEPC 64/2;
- .4 HS-BALLAST Ballast Water Management System proposed by the Republic of Korea in document MEPC 64/2/3; and
- .5 GloEn-SaverTM Ballast Water Management System proposed by the Republic of Korea in document MEPC 64/2/4.

2.4 The Committee invited the Administrations of China, the Netherlands and the Republic of Korea to take into account all the recommendations made in the aforementioned reports of the GESAMP-BWWG (annexes 5 and 6 of the twenty-first meeting, annex 4 of the twenty-second meeting, and annexes 4 and 5 of the twenty-third meeting) during the further development of the systems.

2.5 The Committee concurred with the recommendation in annex 6 of the "Report of the twenty-third meeting of the GESAMP-BWWG" (MEPC 64/2/19) not to grant Basic Approval to Dow-Pinnacle Ballast Water Management System proposed by Singapore in document MEPC 64/2/5.

Final Approval

2.6 The Committee, having considered the recommendations contained in annex 4 of the "Report of the twenty-first meeting of the GESAMP-BWWG" (MEPC 64/2/6) as well as

the recommendations contained in annexes 5 and 6 of the "Report of the twenty-second meeting of the GESAMP-BWWG" (MEPC 64/2/7) agreed to grant Final Approval to:

- .1 DESMI Ocean Guard BWMS proposed by Denmark in document MEPC 63/2/7;
- .2 JFE BallastAce that makes use of NEO-CHLOR MARINE™ proposed by Japan in document MEPC 64/2/1; and
- .3 Smart Ballast BWMS proposed by the Republic of Korea in document MEPC 64/2/2.

2.7 The Committee invited the Administrations of Denmark, Japan and the Republic of Korea to verify that all recommendations contained in the reports of the twenty-first and twenty-second meetings of the GESAMP-BWWG (MEPC 64/2/6, annex 4 for Denmark; MEPC 64/2/7, annex 5 for Japan; and annex 6 for the Republic of Korea) are fully addressed prior to the issuance of the Type Approval Certificates.

Future meetings of the GESAMP-BWWG

2.8 The Committee noted that the next regular meeting of the GESAMP-BWWG (i.e. the twenty-fourth meeting) has been tentatively scheduled from 10 to 14 December 2012 and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems to MEPC 65, as soon as possible but not later than 26 October 2012 in accordance with the newly agreed date for MEPC 65 as contained in paragraph 19.22 (BWM.2/Circ.38/Rev.1 of 8 October 2012 refers).

2.9 The Committee further noted that, recognizing the possibility that more than four proposals may be submitted for review by the Group and subsequent approval by MEPC 65, the GESAMP-BWWG had expressed its availability to have an additional meeting, (GESAMP-BWWG 25) in January 2013 to accommodate as many proposals as possible, provided that all the necessary conditions for organizing such a meeting are met. Any proposal for approval that is not reviewed during the twenty-fourth meeting and the additional meeting, (i.e. the twenty-fifth meeting), due to time constraints, will be reviewed at the earliest meeting of the Group after MEPC 65 and reported to MEPC 66 (MEPC 64/2/19, section 3 of the report of the twenty-third meeting of the GESAMP-BWWG).

Other matters emanating from the GESAMP-BWWG meetings

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

- .1 urge applicants, test facilities and Administrations to recognize the importance of the assessment of water quality for the test water selected for use, and to include detailed results of the test water assessment in the dossiers both for Basic and Final Approval;
- .2 note the Group's recommendation to use unpolluted natural seawater as preferable to the use of synthetic seawater for BWMS testing;
- .3 request the Administrations submitting proposals for approval of Ballast Water Management Systems that make use of Active Substances, to inform the applicants that additional data that could affect the environmental assessment after the submission may not be accepted, as such information should have been included in the original submission to the Committee; and

- .4 note the progress on the development of the database containing chemicals most commonly associated with treated ballast water, developed to facilitate the work of the Group.

2.11 Having considered document MEPC 64/2/12 (IUCN) calling for minimization of the confidential information regarding ballast water management systems that make use of Active Substances, the Committee urged interested Members to ensure full transparency and to minimize confidentiality in support of rapid ratification of the BWM Convention.

REVIEW OF THE AVAILABILITY OF BALLAST WATER TREATMENT TECHNOLOGIES

2.12 The Committee noted the information regarding the latest type-approved ballast water management systems provided in the following documents:

- .1 MEPC 64/INF.4 (Norway) on the type approval of the OceanSaver® Ballast Water Management System;
- .2 MEPC 64/INF.12 (China) on the type approval of the Cyeco™ Ballast Water Management System;
- .3 MEPC 64/INF.17 (Japan) on type approval of the MICROFADE Ballast Water Management System;
- .4 MEPC 64/INF.18 (Republic of Korea) on the type approval of the AquaStar™ Ballast Water Management System;
- .5 MEPC 64/INF.20 (Germany) on the type approval of the BalPure® BP 500 Ballast Water Management System;
- .6 MEPC 64/INF.26 (Greece) on the type approval of the ERMA First Ballast Water Management System; and
- .7 MEPC 64/INF.33 (Republic of Korea) on the Type Approval of the ARA PLASMA BWTS Ballast Water Management System,

which increases the total number of type-approved ballast water management systems to 28.

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

2.14 The Committee further noted the information provided in document MEPC 64/INF.13 (United Kingdom) regarding the update to the Industry Guide on ballast water treatment technology and in document MEPC 64/INF.19 (Republic of Korea) regarding information on the availability of ballast water management systems and shipyard installation facilities which shows that by the year 2020 more than 60,000 ballast water management systems would be manufactured in the Republic of Korea alone. The Committee instructed the Ballast Water Review Group to take this information into consideration when conducting its future reviews.

2.15 The Committee recalled that MEPC 63 invited Member States to provide updated information regarding the status of installation of BWMS on board ships in their respective countries based on a template, available in annex 2 of document MEPC 63/23, to assist in sharing such information.

2.16 Having considered documents MEPC 64/2/8 (Hong Kong, China), MEPC 64/2/10 (Japan) and MEPC 64/2/13 (China) providing the information mentioned in paragraph 2.15 above, the Committee requested the Ballast Water Review Group to consider these documents in detail and advise the Committee accordingly.

2.17 In consideration of document MEPC 64/2/16 (ICS) proposing a practical implementation of the BWM Convention and document MEPC 64/2/18 (Liberia et al.) on challenges to the effective implementation of the BWM Convention, the Committee noted the support expressed by several delegations for the proposals put forward in these two documents and in particular the support for an Assembly resolution to address the concerns identified. In this respect, the delegation of Japan expressed its willingness to coordinate the development of such an Assembly resolution, which could be submitted to MEPC 65 for consideration with a view to adoption by the twenty-eighth session of the Assembly in November 2013. Support was also expressed for a provision to stipulate compliance for "existing ships" to be required at the first renewal survey rather than the first intermediate or renewal survey after the anniversary date of the ship in the year of compliance. Some delegations had also expressed their support for the proposal to treat all ships constructed prior to the date of entry into force as "existing ships". A view was also expressed to allow ships over a certain age to continue with deep water ballast exchange as a means of management and control of ballast water.

2.18 Several other delegations did not support the proposals in documents MEPC 64/2/16 and MEPC 64/2/18, opposing in particular any changes to the implementation dates contained in regulation B-3 of the Ballast Water Management Convention based on the fact that sufficient Type Approved systems are available and currently being installed on board ships. Furthermore, Germany cautioned against pre-empting the intentions of the Parties to the Convention and reiterated the view that any amendments to the Convention will only be possible after the entry into force of the instrument. The delegations of Argentina, Belgium and Germany indicated that the process of ratifying the Convention is in a final or advanced stage in their respective countries and that instruments of ratification will be deposited with IMO in the near future.

2.19 After an extensive debate the Committee recognized the concerns of the industry and agreed to the development of an Assembly resolution which could address such concerns. The resolution should aim to ease and facilitate the smooth implementation of the Convention and not to change the application dates contained in regulation B-3. In this respect, the delegation of Japan was requested to provide draft terms of reference for a correspondence group to undertake the development of the Assembly resolution under the coordination of Japan¹. It was also agreed that any amendments to the provisions of the Convention will have to be considered and decided upon after the entry into force.

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2.20 Having considered the draft terms of reference prepared by the delegation of Japan in consultation with other delegations, the Committee agreed to the terms of reference as follows:

"Taking into consideration the relevant data, comments and proposals contained in documents MEPC 64/2/8, MEPC 64/2/10, MEPC 64/2/13, MEPC 64/2/16, MEPC 64/2/18, MEPC 64/INF.5 and MEPC 64/INF.19 and the discussions in plenary, the Correspondence Group on the Assembly resolution on *Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004* is instructed to:

- .1 develop a draft IMO Assembly resolution in relation to the implementation of regulation B-3 of the BWM Convention with a view to its adoption by the twenty-eighth session of the Assembly in 2013, while not pre-empting or circumventing the proper amendment procedure under article 19 of the BWM Convention; and
- .2 submit a written report which contains the draft IMO Assembly resolution to MEPC 65."

2.21 The Committee noted the information regarding the progress of implementation of the BWM Convention and the status of installation of BWMS provided in the following documents:

- .1 MEPC 64/INF.5 (Sweden) on the present status of ballast water management system installations on ships managed by Swedish shipowners;
- .2 MEPC 64/INF.19 (Republic of Korea) on the present status of installation and information on availability of ballast water management systems; and
- .3 MEPC 64/INF.27 (India) on present status of ballast water management system installations on ships registered under the Indian flag,

and thanked Sweden, the Republic of Korea and India for the information provided, requesting at the same time the Ballast Water Review Group to take into account this information when conducting its future reviews.

2.22 The delegations of Malta and Singapore informed the Committee of their recent assessments of the status of ballast water management system installations on ships managed by them, concluding that the results were similar to those reported in writing to this session.

CONSIDERATION AND ADOPTION OF AMENDMENTS TO BWM-RELATED GUIDELINES

2.23 The Committee recalled that MEPC 63 invited interested parties to provide submissions to MEPC 64 on the appropriateness of changing the Guidelines for approval of ballast water management systems (G8), including the general aspects that might be improved through revision, comments on the necessity for any change and the timeline to do so.

2.24 Having considered document MEPC 64/2/17 (ICS), proposing a number of changes to the Guidelines (G8) and considerations regarding sampling and analysis for compliance of ballast water management systems type approved under the existing Guidelines (G8), the Committee requested the Review Group to consider this document in detail and advise the Committee accordingly.

2.25 The Committee, having considered document MEPC 64/2/15 (Germany) proposing to develop a common understanding for exercising the discretion of port States in accordance with the Convention in a manner that refrains from initiating criminal prosecution, in combination with further development of parameters and principles for monitoring ballast water management systems, requested the Review Group to consider this document in conjunction with document MEPC 64/2/17 (ICS) and relevant parts of document MEPC 64/2/18 (Liberia et al.) and advise the Committee accordingly.

IMPLEMENTATION OF THE BWM CONVENTION

2.26 Having considered document MEPC 64/2/9 (Singapore) proposing measures to ensure compliance of the Mobile Offshore Units with the BWM Convention by means of the internal circulation method of treating ballast water, described in document MEPC 63/2/13 (Netherlands), the Committee agreed to initiate the development of a unified interpretation subject to further clarification if such an interpretation is possible before the entry into force of the Convention. With regard to who may adopt a unified interpretation and when, the advice received from the Legal Affairs and External Relations Division of the Organization is that, this is to be left to the Parties to the Convention, once it enters into force. This would be in line with article 31 of the Vienna Convention on the Law of the Treaties and would not, however, be construed to preclude the development of a common view even prior to entry into force, but such a common view would not be binding on the Parties. In this respect, the Committee invited Members and observers to submit relevant proposals to MEPC 65.

2.27 Following consideration of document MEPC 64/2/11 (Japan), proposing not to consider the new installation of ballast water management systems "Major conversion" as stipulated in the regulation A-1.4 of the BWM Convention, the Committee agreed with the proposal and instructed the Secretariat to prepare a draft circular in this respect for consideration and approval by MEPC 65.

2.28 Having considered documents MEPC 64/2/14 and MEPC 64/2/20 (Vanuatu) proposing options to address the perceived difficulties regarding the application of the BWM Convention to Offshore Support Vessels, the Committee noted the support expressed by several delegations for the development of a BWM Circular in this respect. Some other delegations were of the view that the provisions of regulation A-4 are sufficient to address the specific situation of offshore support vessels, therefore, there is no need for such a circular. Furthermore, the delegation of Norway emphasized that the text of the Ballast Water Management Convention, its Guidelines and the intention to avoid the spreading of invasive species must prevail in any interpretations of the Convention.

2.29 After some debate, the Committee agreed that a BWM Circular could facilitate the implementation of the provisions of the Convention in the particular case of offshore supply vessels and agreed to instruct the BLG Sub-Committee to initiate the development of such a circular based on the proposals in documents MEPC 64/2/14 and MEPC 64/2/20 under agenda item 4 (please see document BLG 17/1).

CONSIDERATION OF OTHER ASPECTS RELATED TO BALLAST WATER MANAGEMENT AND CONTROL

2.30 The Committee noted the information regarding the compatibility between ballast water management systems and ballast tank coatings provided in documents MEPC 64/INF.16 (NACE International) and MEPC 64/INF.21 (IPPIC) and thanked NACE International and IPPIC for their contributions.

2.31 Having considered document MEPC 64/2/21 (Marshall Islands) expressing support for consideration by the Committee of the standard test method developed by NACE International, presented in document MEPC 64/INF.16, to determine the potential corrosion

effects of ballast water management systems on ballast tanks, the Committee requested the Ballast Water Review Group to take this information into account when considering amendments to Guidelines (G8).

2.32 The Committee agreed with the proposal by INTERTANKO to request the Secretariat to consider the possibility of compiling the Ballast Water Management Guidelines and the relevant guidance documents to be made available on the IMO website.

ESTABLISHMENT OF THE BALLAST WATER REVIEW GROUP

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

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

- .1 review the availability of ballast water treatment technologies taking into consideration the relevant comments and proposals contained in documents MEPC 64/2/8, MEPC 64/2/10, MEPC 64/2/13, MEPC 64/2/16, MEPC 64/2/18 and the information provided in documents MEPC 64/INF.4, MEPC 64/INF.5, MEPC 64/INF.12, MEPC 64/INF.13, MEPC 64/INF.17, MEPC 64/INF.18, MEPC 64/INF.19, MEPC 64/INF.20, MEPC 64/INF.26, MEPC 64/INF.27 and MEPC 64/INF.33 and advise the Committee on whether appropriate technologies are available to achieve the standard contained in regulation D-2 of the BWM Convention;
- .2 consider the proposal to amend the Guidelines for approval of ballast water management systems (G8), as adopted by resolution MEPC.174(58), contained in documents MEPC 64/2/15, MEPC 64/2/17, MEPC 64/2/18 and MEPC 64/2/21 and the information contained in documents MEPC 64/INF.16 and MEPC 64/INF.21 and propose an appropriate course of action;
- .3 consider the remaining challenges to effective implementation of the BWM Convention identified in document MEPC 64/2/18, including those related to survey and certification and sampling and analysis procedures, taking into account the relevant proposals contained in documents MEPC 64/2/15 and relevant parts of MEPC 64/2/16 and MEPC 64/2/17 and propose an appropriate course of action; and
- .4 submit a written report on the review conducted, including its findings and recommendations, to plenary on Thursday, 4 October 2012."

CONSIDERATION OF THE REPORT OF THE BALLAST WATER REVIEW GROUP

2.34 Having considered the report of the Ballast Water Review Group (MEPC 64/WP.8), the Committee approved it in general and took action as outlined in the following paragraphs.

2.35 The observer from ICS, supported by the delegations of China, Cuba, Greece, Liberia, Malta, the Marshall Islands, Panama, Vanuatu, BIMCO, INTERCARGO, IPTA, ITF and WSC, made a statement expressing disappointment with regard to some of the conclusions of the Ballast Water Review Group. The full statement is set out in annex 1.

2.36 The Committee agreed with the proposal by INTERTANKO to instruct the BLG and FSI Sub-Committees that sampling and analysis procedures for port State control should be no more stringent than what is required for Type Approval of ballast water management systems.

2.37 The delegation of the Bahamas, supported by INTERTANKO, stated that it could not agree with the view of the Review Group, that amendment of the Guidelines (G8) was not necessary at this stage, citing the large number of concerns set out in paragraph 16 of the Group's report. It also expressed its preference that the Guidelines (G8) address these concerns directly rather than through expansion of the BWM Circular as proposed. The Committee decided to note the view of the Group in respect of the need for amendment of the Guidelines (G8).

2.38 With regard to the actions requested by the Review Group, the Committee (paragraph and annex numbers in brackets are those of document MEPC 64/WP.8):

- .1 agreed that appropriate technologies are available to achieve the standard contained in regulation D-2 of the BWM Convention (paragraph 6);
- .2 requested delegations to submit case studies including quantitative data and information to document problems with the supply, operation and suitability of Type-Approved ballast water management systems to the BLG Sub-Committee to facilitate more informed analysis of these aspects (paragraph 9);
- .3 noted the view of the Group that a new set of amendments to Guidelines (G8) is not necessary at this stage (paragraph 14);
- .4 instructed BLG 17 to further consider the draft text provided to improve resolution MEPC.175(58) and request Member States and observers to submit relevant proposals in this respect (paragraph 15 and annex 1);
- .5 instructed BLG 17 to provide additional guidance with regard to application of the provisions contained in Guidelines (G8), including expansion of BWM.2/Circ.28 and invited Member States and observers to submit relevant proposals in this respect (paragraph 16);
- .6 instructed BLG 17 to further develop the proposals made in document MEPC 64/2/15 and invited Member States and observers to submit relevant comments in this respect (paragraph 18);
- .7 agreed to extend the deadline for submissions of such documents as mentioned in paragraph .6 above to Friday, 30 November 2012 (paragraph 18);
- .8 approved the Circular on issuance of Ballast Water Management Certificates prior to entry into force of the BWM Convention and instructed the Secretariat to expand it with respect to acceptance of Ballast Water Management Plans approved according to resolution A.868(20), as agreed by MEPC 63, and to disseminate it as BWM.2/Circ.40 (paragraphs 20 and 21);
- .9 agreed that urgent matters related to ballast water management and control emanating from BLG 17 be reported to MEPC 65 (paragraph 22); and
- .10 agreed to re-establish the Review Group at MEPC 65 in accordance with the provisions of regulation D-5 of the BWM Convention (paragraph 23).

2.39 The Committee thanked the Chairman of the Review Group and its members for their hard work.

3 RECYCLING OF SHIPS

3.1 The Committee recalled that MEPC 63 had adopted the *2012 Guidelines for safe and environmentally sound ship recycling* and the *2012 Guidelines for the authorization of ship recycling facilities*.

3.2 The Committee also recalled that MEPC 63 had agreed to re-establish the intersessional Correspondence Group on Ship Recycling Guidelines which had been instructed to further develop the draft text of the two remaining guidelines: the *Guidelines for the survey and certification of ships under the Hong Kong Convention* (Survey and Certification Guidelines) and the *Guidelines for the inspection of ships under the Hong Kong Convention* (Inspection Guidelines).

Planning of the work

3.3 The Committee had for its consideration, eight documents submitted under the agenda item, covering the following issues:

- .1 There were four submissions addressing the development of the Survey and Certification Guidelines and the Inspection Guidelines. Two of these submissions formed the report of the correspondence group, which had been submitted by Japan as the group's coordinator (MEPC 64/3/2 and MEPC 64/3/3). One further submission by China (MEPC 64/3/5) proposed an additional definition for the draft Survey and Certification Guidelines, and one submission by ICS and industry co-sponsors (MEPC 64/3/6) provided comments on the Inspection Guidelines.
- .2 There were three further documents proposing amendments to the *2011 Guidelines for the development of the inventory of hazardous materials*. One of these submissions was by China (MEPC 64/3/4), proposing the establishment of a specific threshold value for asbestos to be set at 1 per cent. The other two submissions by ICS and industry co-sponsors (MEPC 64/3 and MEPC 64/3/1) also highlighted the importance of the further establishment of threshold levels and exemptions for materials which are listed in the Inventory of Hazardous Materials, and proposed draft lists of threshold values and exemptions.
- .3 Finally, there was one information document by the Secretariat (MEPC 64/INF.2) intended to assist the Committee and other stakeholders to reach a better understanding of the conditions for the Convention's entry into force. The document presented the compilation of published ship recycling volume data for the last 10 years up to and including 2011, which can be used by the Depositary until April 2013 for determining the entry-into-force condition on ship recycling volume, in accordance with resolution MEPC.178(59).

3.4 In connection to the submissions on threshold levels and exemptions, the Committee recalled that on three earlier sessions, the Working Group on Ship Recycling at MEPC 59, MEPC 61 and MEPC 62 had discussed the issue of threshold values but, while recognizing the need to address the issue, the group had felt unable in the limited time available to grasp the complex technical issues that arise in connection with this matter. The Committee also recalled that both China and ICS and industry co-sponsors had submitted documents to MEPC 62 addressing the same issue and stressing that there was a pressing need for the development of threshold values and exemptions, as presently there

was an increasing number of inventories of hazardous materials being compiled for ships on a voluntary basis. The Committee also noted that the Inventory Guidelines, where threshold values and exemptions are listed, were first adopted by MEPC 59 and then revised by MEPC 62.

3.5 The Committee agreed to discuss in plenary only the reports of the correspondence group, while the remaining documents would be introduced in and considered by the working group. Furthermore, the Committee agreed to instruct the working group to also consider whether it may be more appropriate to address the issue of threshold levels and exemptions by a correspondence group, where time would not be as limited and where delegations would have a better opportunity to consult their experts.

Development of the guidelines and related matters

3.6 In considering the reports of the intersessional correspondence group (MEPC 64/3/2 and MEPC 64/3/3), the Committee noted that the group had made good progress on the development of the Survey and Certification Guidelines and the Inspection Guidelines, which were the last two remaining guidelines whose development was required by the Hong Kong Convention.

3.7 The Committee thanked Japan for its continuing contribution as coordinator of the correspondence group and all the members of the group for their excellent work.

Establishment of the Working Group on Ship Recycling

3.8 Having considered the above issues, the Committee established the Working Group on Ship Recycling under the chairmanship of Dr. Claude Wohrer (France) with the following terms of reference:

"Taking into account comments, proposals and decisions made in plenary, the Working Group on Ship Recycling is instructed to:

- .1 further develop the draft Guidelines for the survey and certification of ships under the Hong Kong Convention, using as basis the text contained in document MEPC 64/3/3 and taking into account the comments and proposals in document MEPC 64/3/5;
- .2 further develop the draft Guidelines for the inspection of ships under the Hong Kong Convention, using, as basis, the text contained in document MEPC 64/3/2 and taking into account the comments and proposals in document MEPC 64/3/6;
- .3 consider the comments and proposals in documents MEPC 64/3, MEPC 64/3/1 and MEPC 64/3/4 regarding the further establishment of threshold values and exemptions applicable under the Hong Kong Convention;
- .4 consider and recommend whether an intersessional correspondence group on ship recycling should be established to address threshold values and exemptions; and if so, develop draft terms of reference for the group; and
- .5 submit a written report to plenary on Thursday, 4 October 2012."

Report of the Working Group on Ship Recycling

3.9 The Committee considered and approved the report of the working group (MEPC 64/WP.9) in general and, in particular (paragraph and annex numbers are those of document MEPC 64/WP.9, unless stated otherwise):

- .1 noted the discussions of the group on the development of the draft Guidelines for the survey and certification of ships under the Hong Kong Convention (paragraphs 4 to 19 and annex to annex 1);
- .2 adopted the *2012 Guidelines for the survey and certification of ships under the Hong Kong Convention* by resolution MEPC.222(64), as set out in annex 2 to this report;
- .3 noted the discussions of the group on the development of the draft Guidelines for the inspection of ships under the Hong Kong Convention (paragraphs 20 to 31 and annex to annex 2);
- .4 adopted the *2012 Guidelines for the inspection of ships under the Hong Kong Convention* by resolution MEPC.223(64), as set out in annex 3 to this report;

In adopting the *2012 Guidelines for the inspection of ships under the Hong Kong Convention*, and in relation to section 2.2, the Committee considered a question by a delegation as to how a PSCO can determine whether there are inconsistencies in the Inventory of Hazardous Materials, when the guidelines make no direct provision for its inspection. The Committee agreed that, in accordance with section 2.1.1, the PSCO initially inspects the International Certificate on Inventory of Hazardous Materials or the International Ready for Recycling Certificate, both of which are supplemented by the Inventory of Hazardous Materials, as explained in paragraph 22 of the working group's report (MEPC 64/WP.9)*;

- .5 noted the discussion on the development of threshold values and exemptions applicable to the materials that are to be listed in Inventories of Hazardous Materials (paragraphs 34 to 40); and
- .6 agreed to the establishment of an intersessional correspondence group on ship recycling, under the coordination of the United States² and approved the terms of reference for the group as follows:

- The delegation of Spain raised two particular questions for the Committee to provide clearer guidance at its next session: (a) how will the PSCO, at the time of an initial inspection of the ship's certificates which incorporate the Inventory of Hazardous Materials, without undergoing a physical inspection, obtain clear grounds that the Inventory of Hazardous Materials does not represent correctly the structure or equipment of the ship; and (b) whether failure to update the vessel's Inventory of Hazardous Materials at the renewal survey should be considered at subsequent port State control inspections as being a detainable deficiency.

²

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"On the basis of the outcome of MEPC 64 and the report of the working group (MEPC 64/WP.9), the Correspondence Group on ship recycling is instructed to:

- .1 develop threshold values and exemptions applicable to the materials to be listed in Inventories of Hazardous Materials and consider the need to amend accordingly the *2011 Guidelines for the development of the inventory of hazardous materials*; and
- .2 report the outcome of its deliberations to MEPC 65."

3.10 The Committee thanked the Chairman, members and the Secretary (Dr. Nikos Mikelis) of the Working Group for their hard and efficient work.

4 AIR POLLUTION AND ENERGY EFFICIENCY

4.1 The Committee agreed that, in addition to the documents submitted under agenda item 4, documents MEPC 64/7/1 concerning the date on which the SEEMP is required to be placed on board existing ships, and MEPC 64/7/3 on unified interpretation regarding completion of the supplement to the International Air Pollution Prevention (IAPP) Certificate should be considered under this agenda item.

Order of discussion

4.2 The Committee considered the various issues in the following order:

Draft MEPC resolution

- .1 Draft MEPC resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships;

Air pollution from ships

- .2 Outcome of BLG 16;
- .3 Supplement to the International Air Pollution Prevention (IAPP) Certificate;
- .4 Assessment of availability of fuel oil under MARPOL Annex VI;
- .5 Review of the status of the technological developments to implement Tier III NO_x standards;
- .6 Treatment of ozone-depleting substances used to service ships;
- .7 Sulphur monitoring for 2011;
- .8 Guidelines for certification of engines using SCR system;
- .9 On-shore power supply;

Energy efficiency for Ships

- .10 Unified interpretations for chapter 4 of MARPOL Annex VI;
- .11 Guidelines for determining minimum propulsion power and speed to enable safe manoeuvring in adverse weather conditions;
- .12 Speed trial and model test;
- .13 Draft IMO model course on energy efficient operation of ships;
- .14 Guidelines for calculation of the EEDI;
- .15 Matters relating to SEEMP;
- .16 Guidance on treatment of innovative energy efficiency technologies;
- .17 Guidelines for the calculation of the coefficient f_w ;
- .18 Work in accordance with the work plan for energy efficiency measures; and
- .19 Energy efficiency measures.

DRAFT MEPC RESOLUTION ON PROMOTION OF TECHNICAL CO-OPERATION AND TRANSFER OF TECHNOLOGY RELATING TO THE IMPROVEMENT OF ENERGY EFFICIENCY OF SHIPS

4.3 The Committee recalled that MEPC 62 had agreed that capacity-building, technical assistance and transfer of technology were important elements in a future comprehensive regulatory framework to promote energy efficiency in international shipping, and included regulation 23 of MARPOL Annex VI on promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships in the amendments adopted by resolution MEPC.203(62). MEPC 62 also agreed to develop an MEPC resolution on this matter (MEPC 62/24, paragraphs 6.94 and 6.101).

4.4 The Committee also recalled that a draft MEPC resolution on capacity-building, technical assistance and transfer of technology related to energy efficiency measures for ships had been submitted by the Chairman to MEPC 63, as document MEPC 63/5/4.

4.5 The Committee further recalled that MEPC 63 continued developing the draft MEPC resolution. However, due to time constraints and concerns raised by some delegations, it was not possible to finalize the draft resolution. MEPC 63 agreed to continue to work on the draft resolution at MEPC 64, with a view to its adoption (MEPC 63/23, paragraph 4.74).

4.6 The Committee considered following documents relating to the draft MEPC resolution: MEPC 64/4/1 (the Chairman), MEPC 64/4/22 (the Vice-Chairman), MEPC 64/4/24 (Angola, China, Jamaica, Nigeria, South Africa and Venezuela), MEPC 64/4/30 (Angola, Argentina, Brazil, China, India, Jamaica, Nigeria, Peru, South Africa and Venezuela), MEPC 64/4/44 (Australia, Canada, Germany, Japan, Marshall Islands, Norway and United States), MEPC 64/4/46 (South Africa), and relevant parts of MEPC 64/5/9 (Brazil, China, India, Peru, Saudi Arabia and South Africa).

4.7 The Chairman explained to the Committee that, in evaluating the progress made between MEPC 62 and until the opening of this session, the views expressed in the submissions to this session had isolated three major issues that if they be tackled in a precise, cooperative and constructive manner should bring convergence to the different views.

4.8 The Chairman identified the three issues as CBDR, technology transfer and funding:

- .1 on the issue of CBDR, the Chairman explained that the working group could provide, if no agreement was found, options of different formulation even the option of square brackets with no text, meaning no CBDR;
- .2 on the issue of technology transfer, the Chairman explained that the working group should focus on what is required rather than the exact process, which should be described in the third issue; and
- .3 on the issue of funding, the Chairman explained that the working group should shape the process and leave the final details for a discussion by a different body, such as an expert group or a forum, etc.

4.9 Based on the explanations by the Chairman given above, the Committee was convinced and agreed to forward all the documents on the draft MEPC resolution to a dedicated working group, without general debate in Plenary, as a continuation of the working group established during the last session.

Establishment of Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships

4.10 The Committee established the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships under the chairmanship of Mr. Arsenio Dominguez (Panama), with the following terms and reference:

"Taking into account the documents submitted, and the three points identified by the Chairman as the basis for the deliberations: CBDR, transfer of technology and funding; the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships is instructed to:

- .1 debate and finalize the text for these specific points:
 - .1 CBDR;
 - .2 transfer of technology; and
 - .3 funding;
- .2 finalize the remaining text using document MEPC 64/4/1 as the basis; and
- .3 submit a written report to plenary."

Outcome of the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships

4.11 The Committee received the report of the Working Group on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships (MEPC 64/WP.10). In his introduction of the report, the Chairman of the Working Group, Mr. Arsenio Dominguez (Panama), highlighted that the working group had:

- .1 made further significant progress with the finalization of the text of the draft resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships, as set out in the annex to document MEPC 64/WP.10;
- .2 agreed to request that the Secretary-General consider appointing a focal point within the Secretariat, at no extra cost to the Organization, to support Member States that request assistance in relation to the promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships; and
- .3 agreed to invite the Committee to use the draft resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency of ships, as set out in the annex to document MEPC 64/WP.10, as the basis for further discussions.

4.12 The Committee agreed that the text in the annex to document MEPC 64/WP.10 is the Committee's interim agreement on the draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency for ships.

4.13 This agreement provides a solid basis for finalization of the Resolution at MEPC 65 (13-17 May 2013). In this regard, the Committee agreed that submissions on this issue to MEPC 65 should be restricted to comments relating to the specific paragraphs of the draft resolution.

4.14 The Chairman and Vice-chairman offered their services to engage themselves with interested delegations in the intersessional period for informal discussions in order to pave the way for finalization of the resolution at MEPC 65.

4.15 The Committee, recalling the reasoning set out in paragraphs 4.7 and 4.8, agreed also to re-establish the Working Group on the draft MEPC Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the improvement of energy efficiency for ships at the next session with the same terms of reference.

4.16 As requested, a statement made by the delegation of Venezuela is set out in annex 4.

AIR POLLUTION FROM SHIPS

Outcome of BLG 16

4.17 The Committee noted that BLG 16 considered matters concerning the use of continuous NO_x monitoring to demonstrate compliance with the Tier III NO_x emission limit, and further considered the impact on the arctic of emissions of Black carbon from international shipping (BLG 16/16, paragraphs 8.7 to 8.13 and 15.1 to 15.19).

4.18 The Committee also noted that BLG 16 prepared a new priority list of necessary guidelines to support implementation and enforcement of MARPOL Annex VI and the NO_x Technical Code 2008, and established a correspondence group to progress the development of the remaining guidelines and guidance documents as a consequence of the amended MARPOL Annex VI and the NO_x Technical Code 2008 (BLG 16/16, paragraphs 5.58 and 8.59).

Sampling of fuel oil used on board ships

4.19 The Committee recalled that MEPC 62, having noted that there was a need to establish separate procedures for sampling of fuel oil being used on board ships, had endorsed terms of reference for BLG 16 to develop draft guidelines on the sampling procedure for fuel oil being used on board ships with 2012 as the target completion year (MEPC 62/24, paragraph 4.56.1).

4.20 The Committee noted that, during the discussion at BLG 16, a number of delegations supported the development of guidelines for a sampling procedure to enable effective control and enforcement of fuel oil being used on board ships under the provision of regulations 14.4 and 14.6 of MARPOL Annex VI, in recognizing the fact that, during some port State control and flag State inspections, fuel oil is being sampled in order to enable verification of the fuel oil being used on board the ship.

4.21 The Committee also noted that other delegations were of the view that, under regulation 14 of MARPOL Annex VI, sampling of fuel oil used on board ships is not identified as a means to determine compliance, and that there was potential for the ship to be unduly delayed for fuel oil sampling and analysis. Several delegations were of the view that, if such sampling guidelines were needed, amendments to MARPOL Annex VI would be necessary.

4.22 The Committee further noted that BLG 16 agreed to report back to the Committee these discussions, and not to develop either guidelines or guidance on the sampling procedure for fuel oil being used on board ships.

4.23 The Committee agreed to instruct the Working Group on Air Pollution and Energy efficiency to further consider this matter and recommend to the Committee an appropriate way forward.

Unified interpretation for continuous-feed type shipboard incinerators

4.24 The Committee noted that BLG 16 considered document BLG 16/11/4 (Germany and IACS) proposing a unified interpretation for the use of sludge oil during the warm-up process of continuous-feed type shipboard incinerators, and developed the draft unified interpretation, as set out in annex 6 to document BLG 16/16, for consideration and approval by MEPC 64.

4.25 The Committee approved the unified interpretation for continuous-feed type shipboard incinerators, and requested the Secretariat to disseminate it, together with the unified interpretations as specified in paragraph 4.112.5, by MEPC.1/Circ.795.

Supplement to the International Air Pollution Prevention (IAPP) Certificate

4.26 The Committee recalled that MEPC 63 considered document MEPC 63/7/8 (IACS) highlighting that section 2.3 of the supplement to IAPP Certificate will lead to situations that do not accurately reflect the current or future means by which the ship intends to operate either when inside/outside an Emission Control Area (ECA) or when lower sulphur limits enter into force. MEPC 63 agreed to invite IACS to develop a unified interpretation on this matter (MEPC 63/23, paragraph 4.45).

4.27 The Committee considered document MEPC 64/7/3 (IACS) providing IACS unified interpretation MPC 101 regarding completion of the supplement to the International Air Pollution Prevention (IAPP) Certificate. IACS interpreted that "as documented by bunker delivery notes" in section 2.3 of the supplement allows for an "x" to be entered in advance of

the dates indicated in all of the relevant check boxes, recognizing that the bunker delivery notes provide the subsequent means to check that a ship is actually operating in a manner consistent with the intent as given in section 2.3.

4.28 The Committee agreed to instruct the Working Group on air pollution and energy efficiency to develop a draft unified interpretation based on IACS unified interpretation MPC 101 as a basis.

Assessment of availability of fuel oil under MARPOL Annex VI

4.29 The Committee recalled that MEPC 62 had considered documents MEPC 62/4/5 (United States) providing the report of the Correspondence Group on the assessment of availability of fuel oil under MARPOL Annex VI, including a draft methodology framework to examine the availability of compliant fuel, and MEPC 62/4/21 (ICS) providing comments on the need for early validation and refinement of a fuel availability model.

4.30 The Committee also recalled that some delegations had supported the proposal by ICS to undertake a preliminary study during the period 2012-2013 with a focus on availability of compliant fuel oil in Emission Control Areas (ECA). Other delegations were of the view that carrying out such a preliminary study would not lead to an effective validation for global supply of compliant-fuel oil in 2020 as the scope of the study would be limited only to ECA (MEPC 62/24, paragraphs 4.44 to 4.49).

4.31 The Committee noted that no submission had been received at MEPC 63 on this matter, and it agreed to invite Member Governments and interested delegations to submit concrete proposals to MEPC 64 for further consideration.

4.32 The Committee considered document MEPC 64/4/17 (ICS) proposing that, during the period 2012-2014, the fuel availability model proposed by the Correspondence Group on the assessment of availability of fuel oil under MARPOL Annex VI be used to carry out a preliminary study to provide fuel availability scenarios for the period 2015-2016. ICS considered that a preliminary assessment using data on the availability of compliant fuel oil in Emission Control Areas would provide essential information for the validation and refinement of the model prior to the critical review of fuel availability that is to be carried out under regulation 14.8 of MARPOL Annex VI.

4.33 The Committee considered document MEPC 64/4/41 (United States) opposing the early initiation of the assessment of availability of fuel oil under MARPOL Annex VI, as the results of an earlier preliminary analysis would be of little value in assessing fuel availability in 2020, for several reasons. The United States concluded that performing an additional analysis either for an earlier period or for a different set of standards could not be likely to achieve additional reliability and would come at an additional cost.

4.34 A number of delegations recognized that a preliminary study for the assessment of the availability of compliant fuel oil in 2020, could provide further information to industries, such as retail operations and distribution from refiners to suppliers etc. and that it would be important in identifying sooner rather than later what action is necessary to ensure availability of compliant fuel oil, and supported the preliminary study proposed by ICS.

4.35 Other delegations expressed the view that the preliminary study could not provide additional certainty with respect to the availability of compliant fuel oil due to the difference in fuel sulphur limits of the fuels to be studied, the specific geographic location that ECA compliant fuel oil is to be used, and that the assessment methodology developed by the Correspondence Group contains proven models that do not need revalidation, and so did not support the preliminary study proposed by ICS.

4.36 The Committee agreed that this matter should be reconsidered at a future session and invited interested delegations to submit proposals to MEPC 66.

Review of the status of the technological developments to implement the Tier III NO_x emissions standards

4.37 The Committee recalled that regulation 13.10 of MARPOL Annex VI calls for a review of the status of technological developments to implement the Tier III NO_x emissions standards to begin in 2012 and be completed no later than 2013, and that, following consideration and agreement of terms of reference, MEPC 62 established a correspondence group to carry out this review (MEPC 62/24, paragraph 4.24).

4.38 The Committee considered documents MEPC 64/4/16 and MEPC 64/INF.8 (United States) providing an interim report on the work of the Correspondence Group on Assessment of Technological Developments to Implement the Tier III NO_x Emission Standards under MARPOL Annex VI. The correspondence group made substantial progress in defining and evaluating technologies that are expected to be used to meet the Tier III NO_x emission limits, especially with regard to selective catalytic reduction (SCR) and exhaust gas re-circulation (EGR) technologies. A final report will be submitted to MEPC 65 including a recommendation as to whether the effective date in regulation 13.5.1.1 of MARPOL Annex VI should be retained or, if adjustment is needed, reason given behind that adjustment.

4.39 The Committee considered document MEPC 64/4/35 (Japan) providing the results of technological development of SCR systems for compliance with the Tier III NO_x emission standard, including data of shipboard testing of SCR systems. Japan emphasized that the results of the project indicated that the SCR systems could satisfactorily comply with the Tier III NO_x emission limits as set out in regulation 13.5.1.1 of MARPOL Annex VI. Japan concluded that SCR are a possible technology that can be used by ships to comply with the Tier III NO_x emission standards.

4.40 ICOMIA expressed the view that it had yet to be satisfied that all yacht designs would be able to both accommodate the demands of SCR treatment systems and remain commercially viable. ICOMIA was of the view that all aspects of Tier III compliance including consideration of the certification and compliance with Tier III limit under operational conditions must be assessed in every possible detail. As requested, the statement is set out in annex 5.

4.41 The Committee agreed to consider this matter further at MEPC 65, when the final report of the correspondence group will be submitted.

Treatment of Ozone-depleting substances used to service ships

4.42 The Committee recalled that MEPC 63 had agreed to request the Secretariat to continue liaising with Ozone Secretariat and provide an update on the work of the Montreal Protocol to MEPC to facilitate the Committee's deliberation (MEPC 63/23, paragraph 4.54).

4.43 The Committee considered document MEPC 64/4/4 (Secretariat) presenting updated information on consideration by the Parties to the Montreal Protocol of the treatment of Ozone Depleting Substances used by international shipping.

4.44 The Committee noted documents MEPC 64/INF.10 (Secretariat) providing the report for a study on the treatment of Ozone-depleting Substances used to service ships undertaken by Lloyd's Register, and MEPC 64/INF.28 (Secretariat) outlining the outcome of the 32nd Open-ended Working Group meeting of the Parties to the Montreal Protocol including a "Draft decision on trade of controlled substances with ships sailing under a foreign flag".

4.45 The Committee agreed to request the Secretariat to continue liaising with the Ozone Secretariat, and provide an update on the work of the Montreal Protocol, for consideration at its next session to facilitate the Committee's deliberation of this issue.

Sulphur monitoring for 2011

4.46 The Committee recalled that, in accordance with regulation 14.2 of MARPOL Annex VI and the *2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships* adopted by resolution MEPC.192(61), the results of sulphur monitoring should be presented to a subsequent session of the Committee every year (in this case, MEPC 64).

4.47 The Committee noted the information provided in document MEPC 64/4 (Secretariat) on the outcome of the monitoring of the worldwide average sulphur content of marine fuel oils supplied for use on board ships through 2011, which shows the average sulphur content of residual fuel (2.65%) and distillate fuel (0.14%) for 2011.

Guidelines for certification of engines using SCR system

4.48 The Committee recalled that MEPC 62 had adopted, by resolution MEPC.198(62), the 2011 Guidelines addressing additional aspects to the NO_x Technical Code 2008 with regard to particular requirements related to marine diesel engines fitted with SCR systems (MEPC 62/24, paragraph 4.56.5).

4.49 The Committee considered document MEPC 64/4/2 (EUROMOT) proposing to amend the formula for deriving the NO_x reduction rates in paragraph 2.3.11 of the 2011 Guidelines. Due to deviations between onboard conditions and reference conditions for pre-certification test, EUROMOT emphasized that $C_{inlet, pre-certification}$ should be used as denominator in the formula for the NO_x reduction rates, instead of C_{inlet} .

4.50 The Committee considered document MEPC 64/4/40 (United States) opposing the amendment to the 2011 Guidelines proposed by EUROMOT as the amendment is based on the assumption that all SCR reductant dosing controllers will be "feed-forward" type, meaning that the controller will dose reductant based on a predetermined rate. The United States considered that acceptance of the amendment by EUROMOT would encourage calibration of the SCR to the ideal conditions of the test bed only (feed-forward control), which could result in higher NO_x emissions under actual conditions, and that "feedback control" based reductant dosing should be considered as its commonly used in mobile land-based applications.

4.51 Some delegations expressed the view that both types of control system for SCR reductant injection rate (feed-forward and feedback control) should be allowed to comply with Tier III NO_x emission limit.

4.52 The majority did not support the amendments to the 2011 Guidelines proposed by EUROMOT with some delegations noting that there is a possibility that the stringency of the requirements in regulation 13 of MARPOL Annex VI would be reduced.

On-shore power supply

4.53 The Committee recalled that MEPC 54 had considered document MEPC 54/4/3 (Germany and Sweden) proposing standardization of on-shore power supply connections for ships in ports, and MEPC 55 had considered document MEPC 55/4/6 (Secretariat) providing a report on on-shore power supply, and two documents commenting on the report (MEPC 55/4/13 by Sweden and MEPC 55/4/10 by IMarEST).

4.54 The Committee recalled also that MEPC 59 had noted the information provided by ISO (MEPC 59/4/11) concerning the status of ongoing standardization work within ISO and IEC on the shore supply of electric power to ships in port (cold ironing). ISO and IEC subsequently published IEC/PAS 60092-510:2009.

4.55 The Committee considered document MEPC 64/4/3 (Secretariat) presenting information on the development of an international standard, and the growing availability of ports with berths that can provide an on-shore power supply to an appropriately equipped ship.

4.56 The Committee noted the information that ISO had published an on-shore power supply ("cold ironing") standard ISO/IEC/IEEE 80005-1 in July 2012, and that a list of ports providing on-shore power supply is available on the IAPH website, as set out in document MEPC 64/4/3.

4.57 The majority was of the view that ports equipped with on-shore power supply are limited and mandatory requirements for the on-shore power supply should not be developed at this stage.

4.58 The Committee agreed to request the Secretariat to disseminate the information relating to the on-shore power supply, e.g. lists of relevant standards and ports providing on-shore power supply as MEPC.1/Circ.794.

ENERGY EFFICIENCY FOR SHIPS

4.59 The Committee recalled that MEPC 62 had adopted the amendments to MARPOL Annex VI incorporating a new chapter 4 on regulations on energy efficiency for ships, which makes the EEDI mandatory for new ships, and the SEEMP for all ships (MEPC 62/24, paragraph 6.111).

4.60 The Committee recalled also that MEPC 63 had adopted four sets of important guidelines to support the implementation of new chapter 4 of MARPOL Annex VI, and identified other necessary guidelines and unified interpretations to be developed as soon as possible for smooth implementation of the amendments, which will enter into force on 1 January 2013.

Unified interpretations for chapter 4 of MARPOL Annex VI

Definition of "new ships" for Phases 1, 2 and 3, and "major conversion"

4.61 The Committee noted that MEPC 63 had considered documents MEPC 63/4/9 (China) and MEPC 63/4/12 (IACS) seeking interpretation of the terms "new ships" for Phases 1, 2 and 3, and "major conversion" in regulation 2.24 of MARPOL Annex VI. MEPC 63 agreed that a unified interpretation for "major conversion" should be developed using document MEPC 63/4/12 (IACS) as basis, taking into account comments made in document MEPC 63/4/9 (China), and invited IACS to develop a draft unified interpretation and submit it to MEPC 64 for consideration (MEPC 63/23, paragraph 4.24).

4.62 The Committee considered document MEPC 64/4/12 (IACS) providing draft unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework, as well as an interpretation of the phrase "major conversion". IACS prepared two possible interpretations for the definition of new ships based on the definition of new ships for Phase 0.

4.63 The Committee considered document MEPC 64/4/45 (United States) proposing an interpretation for major conversion in regulation 2.24.4 of MARPOL Annex VI that considers any conversion, regardless how extensive, that would make the ship subject to the relevant MARPOL provisions if it were a newly constructed ship, rather than a previously constructed ship. The United States provided a list of seven questions to evaluate whether a ship is a major conversion.

4.64 The Committee agreed to forward these documents to the Working Group for further consideration and instruct it to develop unified interpretations.

Date on which Ship Energy efficiency Management Plan (SEEMP) is required to be placed on board existing ships

4.65 The Committee recalled that MEPC 63 had considered document MEPC 63/7/7 (IACS) seeking the Committee's advice on regulation 5.4.4 of MARPOL Annex VI, in which verification of a SEEMP on board existing ships is required at the first intermediate survey or renewal survey of the IAPP Certificate on or after 1 January 2013. MEPC 63 agreed to invite IACS to develop a draft unified interpretation on this matter and submit it to MEPC 64 for consideration (MEPC 63/23, paragraph 4.29).

4.66 The Committee considered document MEPC 64/4/31 (IACS) providing an IACS unified interpretation on the relationship between the International Energy efficiency (IEE) Certificate and International Air Pollution Prevention (IAPP) Certificate as requested at MEPC 63. IACS sought clarification that the validity of the IAPP certificate should not be impacted by the lack of a SEEMP before the first intermediate/renewal survey on or after 1 January 2013. IACS also sought clarification whether port State control (PSC) action relating to SEEMP would be taken before the ship is obliged to carry an IEE certificate.

4.67 The Committee considered document MEPC 64/7/1 (Marshall Islands) seeking clarification concerning the implementation of MARPOL Annex VI, chapter 4, with respect to the date on which the SEEMP is required to be placed on board existing ships. Marshall Islands provided two options for a possible unified interpretation on the timing for the existing ships to keep on board a SEEMP.

4.68 Some delegations expressed the view that option 2 proposed in document MEPC 64/7/1 would be an appropriate interpretation.

4.69 Other delegations were of the view that, if option 2 was taken, a ship with verified SEEMP and another ship with not yet verified SEEMP would co-exist. This would impair the robustness of regulations in chapter 4 of MARPOL Annex VI and might cause confusion during port State control inspections.

4.70 The Committee agreed that a unified interpretation on the timing for the existing ships to keep on board a SEEMP should be developed based on option 1 in annex to document MEPC 64/7/1. The Committee instructed the Working Group on Air Pollution and Energy efficiency to develop the unified interpretations with respect to the date on which the SEEMP is required to be placed on board existing ships.

4.71 The Committee agreed that the working group should consider comments by the Republic of Korea that the SEEMP should be developed in the working language used on board ships, and by IACS on a need to clarify the applicability of the SEEMP to platforms and drilling rigs as they are not specified in regulations 6.4 and 19 of MARPOL Annex VI.

Calculation of required EEDI for specialized ships designed to carry fruit juices in bulk

4.72 The Committee considered document MEPC 64/4/36/Rev.1 (Liberia and ICS) proposing that ships dedicated to the carriage of fruit juice in refrigerated cargo holds should be considered not as chemical carriers but as other refrigerated cargo ships when referring to tables 1 and 2 of regulation 21 of MARPOL Annex VI. The co-sponsors also propose to develop an MEPC circular providing unified interpretations on the appropriate ship type to be applied under the EEDI regulations for small specialized ship sectors in dedicated trades.

4.73 The Committee agreed to forward the document to the Working Group on Air Pollution and Energy efficiency for further consideration.

Guidelines for determining minimum propulsion power and speed to enable safe manoeuvring in adverse weather conditions

4.74 The Committee recalled that MEPC 62 had agreed to insert regulation 21.5 stating that the installed propulsion power shall not be less than the propulsion power needed to maintain safe manoeuvrability of the ship under adverse weather conditions as defined in the guidelines to be developed by the Organization. MEPC 63 noted that IACS would develop a new iteration of the draft guidelines in time for MEPC 64 as an interim measure and would be the basis for a permanent solution (MEPC 63/23, paragraph 4.17.5).

4.75 The Committee considered document MEPC 64/4/13 and MEPC 64/INF.7 (IACS, BIMCO, INTERCARGO, INTERTANKO and OCIMF) providing draft interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions. The co-sponsors developed the draft interim guidelines based on a three-level assessment approach, in which ships are considered to have sufficient power to maintain the manoeuvrability in adverse conditions if it fulfils any of the three assessment levels.

4.76 The Committee considered document MEPC 64/4/37 (Greece) emphasizing that draft guidelines proposed in document MEPC 64/4/13 do not fully address underpowering concerns for Phase 0 as the resulting required minimum installed power is substantially lower than actual current designs. Greece considers an interim minimum speed requirement for Phase 0 is safer and more appropriate.

4.77 The Committee considered document MEPC 64/4/42 (Japan and the Republic of Korea) opposing the proposal by Greece in document MEPC 64/4/37. The co-sponsors highlighted that the minimum power lines for level 1 verification in the draft guidelines should be set for all the existing ships to comply with. The co-sponsors, noting that there are many issues to be reviewed in detail, proposed that a correspondence group be established to undertake this review and the relevant parts of resolution MSC.137(76) on *Standards for ship manoeuvrability* can be used as a voluntary interim guidelines for Phase 0.

4.78 Some delegations supported the interim minimum speed requirements for Phase 0 proposed by Greece. Many delegations expressed the view that interim minimum propulsion power is an appropriate way forward to maintain the manoeuvrability of ships and did not support the minimum speed requirements.

4.79 Some delegations expressed the view that draft interim guidelines proposed by IACS is too stringent as 10 per cent of existing ships do not comply with level one of the minimum power requirements despite the fact that these ships operate safely without manoeuvring problems.

4.80 The majority supported the draft interim guidelines proposed by IACS and recognized that the draft interim guidelines need to be considered carefully and further modified at this session.

4.81 The Committee agreed that the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions should be developed based on the draft text provided in the annex to document MEPC 64/4/13, taking into account comments provided in documents MEPC 64/4/37 and MEPC 64/4/42. The Committee instructed the Working Group on Air Pollution and Energy efficiency to develop draft interim guidelines with a view to finalization and adoption at this session, and consider the need for technical advice from the SLF Sub-Committee.

Speed trial and model test

4.82 The Committee recalled that the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships had considered this matter and invited ITTC to finalize an ITTC standard on a method for performing sea trials within this year, taking into account the proposal in document MEPC 62/5/5 (Norway). MEPC 63 noted that ITTC would develop a standard for assessment of speed and power performance by analysis of speed trial data in time for MEPC 64 (MEPC 63/23, paragraph 4.17.4).

4.83 The Committee considered documents MEPC 64/4/15 and MEPC 64/INF.6 (ITTC) introducing the Recommended Procedure 7.5-04-01-01.2, "Speed/power trials, part 2, analysis of speed/power trial data" to replace ISO 15016 for the evaluation of sea trial measurements. The procedure consists of two parts: part one addresses the preparation and conduct of speed/power sea trial measurements; and part two concerns the correction methods for the sea trials, and improves on the existing ISO 15016 taking into account the "Sea Trial Analysis" (STA) method.

4.84 The Committee considered document MEPC 64/4/43/Rev.1 (Japan and the Republic of Korea) highlighting that the revised ITTC's method for analysis of speed correction standard in document MEPC 64/INF.6 (ITTC) contains only the direct power method, although ITTC suggests in document MEPC 64/4/15 that two power correction methods (ISO 15016 and direct power method) can be used. The co-sponsors also stressed that the correction method for current which is specified in paragraph 3.5, cannot be found in MEPC.64/INF.6.

4.85 The Committee noted information by ISO on the recent activity to ISO 15016, guidelines for the assessment of speed and power performance by analysis of speed trial data. ISO established a new working group, WG 17, in TC 8/SC 6 (navigation of ship operations), to improve the Wind and Wave correction accuracy from the sea trial condition to EEDI condition, among others. The first expert meeting of the WG 17 was held and made a draft annex A and annex B to ISO 15016 which narrow down the correction method and also improve the accuracy of the correction method itself, and decided that the draft will be put on the voting for issuing Publically Available Specification (PAS), in this year. This PAS will help the relevant parties to calculate a ship's performance in calm water from sea trial data precisely.

4.86 The Committee agreed to forward documents MEPC 64/4/15 and MEPC 64/4/43/Rev.1 to the working group for further consideration.

IMO model course on energy-efficient operation of ships

4.87 The Committee recalled that WMU had finalized a draft model course for energy efficiency operation of ships, as set out in the annex to document MEPC 63/INF.10. MEPC 63 noted that, for other IMO model courses developed to support implementation of IMO Conventions, a validation group had been established, which reviews the model course in question and provides comments and recommendations on the course content and structure. MEPC 63 agreed to establish a validation group to review and update the draft model course on energy-efficient operation of ships for consideration by the Committee at MEPC 65 (MEPC 63/23, paragraph 4.34).

4.88 The Committee considered document MEPC 64/4/5 and MEPC 64/INF.3 (Secretariat) reporting progress on the development of the draft IMO Model Course on energy-efficient operation of ships, and suggesting that the Committee may wish to forward the draft IMO model course to the validation group under the STCW convention to review and provide comments.

4.89 The Committee agreed to request the Secretariat to forward the draft IMO Model Course on energy-efficient operation of ships to the validation group for model courses under the STCW convention to review and provide comments.

Guidelines for calculation of the EEDI

4.90 The Committee recalled that the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships had noted information provided in document MEPC 62/5/21 (BIMCO, CESA, IACS, ICS, INTERCARGO, INTERTANKO and OCIMF) on "The Joint Industry Working Group" established to prepare industry guidelines to facilitate consistent application of the EEDI by supporting the guidelines developed by IMO (MEPC 63/4/11, paragraph 2.60).

4.91 The Committee considered documents MEPC 64/4/32 and MEPC 64/INF.22 (BIMCO, CESA, IACS, ICS, INTERCARGO, INTERTANKO, ITTC, OCIMF and WSC) providing the first version of industry guidelines to provide agreed procedures for the computation and the verification of the EEDI, compliant with the relevant IMO guidelines in resolutions MEPC.212(63) and MEPC.214(63), to be used by the verifiers as well as the submitters when verifying and computing EEDI respectively. The co-sponsors also provided supplementary information on the five topics raised during the development of the industrial guidelines.

4.92 The Committee agreed to encourage the co-sponsors to further develop the industry guidance, and invited interested delegations to provide comments to the following focal point:

Mr. Jean-Francois Segretain
e-mail: jean-francois.segretain@bureauveritas.com

4.93 The Committee considered document MEPC 64/4/29 (China) proposing amendments to the *2012 Guidelines on the method of calculation of the attained energy efficiency design index (EEDI) for new ships* taking into account the case where ship is equipped with more than one main engine. China proposed amendments to calculation methods for shaft generators and for auxiliary engine power P_{AE} for ships equipped with more than one main engine.

4.94 The Committee agreed to forward document MEPC 64/4/29 to the working group for further consideration.

Matters relating to SEEMP

4.95 The Committee considered document MEPC 64/4/33 (CSC and WWF) proposing an enhanced SEEMP (SEEMP Plus) to provide clearer guidance on energy efficiency measures and to support a more targeted approach to energy efficiency on board the ship. The co-sponsors also proposed development of appropriate standardized monitoring, reporting and verification methodologies for the SEEMP.

4.96 Some delegations expressed the view that SEEMP will be implemented from 1 January 2013, and it is therefore too early or premature to amend requirements for SEEMP by introducing the proposed "SEEMP Plus" because at least some experience in implementation is necessary.

4.97 The Committee agreed that the proposed amendments to SEEMP to introduce "SEEMP Plus" were not to be considered at this point in time, noting that the document on the matter may be resubmitted for consideration at a future session. China expressed the view that experience was required of SEEMP before any amendments should be considered.

Guidance on treatment of innovative energy efficiency technologies

4.98 The Committee recalled that MEPC 63 had approved the report of the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships in general and, in particular, noted that Japan would further develop draft guidance for the assessment of innovative energy efficiency technologies in calculation and verification of the attained EEDI in cooperation with interested members (MEPC 63/23, paragraph 4.17.4).

4.99 The delegation of Greece expressed the view that a method of future adjustment of a ship's attained EEDI calculated as a result of utilizing certain innovative technologies, for which insufficient actual experience exists and sea trial tests cannot fully confirm the device's performance, should be included in the guidance.

4.100 The delegation of Japan expressed the view that this guidance document should be regarded as a supplement document to the EEDI calculation Guidelines (resolution MEPC.212(63)) and the EEDI Survey and Certification Guidelines (resolution MEPC.214(63)), and that therefore, it is a prerequisite to keep consistency amongst these documents, namely, use of calm sea conditions, without taking into account the wave or ship motions which occur in actual sea conditions.

4.101 The Committee agreed that documents MEPC 64/4/8 (Denmark, Germany and Japan) and MEPC 64/4/39 (Greece) be forwarded to the Working Group for consideration.

Guidelines for the calculation of the coefficient f_w

4.102 The Committee recalled that the second Intersessional Meeting of the Working Group on Energy efficiency Measures for Ships had agreed that, for the purpose of calculation of the attained EEDI for regulation 20 and 21 of MARPOL Annex VI, f_w should be 1.00. If calculated f_w is used, the attained EEDI using calculated f_w should be presented as "attained EEDI_{weather}" in order to clearly distinguish it from the attained EEDI under regulations 20 and 21 of MARPOL Annex VI (MEPC 63/4/11, paragraph 2.17).

4.103 The Committee also recalled that MEPC 63 had noted that Japan would further develop draft guidelines for the calculation of f_w .

4.104 The Committee agreed that documents MEPC 64/4/7 (Japan), MEPC 64/4/28 (China) and MEPC 64/4/38 (Greece) be forwarded to the working group for consideration.

Work in accordance with the work plan for energy efficiency measures

4.105 The Committee recalled that MEPC 63 had endorsed the work plan and schedule for further development of technical and operational measures for ships (annex 12 to document MEPC 63/23/Add.1), which includes development of regulatory frameworks for passenger ships, ro-ro cargo ships and ro-ro passenger ships, EEDI calculation method for ships having non-conventional propulsion, review of EEDI for large size segment of oil tankers and bulk carriers, and a review of requirements for small ship segments.

4.106 The Committee agreed that the following documents be forwarded to the working group for consideration:

Passenger ships, ro-ro cargo ships and ro-ro passenger ships

MEPC 64/4/6 by Denmark, Japan, Norway and WSC
 MEPC 64/4/9 by Denmark, Japan and Norway
 MEPC 64/4/10 by Denmark, Japan and Norway
 MEPC 64/4/11 by Denmark, Japan and Norway
 MEPC 64/4/14 by Germany, Sweden and CESA
 MEPC 64/4/19 by CLIA
 MEPC 64/4/20 by Denmark, Japan and Norway
 MEPC 64/4/23 by INTERFERRY
 MEPC 64/4/25 by Denmark, Japan, Norway and WSC
 MEPC 64/4/34 by CLIA

EEDI calculation method for ships having non-conventional propulsion

MEPC 64/4/21 by Germany
 MEPC 64/4/26 by Japan, Liberia and SIGTTO

Review of EEDI for large size segment of oil tankers and bulk carriers

MEPC 64/4/27 by China

Review of requirements for small ship segments

MEPC 64/4/18 and MEPC 64/INF.9 by the Netherlands

Energy efficiency measures

4.107 The Committee noted document MEPC 64/INF.23 (Clean Shipping Coalition) elaborating the proposal for "A transparent and reliable hull and propeller performance standard", presented by the Bellona Foundation as a member of CSC at MEPC 63 (MEPC 63/4/8). CSC provided an updated estimate of the potential for GHG emissions reductions related to improvements in hull and propeller performance based on a larger number of ship samples.

Establishment of Working Group on Air Pollution and Energy efficiency

4.108 The Committee established the Working Group on Air Pollution and Energy efficiency, under the Chairmanship of Mr. Koichi Yoshida (Japan), with the following terms and reference:

"Taking into account relevant documents as well as comments and decisions made in plenary, the Working Group on Air Pollution and Energy efficiency is instructed to:

- .1 finalize a unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework, with a view to approval at this session;
- .2 finalize a unified interpretation of the phrase "major conversion", with a view to approval at this session;
- .3 finalize a unified interpretation on the timing for existing ships to have on board a SEEMP, with a view to approval at this session;
- .4 finalize the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions, with a view to adoption by MEPC resolution at this session;
- .5 consider the need for additional technical advice from the SLF Sub-Committee on manoeuvrability of ships in adverse conditions;
- .6 further develop and, if possible, finalize draft guidelines for the calculation of the coefficient f_w , using the annex to document MEPC 64/4/7 as a basis;
- .7 further develop and, if possible, finalize guidance on treatment of innovative energy efficiency technologies, using document MEPC 64/4/8 as a basis;
- .8 consider the need for the development of MEPC circular on the appropriate category to be applied for small specialized ship sectors in dedicated trades;
- .9 review documents MEPC 64/4/29 on the EEDI calculation methods, MEPC 64/4/15 and MEPC 64/4/43/Rev.1 on speed trial and model test;
- .10 continue to work in accordance with the work plan and schedule for further development of technical and operational measures for ships endorsed by MEPC 63 (MEPC 63/23/Add.1, annex 12);
- .11 finalize a draft unified interpretation for section 2.3 of the supplement to the IAPP Certificate, using the annex to document MEPC 64/7/3 as a basis;
- .12 consider and recommend an appropriate way forward on procedures for sampling of fuel oil being used on board ships;
- .13 consider and recommend if an intersessional correspondence group on energy efficiency should be established; and if so, develop draft terms of reference for the group; and
- .14 submit a written report to plenary on Thursday, 4 October 2012."

Outcome of the Working Group on Air Pollution and Energy efficiency

4.109 The Committee received the report of the Working Group on Air Pollution and Energy efficiency (MEPC 64/WP.11). In his introduction of the report, the Chairman of the working group, Mr. Koichi Yoshida (Japan), emphasized that the working group had:

- .1 finalized five sets of unified interpretations, namely a unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework; a unified interpretation of the phrase "major conversion"; a unified interpretation on the timing for existing ships to have on board a SEEMP; a unified interpretation on the appropriate category to be applied for dedicated fruit juice carriers; and a unified interpretation for section 2.3 of supplement to IAPP certificate;
- .2 finalized the draft MSC-MEPC circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions, for further consideration of the associated tables at MSC 91;
- .3 finalized the draft interim guidelines for the calculation of the coefficient f_w for decrease of ship speed in respective sea condition for trial use;
- .4 finalized draft amendments to the *2012 Guidelines on the method of calculation of the attained EEDI* and draft amendments to the *2012 Guidelines on survey and certification of the EEDI*; and
- .5 continued work in accordance with the work plan agreed at MEPC 63.

4.110 The Committee noted the following amendments to document MEPC 64/WP.11:

- .1 Paragraph 6.6 is replaced by the following:

"6.6 The Group agreed that the parameters in table 1 of annex 2 should be determined, at MSC 91, by data sets in which data deviating by more than two standard deviations is eliminated and the others are included.";
- .2 Paragraph 11.5 is replaced by the following:

"11.5 The Group agreed that, as an interim measure until a revised ISO 15016 is published, and the Committee concurs with the revised version of the ISO standard, the ITTC recommendation should be referred to in the guidelines as the preferred method by amending the footnote to paragraph 4.3.8 as contained in annex 5. The Group agreed to invite the Committee to approve the amendments."; and
- .3 Paragraph 12.14 relates to the review of EEDI for the large size segment of oil tankers and bulk carriers and so should paragraph 12.20bis.

4.111 The delegations of China, Denmark and Greece made statements on the report of the Working Group on Air Pollution and Energy efficiency (MEPC 64/WP.11), as set out in annex 6.

Action taken on the report of the Working Group on Air Pollution and Energy efficiency

4.112 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 64/WP.11):

- .1 approved the draft unified interpretation for the definition of "new ships" for Phases 1, 2 and 3 of the EEDI framework under regulation 2.23 of MARPOL Annex VI (paragraph 3.6);
 - .2 approved the draft unified interpretation of the phrase "major conversion" under regulation 2.24 of MARPOL Annex VI (paragraph 4.5);
 - .3 approved the draft unified interpretation on the timing for existing ships to have on board a SEEMP under regulations 5.4.4 and 22.1 of MARPOL Annex VI (paragraph 5.8);
 - .4 approved the draft unified interpretation on the appropriate category to be applied for dedicated fruit juice carriers (paragraph 9.4);
 - .5 approved the draft unified interpretation for section 2.3 of supplement to IAPP certificate (paragraph 13.2);
- the above five unified interpretations are set out in annex 7, and requested the Secretariat to disseminate them as MEPC.1/Circ.795;
- .6 approved, subject to concurrent decision by MSC 91, the draft MEPC-MSC circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions (paragraph 6.5), as set out in annex 2 to document MEPC 64/WP.11;
 - .7 invited MSC 91 to note that the entry-into-force date of chapter 4 of MARPOL Annex VI will be 1 January 2013 and the need to finalize the draft MEPC-MSC circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions at that session (paragraph 6.5);
 - .8 approved the draft interim guidelines for the calculation of the coefficient f_w for decrease of ship speed in representative sea condition for trial use (paragraph 7.3), as set out in annex 3 to document MEPC 64/WP.11, and requested the Secretariat to disseminate as MEPC.1/Circ.796;
 - .9 noted the view of the Working Group relating to the procedures on sampling of fuel oil being used on board (paragraph 14.2) that, for further consideration on this matter, it would be necessary to consider further submissions that identify the compelling need for procedures and include concrete proposals, e.g. draft amendments to MARPOL Annex VI or draft unified interpretation and draft guidelines on sampling fuel oil being used on board ships;
 - .10 adopted, by resolution MEPC.224(64), the amendments to the *2012 Guidelines on the method of calculation of the attained Energy efficiency Design Index (EEDI) for new ships* (resolution MEPC.212(63)) (paragraph 10.2), as set out in annex 8;

- .11 approved the amendments to footnote 2 of the *2012 Guidelines on survey and certification of the Energy efficiency Design Index (EEDI)* (resolution MEPC.214(63)) (paragraph 11.5), as set out in annex 9; and
- .12 agreed to establish an intersessional Correspondence Group on Energy efficiency Measures for Ships under, the coordination of Japan³, with the following terms of reference:
 - .1 develop the draft guidelines for determining minimum propulsion power to enable safe manoeuvring in adverse conditions by fine-tuning the parameters using the draft text in document MEPC 64/4/13 as the basis, and taking into account comments in documents MEPC 64/4/37 and MEPC 64/4/42 as they relate to the methodology set out in document MEPC 64/4/13, and comments made at MEPC 64 as they relate to minimum power;
 - .2 improve further the draft guidance on treatment of innovative energy efficiency technologies using the draft text in document MEPC 64/4/8 as the basis and taking into account document MEPC 64/4/39 and comments made at MEPC 64;
 - .3 review the interim guidelines for the calculation of the coefficient f_w for decrease of ship speed in representative sea condition for trial use taking into account documents MEPC 64/4/28 and MEPC 64/4/38 and comments made at MEPC 64; and
 - .4 submit a report to MEPC 65.

4.113 The Committee thanked the Chairman, Mr. Koichi Yoshida, and members of the group for their hard work.

5 REDUCTION OF GHG EMISSIONS FROM SHIPS

Order of discussions

5.1 Based on a proposal by its Chairman, the Committee agreed on the following order of discussions:

- .1 Further work on GHG emissions from ships:
 - .1 *Update of the GHG emission estimate for international shipping;*
- .2 Market-based Measures:
 - .1 *Consideration and possible consolidation of MBM proposals,*
 - .2 *Impact assessment,*

³

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- .3 *Climate finance and possible use of MBM revenues,*
 - .4 *Reduction target for international shipping,*
 - .5 *Relation between an MBM for international shipping under IMO and the WTO Rules; and*
- .3 UNFCCC matters.

Further work on GHG emissions from ships

5.2 The Committee recalled that MEPC 63 noted that uncertainty exists in the estimates and projections of emissions from international shipping and agreed that further work should take place to provide the Committee with reliable and up-to-date information to base its decisions on and requested the Secretariat to investigate possibilities and report to future sessions. The Committee also recalled that Member States were encouraged to submit documents to this session.

5.3 The Committee considered document MEPC 64/5/5 (Secretariat) containing a draft outline for an update of the GHG emissions estimate for international shipping providing, among others, methodological aspects and information on the work distribution.

5.4 Several delegations welcomed and supported the draft outline for an update of GHG emissions data from international shipping on a global scale, highlighting the need for reliable, robust and credible up-to-date data to support the Committee's work regarding future possible measures to address GHG emissions from international shipping.

5.5 In this regard, the Committee noted the following views:

- .1 an update of the GHG estimate for international shipping must be undertaken in a fair, open and transparent manner and in coordination with the Subsidiary Body for Scientific and Technological Advice of the UNFCCC, whose agenda includes a specific item for the consideration of emissions from fuel used for international aviation and maritime transport, and that this work should take into consideration the methodological work developed by the Intergovernmental Panel on Climate Change (IPCC);
- .2 further consideration is needed to be given to ensuring the estimates related to those made by other international organizations, that the work is scientifically based, equitable and balanced, which will be tasked to undertake the work, how the data will be used and the methodology to be used;
- .3 there is an urgent need for information on the actual fuel consumption of ships and hence highlighted the need of moving forward with a bottom-up (ship activity) approach of the GHG emissions estimate as well as top-down analysis which has been used in the past; and
- .4 monitoring and reporting of data was also important.

5.6 The Committee, after the discussions, endorsed, in principle, the outline for an update of the GHG emissions estimate as set out in the annex to document MEPC 64/5/5, and agreed that the expert workshop to be held in 2013 should further consider the methodology and assumptions to be used in the update. In this regard, the Committee called for donations to finance the expert workshop as well as the study.

Market-based Measures

Consideration and possible consolidation of MBM proposals

5.7 The Committee recalled that MEPC 63 had considered the various MBM proposals and whether they, or some of them, might be consolidated, thus making the number more manageable.

5.8 The Committee also recalled that for this session all proposals should have been further developed.

5.9 The Committee considered document MEPC 64/5/2 (Japan) presenting a first draft legal text for a modified EIS proposal based on the International GHG Fund proposal by Denmark et al. (GHG-WG 3/3/4) and also noted document MEPC 64/INF.15 presenting a schematic outline of the modified EIS (as set out in MEPC 64/5/2).

5.10 The Committee considered document MEPC 64/5/4 (Jamaica) providing additional details on the Port State Levy (PSL). Jamaica, in the document, explains how the PSL would be applied and demonstrates that the proposal would not incur significant administrative burdens.

5.11 The Committee considered documents MEPC 64/5/6 and MEPC 64/5/7 (United States). Document MEPC 64/5/6 identifies two major changes to the proposal in document MEPC 59/4/48 addressing GHG emissions by fostering improvements in ships' energy efficiency. First, the establishment of mandatory attained efficiency standards potentially using a metric based on fuel consumption and secondly, the establishment of a phased approach: a data collection phase (Phase I); a pilot phase (Phase II); and a full implementation phase (Phase III). Document MEPC 64/5/7 provides a draft regulatory text for amendments to MARPOL Annex VI for Phases I and II of the revised proposal in document MEPC 64/5/6.

5.12 The Committee considered document MEPC 64/5/9 (Brazil, China, India, Peru, Saudi Arabia and South Africa) emphasizing the importance of adopting decisions by consensus and the need to respect the principles and provisions of the UNFCCC, its Kyoto Protocol and the principle of CBDR. The co-sponsors consider that priority should be given to the development of an ambitious MEPC resolution to ensure that financial, technological and capacity-building support from developed countries for the implementation of regulations on energy efficiency for ships by developing countries is provided. The co-sponsors consider that all further decisions on MBMs must await the adoption of the resolution, and that future consideration of MBMs must fully take into account potential impacts of those measures on developing countries.

5.13 The Committee considered document MEPC 64/5/11 (ICS) highlighting concern with proposals intending to incentivize increases in energy efficiency by means of reductions in fuel consumption based on an arbitrary numerical index whether based on EEDI or some other formulation. ICS considers that if an MBM is to be adopted it should relate directly to the actual fuel consumption of individual ships in service.

5.14 The Committee considered document MEPC 64/5/8 (CSC) arguing that in designing an MBM to reduce emissions, the Organization cannot avoid taking account of variations of ship speed, and that when the impact assessment looks at the MBMs currently on the table, it should assess how the impacts and effectiveness of the measures would be affected if ship speed was specifically addressed by the MBMs. The Committee further noted document MEPC 64/INF.14 (CSC) summarizing a new study into the policy options, costs and benefits of regulating slow steaming.

5.15 Following a proposal by the Chairman, in view of time constraints for this item, and following comments by some delegations on the urgent need to finalize the draft MEPC resolution on promotion of technical co-operation and transfer of technology relating to the improvement of energy efficiency of ships, the Committee agreed to keep the documents presented in abeyance and postpone further debate on MBMs to MEPC 65.

Impact assessment

5.16 The Committee agreed to postpone discussion of the impact assessment to MEPC 65.

5.17 The Committee noted an intervention by the delegation of Norway highlighting that the proposal made by the United States in documents MEPC 64/4/6 and MEPC 64/4/7 is not, due to its technical nature, an MBM proposal, and therefore should be considered under agenda item 4 at future sessions.

Climate finance and possible use of MBM revenues

5.18 The Committee recalled that MEPC 63 agreed that the debate on climate finance and possible use of MBM revenues should be considered further at MEPC 64 and invited Member States and observers to submit further input to the debate (MEPC 63/23, paragraph 5.37).

5.19 The Committee considered documents MEPC 64/5/10 and MEPC 64/5/12 (WWF). Document MEPC 64/5/10 provides draft regulatory text on uses of financing generated from an MBM in form of additions to a potential convention based on the Rebate mechanism proposal. Document MEPC 64/5/12 provides results of incorporating trading distances to calculate a country's share of value-distance of global imports from non-adjacent countries for nearly 200 countries which may be used as the rebate and credit keys in the Rebate Mechanism.

5.20 The Committee agreed to consider the documents by WWF at the next session.

5.21 The Committee noted a general statement by the delegation of Egypt on issues and policies related to MBMs. As requested, the statement is set out in annex 10.

Reduction target for international shipping

5.22 The Committee noted that this matter has been postponed several times due to time constraints and agreed that it could be further considered at a future session.

Relation between an MBM for international shipping under IMO and the WTO Rules

5.23 The Committee considered document MEPC 64/5/3 (India and Saudi Arabia) arguing that MBMs show incompatibility with the WTO Rules, and that the GHG-WG 3 conclusion that MBMs are, in principle, compatible with the WTO Rules was premature since most of the MBM proposals are not yet elaborated enough to support that conclusion.

5.24 The Committee agreed that the matter could be further considered at MEPC 65, subject to the impact assessment of the proposed MBMs.

UNFCCC matters

5.25 The Committee noted document MEPC 64/5/1 (Secretariat) on the outcome of the Conference of Subsidiary Bodies to the UNFCCC held in May 2012.

5.26 The Committee also noted document MEPC 64/INF.31 (Secretariat) providing information on the first Board meeting of the Green Climate Fund which was held from 23 to 25 August 2012 in Geneva, Switzerland.

5.27 The Committee further noted an intervention by the representative of the UNFCCC Secretariat, which provided a status report on the current state of negotiations in general and on bunker fuels in particular. As requested, the statement is set out in annex 11.

6 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

6.1 The Committee recalled that, at MEPC 63, it had approved in principle, subject to MSC 90's concurrent decision, proposed amendments to chapters 17, 18 and 19 of the IBC Code with a view to adoption at this session. The proposed amendments, as set out in document MEPC 64/6 (Secretariat), incorporated numerous changes and developments which had been progressed through the ESPH Working Group since the last amendments were adopted in 2007, addressing carriage requirements for many new products and including new data for a number of low-flashpoint products in chapter 17 which previously had data missing for electrical equipment (column i). Additionally, the proposals incorporated a fully revised chapter 19 (Index of Products Carried in Bulk).

6.2 The Committee noted additionally that, in line with the special character of the IBC Code which is a mandatory instrument under both the MARPOL and SOLAS Conventions, MSC 90 had subsequently also approved the same proposals and that the proposed amendments to the IBC Code had been circulated by the Secretary-General of the Organization, in accordance with article 16(2)(a) of the MARPOL Convention, under cover of Circular letter No.3261 of 20 March 2012.

6.3 Noting that there was only one document commenting on the proposals (MEPC 64/6/1 (Norway and the United Kingdom)) and that this provided detailed observations on the proposed amendments rather than comments of a general nature, the Committee agreed to send the proposed listings and associated comments directly to the drafting group for review and finalization.

Establishment of the Drafting Group

6.4 The Committee agreed to establish a Drafting Group on Amendments to the IBC Code and, taking into account the documents submitted, instructed it to:

- .1 review and finalize the texts of proposed amendments to chapters 17, 18 and 19 of the IBC Code; and
- .2 submit a written report to the plenary on Thursday, 4 October 2012.

Outcome of the Drafting Group and adoption of the amendments

6.5 Having considered the report of the Drafting Group on Amendments to the IBC Code (MEPC 64/WP.12), which met on 2 October 2012 under the chairmanship of Mr. David MacRae (United Kingdom), the Committee approved the report in general and, by consensus, consequently:

- .1 adopted, by resolution MEPC.225(64), the *2012 amendments to the IBC Code* (chapters 17, 18 and 19), as set out in annex 12; and
- .2 instructed the Secretariat to undertake a final check of the amendments for any editorial errors and, if necessary, to correct these in the final text of the amendments, ensuring that the amendments remain identical under both SOLAS and MARPOL.

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

GENERAL

7.1 The Committee noted that 10 documents had been submitted to MEPC 64 under this agenda item and that documents MEPC 64/7/1 (Marshall Islands) and MEPC 64/7/3 (IACS), dealing with matters related to MARPOL Annex VI, had been considered under agenda item 4 – Prevention of air pollution from ships.

MATTERS CONCERNING MARPOL ANNEX I

Discharge of settled-out water during oil spill recovery operations

7.2 In introducing document MEPC 64/7, the observer from the International Spill Control Organization (ISCO) suggested amending provisions in MARPOL Annex I, to allow for the release of decanted water with oil content in excess of 15 ppm during major oil pollution incidents and developing associated operational guidelines, with a view to addressing practical issues that arise, where strict observance of MARPOL Annex I provisions governing oil discharge at sea can inhibit effectiveness of marine oil spill recovery operations.

7.3 Following discussion, the Committee agreed that there was no need to amend MARPOL Annex I as the issue had been addressed in regulation 4.3 of that Annex.

7.4 With regard to the proposal of developing operational guidelines for situations where discharge of settled-out water during oil recovery operations would not comply with current MARPOL requirements, the Committee, noting the concern expressed by some delegations that document MEPC 64/7 had not been submitted according to relevant provisions of the Committees' Guidelines, agreed that, if the observer from ISCO wishes to pursue the matter further, a proposal co-sponsored by Member Governments for a planned output of the Committee should be submitted to a future session for consideration. In that connection, the Committee agreed that such Guidelines should only apply to international waters.

Recording incinerator capacity on the Supplement to the IOPP Certificate

7.5 The Committee recalled that MEPC 63, having considered document MEPC 63/7/4 (IACS) proposing that it was unnecessary to record incinerator capacity on the Supplement to the IOPP Certificate Forms A and B, due to the confusion caused by using different units of measurement, had decided not to pursue the matter further unless a proposal for an amendment to MARPOL Annex I is received in the future.

7.6 In this connection, the Committee considered document MEPC 64/7/4 (Republic of Korea, United Kingdom and IACS) providing the co-sponsors' further rationale for the proposal contained in document MEPC 63/7/4. The co-sponsors were of the view that the proposed amendment to MARPOL Annex I should be considered as a "consequential update" following the approval of revised Unified Interpretation to regulation 12.1 of

MARPOL Annex I, not as an amendment introducing new and substantive provisions, and that the issue could be addressed by a drafting group.

7.7 Noting the support for the proposal, the Committee instructed the drafting group to prepare the text of draft amendments to Form A and Form B of Supplements to the IOPP Certificate to delete recording incinerator's capacity.

APPLICATION OF MARPOL ANNEX IV AND THE BWM CONVENTION TO SEWAGE OR GREY WATER STORED IN BALLAST TANKS

7.8 The Committee recalled that MEPC 63, having considered document MEPC 63/2/18 (Norway) seeking clarification of application of the BWM Convention to grey water and sewage stored in ballast tanks, had agreed that handling of grey water and sewage water on board ships should be regulated under MARPOL Annex IV, and had invited Parties to propose relevant amendments to that Annex for consideration at a future session of the Committee.

7.9 The Committee had for its consideration the following two documents:

- .1 document MEPC 64/7/2 (Norway) providing text of draft amendments to MARPOL Annex IV, with a view to regulating the discharge of sewage water stored in ballast tanks, as well as text of draft consequential amendments to *Guidelines for ballast water management and development of ballast water management plans (G4)* (resolution MEPC.127(53)); and
- .2 document MEPC 64/7/7 (China) expressing the view that it was premature to draw the conclusion that handling of grey water and sewage water on board ships should be regulated under MARPOL Annex IV; and suggesting to determine the principles of application of MARPOL Annex IV and the BWM Convention for sewage stored in ballast tanks on the basis of analysis of different scenarios described in their document.

7.10 In the ensuing discussion, delegations expressed, inter alia, the following views:

- .1 that since the BWM Convention has not yet entered into force, it is premature to introduce new provisions in MARPOL Annex IV which cross-reference to the provisions of the BWM Convention;
- .2 that grey water is not regulated under MARPOL Annex IV and any other IMO instruments;
- .3 that detailed technical consideration is needed for the proposal by Norway as well as the different scenarios described in document MEPC 64/7/7 (China);
- .4 that there are concerns over the implications of the proposals, in terms of implementation and enforcement, as well as operational aspects;
- .5 that there is a need to address the difficulties ships are facing where ships are not allowed to discharge sewage water in some ports and have to use additional tanks (including ballast water tanks) for temporary storage of sewage; and

- .6 that untreated sewage should be prohibited to be transferred to ballast water tanks as it will cause operational problems to the ballast water management systems.

7.11 Noting the divergent views expressed and the fact that the BWM Convention has not yet come into force, the Committee agreed not to pursue the matter further at this stage. In that connection, the Committee agreed that if interested Member Governments wish to consider the matter further, a proposal for a post-biennium (2014-2015) output for the BLG Sub-Committee should be submitted to MEPC 65 for consideration.

FORM OF THE INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE

7.12 The Committee recalled that MEPC 63, having considered document MEPC 63/7/2 (India) proposing that the International Sewage Pollution Prevention Certificate should reflect the number of persons a ship is certified to carry, based upon the sewage treatment plant capacity or the sewage holding tank capacity, had noted the divergent views on the issue and had invited India and other interested delegations to submit a revised proposal to its future session if they wish to pursue the issue further.

7.13 In this connection, the Committee considered document MEPC 64/7/5 (India) containing a revised proposal on the issue.

7.14 In the ensuing discussion, a number of delegations expressed the views that there was no possible correlation between the number of persons a ship is certified to carry and the sewage treatment plant capacity (sewage holding tank capacity), as other factors, including the length of voyage, the use of port reception facility, as well as types of flush systems used, should also be taken into account.

7.15 With regard to the proposal of developing guidelines for defining number of persons based on the sewage treatment or holding (storage) capacity, some other delegations raised their concerns regarding the practicality and difficulty in developing such guidelines.

7.16 Noting that the proposal in document MEPC 64/7/5 did not receive sufficient support, the Committee agreed not to pursue this matter further.

PROPOSAL FOR EXEMPTION OF SURVEY AND CERTIFICATION REQUIREMENTS UNDER THE MARPOL CONVENTION FOR UNMANNED AND NON-SELF-PROPELLED BARGES

7.17 In introducing document MEPC 64/7/6, the delegation of the Republic of Korea proposed to identify unmanned and non-self-propelled barges as they had no onboard sources of pollutants to the marine environment, and to develop a method to exempt survey and certification requirements relating to each Annex of the MARPOL Convention for such ships.

7.18 In the ensuing discussion, many delegations indicated their support for the need to address the issue raised in the document, at the same time suggesting that careful technical consideration was also needed with regard to the exemption of survey and certification requirements under specific MARPOL Annexes, as a blanket approach for exemption would not be appropriate.

7.19 Following the discussion, the Committee agreed to refer document MEPC 64/7/6 to FSI 21 for further consideration under the agenda item "Review of the Survey Guidelines under the HSSC and the annexes to the Code or the Implementation of Mandatory IMO Instruments", with a view to defining when survey and certification requirements could be

exempted for unmanned and non-self-propelled barges under a specific MARPOL Annex. In that connection, the Committee invited Member Governments and international organizations to include in their delegations to FSI 21 suitable experts on the subject.

IMPLEMENTATION OF REVISED MARPOL ANNEX V

7.20 The Committee recalled that MEPC 63, having adopted the *2012 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.219(63)), had agreed to the need to introduce an interim measure for the discharge of solid bulk cargo residues in the context of implementation of the revised MARPOL Annex V and had invited interested Member Governments and international organizations to submit proposals and comments for such an interim measure, which could be disseminated by means of an MEPC circular.

7.21 The Committee had for its consideration the following two documents:

- .1 document MEPC 64/7/8 (Canada, Chile, Japan, United States, BIMCO and INTERCARGO) providing text of a draft MEPC circular on the classification of solid bulk cargoes to facilitate compliance with regulations 4.1.3 and 6.1.2 of the revised MARPOL Annex V; and
- .2 document MEPC 64/7/9 (INTERCARGO, ICS and BIMCO) expressing concerns over the lack of adequate port reception facilities for the implementation of revised MARPOL Annex V according to a survey by the International Council on Mining and Metals, and proposing allowing further time to ensure full compliance.

7.22 The delegation of the Cook Islands, supported by some other delegations, while supporting the interim measure as proposed in document MEPC 64/7/8 and stressing the compelling need to consider the long-term solution for the issue, expressed concern over the difficulties that the Administrations and shipping industry may face in the transitional period. The delegation further expressed the view that it would be more desirable that a complete set of regulations and associated guidelines or guidance on the matter could have been adopted as a package when introducing the new requirements so as to alleviate, to the greatest extent, the extra burdens of the Administrations and shipping industry, in the implementing process.

7.23 The Committee, in noting the support, in general, for the draft MEPC circular contained in document MEPC 64/7/8, agreed to a proposal by the delegation of the Netherlands concerning the following further modifications to the draft text:

- .1 the timeline (between 1 January 2013 and 31 December 2014) for the provisional classification of solid bulk cargoes should be specified in the title of the circular;
- .2 the term "provisional classification" should be used when referring to a classification only based on criteria contained in paragraphs 3.2.1, 3.2.2 and 3.27 of the *2012 Guidelines for the implementation of MARPOL Annex V*; and
- .3 the shipper should also notify the competent authority of the port State of unloading of the basis for the provisional classification.

7.24 A number of delegations expressed sympathy for the industry's concern over the lack of port reception facilities for solid bulk cargo residues including those entrained in

washwater, while some other delegations raised doubt over the accuracy of the results of the survey conducted by the International Council on Mining and Metals as described in document MEPC 64/7/9.

7.25 While the proposal for relaxation of compliance with the revised MARPOL Annex V concerning discharge of cargo holding wash water containing remnants of cargo residues in a limited time was not supported, the Committee agreed to instruct the drafting group to prepare an additional paragraph in the draft MEPC circular, requesting Parties to ensure the provision of adequate facilities at ports and terminals in accordance with MARPOL Annex V.

7.26 The Committee further instructed the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) to consider how the long-term implementation of the provisions of MARPOL Annex V concerning cargo residues could be facilitated by amendments to the International Maritime Solid Bulk Cargoes Code, under the planned output 5.2.3.3 "Mandatory instruments: development of amendments to the IMSBC Code, including evaluation of properties of solid bulk cargoes".

ESTABLISHMENT OF THE DRAFTING GROUP

7.27 The Committee established the Drafting Group on MARPOL Amendments and Associated Guidelines (see also paragraph 11.57) and instructed it, taking into account any comments, proposals and decisions made in plenary, to:

- .1 finalize the draft MEPC circular on the classification of solid bulk cargoes under the revised MARPOL Annex V, using text in the annex to document MEPC 64/7/8 (Canada, Chile, Japan, United States, BIMCO and INTERCARGO) as a basis;
- .2 prepare text of draft amendments to Form A and Form B of Supplements to IOPP Certificate to delete recording incinerator's capacity, taking into account document MEPC 64/7/4 (Republic of Korea, United Kingdom and IACS); and
- .3 submit a written report to the plenary on Thursday, 4 October 2012.

REPORT OF THE DRAFTING GROUP

7.28 Having considered the part of the report of the drafting group relating to this output (MEPC 64/WP.13), the Committee approved the report in general and took action as indicated hereunder.

Provisional classification of solid bulk cargoes under the revised MARPOL Annex V between 1 January 2013 and 31 December 2014

7.29 The Committee agreed to the provisional classification of solid bulk cargoes under the revised MARPOL Annex V as follows:

- .1 for the purposes of complying with regulations 4.1.3 and 6.1.2 of the revised MARPOL Annex V, shippers of solid bulk cargoes should classify those cargoes using the seven criteria in paragraph 3.2 of the *2012 Guidelines for the implementation of MARPOL Annex V*. Shippers should notify the competent authorities of the port State of loading and unloading of the basis for the provisional classification. As stated in paragraph 3.4 of the 2012 Guidelines, solid bulk cargoes should be

classified and declared by the shipper as to whether or not they are harmful to the marine environment. Such declaration as to whether or not the cargo is harmful to the marine environment should be included in the information required in section 4.2 of the International Maritime Solid Bulk Cargoes Code;

- .2 between 1 January 2013 and 31 December 2014, if adequate and reliable data on a solid bulk cargoes carcinogenicity, mutagenicity, reproductive toxicity, or specific target organ toxicity – repeated exposure are not available, shippers of solid bulk cargoes should still make every effort to ensure that their solid bulk cargoes are classified to the extent possible using the seven criteria in paragraph 3.2 of the 2012 Guidelines;
- .3 also, between 1 January 2013 and 31 December 2014, while shippers are acquiring adequate and reliable data on a solid bulk cargoes carcinogenicity, mutagenicity, reproductive toxicity, or specific target organ toxicity – repeated exposure, Administrations should accept provisional classifications of solid bulk cargoes that are based on the other criteria as contained in paragraphs 3.2.1, 3.2.2 and 3.2.7 of the 2012 Guidelines:
 - data concerning acute aquatic toxicity; and/or
 - data concerning chronic aquatic toxicity; and/or
 - data concerning the synthetic polymer, rubber, plastic or plastic feedstock content of the solid bulk cargoes; and
- .4 as of 1 January 2015, shippers' classifications of solid bulk cargoes should be made using the seven criteria listed in paragraph 3.2 of the 2012 Guidelines.

7.30 The Committee requested Parties to MARPOL Annex V to ensure the provision of adequate facilities at ports and terminals for the reception of solid bulk cargo residues including those entrained in the wash water.

7.31 The Committee instructed the Secretariat to disseminate the above-mentioned decisions through MEPC.1/Circ.791.

Draft amendments to Form A and Form B of Supplements to IOPP Certificate to delete recording incinerator's capacity

7.32 The Committee approved the draft amendments to Form A and Form B of Supplements to the IOPP Certificate under MARPOL Annex I, set out in annex 13, for circulation, with a view to adoption at MEPC 65.

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

8.1 The Committee considered six documents under this agenda item as follows: MEPC 64/8 (Secretariat): Report of the thirteenth meeting of the OPRC-HNS Technical Group; MEPC 64/8/1 (ROPME/MEMAC): Maritime Emergency Response and Salvage Co-ordination Unit in the ROPME Sea Area (MERCU); MEPC 64/8/2 (ROPME/MEMAC): The Regional Workshop on the National and Regional Hazardous and Noxious Substances (HNS) Contingency Plan; MEPC 64/INF.11 (China): Research on the emergency heating technology by China to improve the effectiveness of recovering oil from shipwrecks;

MEPC 64/INF.30 (ROPME/MEMAC): Information on the M/T **Stolt Valor** incident; and MEPC 64/WP.2, Report of the fourteenth meeting of the OPRC-HNS Technical Group.

Reports of the thirteenth and fourteenth meeting of the OPRC-HNS Technical Group

8.2 The Committee recalled that the thirteenth session of the OPRC-HNS Technical Group was held exceptionally, from 5 to 9 March 2012, the week following MEPC 63, in order to allow delegations to participate in Interspill 2012. The Committee further recalled that the fourteenth session met from 24 to 28 September 2012, its usual time slot in the week prior to MEPC 64, and considered the reports of both TG 13 and TG 14.

8.3 The Committee approved the reports of TG 13 and TG 14, which were issued under the symbols MEPC 64/8 and MEPC 64/WP.2, respectively, and, in particular:

- .1 noted that the texts of following four manuals/guidelines, i.e.:
 - .1 Manual on Chemical Pollution to address legal and administrative aspects of HNS incidents;
 - .2 Parts I and II of the IMO Dispersant Guidelines;
 - .3 IMO in situ burning guidelines; and
 - .4 Operational guidelines on sunken and submerged oil assessment and removal techniques;had been finalized and would be submitted for the Committee's approval at MEPC 65;
- .2 noted the progress made in the elaboration of guidelines for managing and coordinating international offers of assistance in the event of a major oil pollution incident;
- .3 continued to urge delegations to submit information on HNS pollution incidents to be included in the summary of incidents and to submit relevant information to further expand the inventory of information resources on OPRC/HNS-related matters;
- .4 instructed the FSI Sub-Committee not to eliminate the information on pollution incidents, as set out in annexes 4 and 9 of MSC-MEPC.3/Circ.3, in view of the fact that this information is used for purposes beyond casualty investigations and is relevant to the work of the OPRC-HNS Technical Group;
- .5 noted the Secretariat's ongoing support to the Triennial Oil Spill Conference Series;
- .6 noted the results of the Technical Group's preliminary assessment of the high-priority work related to HNS and oil, assigned to it by MEPC 61, and concurred with the Group's intention to finalize this work at TG 15;
- .7 welcomed the re-election of Mr. Alexander von Buxhoeveden (Sweden) as Chairman and Mr. Woo-Rack Suh (Republic of Korea) as Vice-Chairman of the OPRC-HNS Technical Group for the year 2013; and

- .8 approved the draft planned output and provisional agenda of the fifteenth meeting of the OPRC-HNS Technical Group and the scheduling of the Group's fifteenth session the week prior to MEPC 65.

Maritime Emergency Response and Salvage Co-ordination Unit in the ROPME Sea Area (MERCU)

8.4 The Committee considered document MEPC 64/8/1 (ROPME/MEMAC), containing information on the implementation of the Maritime Emergency Response and Salvage Co-ordination Unit (MERCU) for the ROPME Sea Area.

8.5 Having noted that the MERCU would be financed by contributions from the shipping industry, a number of delegations expressed concern regarding the new levy that would be applied to ships coming into port in the ROPME Sea area under this system, in particular, given the current economic climate.

8.6 Some delegations were also of the view that the information contained within the document under consideration did not provide sufficient information as to how and where these levies would be applied and how the funds would be utilized, nor assurance that the costs were proportionate to the service provided.

8.7 The observer from ROPME clarified that the fee would be in the form of a service charge and would be much lower than port fees and charges in other areas of the world, and, therefore, is not expected to unduly burden the shipping industry.

8.8 The Committee, having noted the implications of the new MERCU and related financing arrangements:

- .1 instructed the Secretariat to prepare the information as an MEPC Circular for subsequent dissemination to Member States and observing organizations; and
- .2 invited the interested delegations to forward their questions and information requirements to ROPME for appropriate clarification.

The Regional Workshop on the National and Regional Hazardous and Noxious Substances (HNS) Contingency Plans

8.9 The Committee, in considering document MEPC 64/8/2 (ROPME/MEMAC) providing information on the IMO-supported Regional Workshop on National and Regional Hazardous and Noxious Substances (HNS) Contingency Plans for the ROPME Sea Area, held from 11 to 14 June 2012 in the State of Qatar, noted that there might be a need to review and amend the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949(23)).

8.10 Having considered the matter, the Committee concluded that there was no need for such an amendment. Following further clarification from the observer from ROPME on the specific needs of the region, he concluded by requesting technical assistance for the identification of appropriate places of refuge through the Organization's Integrated Technical Co-operation Programme.

Emergency heating technology to improve the effectiveness of recovering oil from shipwrecks

8.11 The Committee noted the information contained in document MEPC 64/INF.11 (China), which provided information on the research of emergency heating technology undertaken by China and suggested new measures to improve the emergency heating technology in recovering oil from shipwrecks.

Information on the M/T *Stolt Valor* incident

8.12 The Committee noted the information contained in MEPC 64/INF.30 (ROPME/MEMAC), providing a summary of information on the M/T **Stolt Valor** incident, which was a significant HNS incident that occurred in the ROPME Sea Area in March 2012, and referred this document to TG 15 for information.

8.13 In considering the observations and lessons learned, as set out in paragraphs 12 to 18 of the document under consideration, the delegation of the Netherlands and the observers from ICS, INTERTANKO and the P&I Clubs, expressed concern about the accuracy and manner in which the information was presented, noting that this differed significantly from the information that they had received from their respective constituents. Concerns were raised, in particular, with regard to paragraph 13, suggesting negligence of the crew, paragraph 15 suggesting the P&I Clubs put costs before safety and environmental concerns and paragraph 17, with regard to the actions taken by the salvors.

8.14 The delegation of Liberia, as the flag Administration, provided a summary of events and of the actions taken in response to the M/T **Stolt Valor** incident. In particular, the delegation, supported by the observers from ITF, ICS, INTERTANKO, IPTA and BIMCO, expressed concern at the delay in identifying a place of refuge and with regard to the arrest orders that had been initiated against the ship's Master and Chief Engineer, which go against the principles set out in both the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949 (23)) and the *Guidelines on fair treatment of seafarers in the event of a maritime accident* (resolution A.987(24)). As requested, the full statement by the delegation of Liberia is set out in annex 14.

8.15 The observer from INTERTANKO further informed the Committee that, given that the deadline for submission of documents to MEPC had passed by the time they had become aware of this document, precluding the submission of a document commenting on MEPC 64/INF.30, and given that both the place of refuge and criminalization of seafarers also came under the purview of the Maritime Safety Committee, INTERTANKO and a number of other observers from the shipping industry had correspondingly submitted a document to MSC 91 commenting on MEPC 64/INF.30, proposing specific actions.

8.16 The delegation of Saudi Arabia noted that in the face of a major pollution incident, difficult choices were required, in particular to ensure the protection of the public and the environment, which must be the main priority in such incidents.

8.17 ROPME/MEMAC reserved its right and rejected the statements made by the delegations of the Netherlands, Liberia and the observers from ICS, INTERTANKO and the P&I Clubs set out in paragraph 8.13. ROPME/MEMAC noted that MEMAC and its Member States were monitoring the situation on site throughout the incident and had undertaken an evaluation with regard to the identification of a place of refuge at that time. However, given the nature of the cargo, which represented a very serious threat to the highly sensitive coastal area and to a number of water intakes, notably the desalination and power plants in the vicinity, it was determined that the risk to the safety of a population of 15 million in the

area of the incident was too great. It also stated that the salvage team had lost control of the vessel for more than a week during the incident, in addition to other aspects which were believed to be acts of negligence. Given that the case is still under legal and technical investigation, only limited information could be released at this stage; however, ROPME/MEMAC expressed its willingness to share the information and lessons learned, with full transparency, with all parties and with the Committee, in due course. ROPME/MEMAC also noted the difficulty in identifying a place of refuge within the internal part of the ROPME Sea Area, and reiterated its view that consideration should be given to revising the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949(23)).

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

Designation of the Saba Bank as a Particularly Sensitive Sea Area

9.1 The Committee recalled that MEPC 62 had approved, in principle, the Saba Bank Particularly Sensitive Sea Area (PSSA) which had been proposed by the Netherlands (MEPC 62/9), and invited the Netherlands to submit detailed proposals for associated protective measures (APMs) to NAV 58 for consideration.

9.2 In considering document MEPC 64/9 (Secretariat), which reported on the outcome of NAV 58 on the matter, the Committee noted that NAV 58 had considered the information provided by the Netherlands (NAV 58/3) and had approved the establishment of an Area To Be Avoided for ships 300 GT or over and a mandatory No Anchoring Area for all ships, as Associated Protective Measures (APMs) for the Saba Bank PSSA. The Committee also noted that the approved APMs for the PSSA, as set out in annex 4 to the annex of document MEPC 64/9, are subject to the decision of MSC 91 in November 2012.

Instructions to the informal Technical Group on PSSAs

9.3 The Committee, having considered the outcome of NAV 58 on the matter, and the comments made by Plenary, decided to establish an informal technical group on PSSAs, under the Chairmanship of Mr. Paul Nelson (Australia), and instructed it to:

- .1 review the information provided in document MEPC 64/9 and, taking into account comments from the Plenary, prepare a draft MEPC resolution, based on the draft text in the annex, with a view to designating the "Saba Bank PSSA"; and
- .2 provide a written report, including recommendations, to Plenary on Thursday, 4 October 2012.

Report of the informal Technical Group on PSSAs

9.4 The Committee, having considering the report of the informal Technical Group (MEPC 64/WP.14), as introduced by its Chairman Mr. Paul Nelson (Australia), approved its report, as amended and, in particular, adopted resolution MEPC.226(64), as set out in annex 15, designating the Saba Bank as a PSSA.

9.5 The Committee thanked Mr. Nelson (Australia) and the members of the group for the efficient work they had carried out.

10 INADEQUACY OF RECEPTION FACILITIES

10.1 The Committee noted that the consideration of the inadequacy of port reception facilities is a standing item on its agenda, but that no submissions relating thereto had been received at this session.

10.2 The Committee also noted that the policy of "zero tolerance of illegal discharges from ships" can only be effectively enforced when there are adequate reception facilities in ports. The Committee agreed that all Parties to the MARPOL Convention, in particular port States, should do their utmost to fulfil their treaty obligations on providing reception facilities for wastes generated during the operation of ships.

10.3 The Committee recalled that all work items of the Committee's Action Plan on Tackling the Inadequacy of Port Reception Facilities have been completed following the adoption by MEPC 63 of amendments to the respective MARPOL Annexes on regional arrangements for port reception facilities (resolutions MEPC.216(63) and MEPC.217(63)) and of the *2012 Guidelines for the development of a regional reception facilities plan* (resolution MEPC.221(63)).

10.4 Furthermore, the Committee recalled that, as part of the Action Plan approved by MEPC, TC 61 agreed to include the Plan of Assistance and Training on Port Reception Facilities for Developing Countries as a priority theme for the next ITCP biennium 2012-2013. In this regard, the Committee was informed that two workshops on port reception facilities are being planned: one in November 2012 in Antwerp for the benefit of Mediterranean and Arab countries, and the other one in 2013 in the United States for the benefit of Caribbean countries.

10.5 The delegation of Belgium subsequently informed the Committee in more detail on the IMO Regional Workshop on Port Reception Facilities, which is being organized under the ITCP from 27 to 29 November 2012 in Antwerp, Belgium. The workshop will be co-hosted by the Flemish Public Waste Agency and the Antwerp Port Authority in cooperation with the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC). The Committee was informed that the main objective of the workshop is to inform the participating countries from the Eastern and Southern Mediterranean as well as from Oman and Yemen about best practices in the field of port reception facilities for ship-generated waste and cargo residues. The workshop will also cover the issue of inadequacy of reception facilities, port waste management planning and incentives for the delivery of ship-generated waste, as well as downstream waste treatment and links with the Basel Convention and its guidelines. The delegation of Belgium stated that the outcome of this workshop would be brought to the attention of MEPC 65.

10.6 The Committee was also informed that, since the last session of the Committee, the Secretariat has provided technical expertise to two workshops on port waste management, one organized by the Inter-American Committee on Ports in Uruguay, and the other by the German organization for technical co-operation (GIZ) in Thailand.

10.7 The Committee further recalled that the 1999 edition of the *Comprehensive Manual on port reception facilities* is in need of updating, and that the revision of the manual had been included in the Global Programme of the ITCP for 2012-2013, as had been requested by MEPC 61.

11 REPORTS OF SUB-COMMITTEES

OUTCOME OF BLG 16

11.1 The Committee noted that the Sub-Committee on Bulk Liquids and Gases (BLG) held its sixteenth session from 30 January to 3 February 2012 and its report on that session was circulated under the symbols of BLG 16/16 and BLG 16/16/Add.1. Matters of relevance to the work of the Committee were reported in document MEPC 64/11.

11.2 The Committee approved, in general, the report of BLG 16 (BLG 16/16 and Add.1), and took action as indicated hereunder, recalling that MEPC 63 had already taken action on urgent matters emanating from BLG 16.

Outcome of ESPH 17

11.3 The Committee endorsed the decisions taken by BLG 16 regarding the outcome of ESPH 17, noting MSC 90's concurrent decision.

Evaluation of the Trade-named mixtures

11.4 The Committee endorsed BLG 16's evaluation of the Trade-named mixtures presenting safety hazards, as set out in paragraph 3.30.1 of document BLG 16/16, for inclusion in List 3 of the MEPC.2/Circular.

Evaluation of cargo tank cleaning additives

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

Amendments to the 2011 Guidelines for the carriage of blends of petroleum oil and biofuels

11.6 The Committee approved the proposed amendments to the *2011 Guidelines for the carriage of blends of petroleum oil and biofuels* (MEPC.1/Circ.761), as set out in annex 3 of document BLG 16/16, and instructed the Secretariat to issue MEPC.1/Circ.761/Rev.1 accordingly.

Development of Guidelines for port State control under the 2004 BWM Convention

11.7 The Committee agreed to refer document BLG 16/4 and the report of the Ballast Water and Biofouling Working Group (BLG 16/WP.4) to FSI 21 for consideration in the context of developing Guidelines for port State control under the 2004 BWM Convention.

Guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft

11.8 The Committee approved the draft Guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft, as set out in annex 5 of document BLG 16/16, and instructed the Secretariat to distribute it as MEPC.1/Circ.792.

Matters related to MARPOL Annex VI

11.9 The Committee noted that the outcome of BLG 16 on matters related to MARPOL Annex VI, as reported in paragraphs 3.7 to 3.10 of document MEPC 64/11, had been addressed under agenda item 4.

OUTCOME OF DE 56

11.10 The Committee noted that the Sub-Committee on Ship Design and Equipment (DE) held its fifty-sixth session from 13 to 17 February 2012 and its report was circulated under the symbol of DE 56/25. Matters of relevance to the work of the Committee were reported in document MEPC 64/11/1.

Development of the Code for ships operating in polar waters

11.11 The Committee noted DE 56's decision to keep any decision on environmental requirements to be included in the draft Polar Code in abeyance, pending further consideration at DE 57, as well as the Sub-Committee's view that the MSC and the MEPC should prioritize their discussion on how to make the Polar Code mandatory in the most expeditious way possible.

11.12 In this connection, the Committee recalled that MEPC 63, having resolved the issue of how to make the Polar Code mandatory and having agreed that the Code should only include new issues and additional requirements which do not appear in other instruments, had instructed the DE Sub-Committee to take into account these decisions as the work on the draft Code is progressed. The Committee also noted that MSC 90 had agreed to include in the agenda for MSC 91 an item on "Making the Polar Code mandatory".

Draft amendments to the Condition Assessment Scheme

11.13 The Committee approved the draft amendments to the *Condition Assessment Scheme (CAS)* (resolution MEPC.94(46), as amended), emanating from the adoption of the *International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code)* (resolution A.1049(27)), set out in annex 16, for circulation, with a view to adoption at MEPC 65.

2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants

11.14 The Committee noted that DE 56 had completed its work on the draft 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants, however, it had been unable to resolve the nitrogen and phosphorous removal standards for sewage plants installed on passenger ships operating in MARPOL Annex IV Special Area. DE 56 considered two options on the removal standards for nitrogen and phosphorous based on equivalent shore-side target limits for communities of either 300 to 2,000 persons or 2,000 to 10,000 persons and decided to keep both sets of options in square brackets for further consideration by the Committee.

11.15 The Committee had for its consideration the following two documents commenting on the draft 2012 Guidelines:

- .1 document MEPC 64/11/6 (CLIA) suggesting that the target limits for shore-based communities of 300 to 2,000 persons be applied by analogy and recommending Total Nitrogen Standards of 35 mg/l or at least 30 per cent reduction and Total Phosphorus Standards of 2.0 mg/l or at least 70 per cent reduction; and

- .2 document MEPC 64/11/4 (Finland and United Kingdom) providing further information on the application of dilution compensation factor Q_i/Q_e under the draft 2012 Guidelines and proposing additional text to expand the guidance in this respect.

11.16 In the ensuing discussion, the Committee noted the split views over the two options on the removal standards for nitrogen and phosphorous, with a very slight majority of the delegations who took the floor supporting the more stringent standards.

11.17 Those delegations supporting the more stringent standards, stressed that a number of the companies (at least six) had indicated that the proposed standards were achievable, and that onshore equipment could be designed for marine use and made available before the application date for those standards. Those delegations were of the view that the best available technologies should be used on board with a view to achieving the greatest extent of protection of the marine environment, in particular, of the vulnerable environment of the Baltic Sea Special Area.

11.18 Those delegations supporting the less stringent standards, emphasized that even those standards would provide an adequate level of protection of the marine environment and it would not be helpful to set up aspirational standards for treatment of sewage at sea that are more stringent than the shore-based reception facilities within a special area. Those delegations believed that any standard should be achievable and practicable; setting up aspirational standards would only create unnecessary problems for the implementation process in the future.

11.19 The delegation of the Netherlands informed the Committee of some preliminary results on a survey conducted on the performance status of the sewage treatment plants installed on board ships, which indicated that a vast majority of the equipment did not meet the existing sewage treatment standards due to improper use of detergent, lack of maintenance or not following the operational instructions. The Netherlands delegation, therefore, stressed the importance of implementation and in particular of awareness on the use and maintenance of the equipment with all involved where it comes to the existing requirements under MARPOL Annex IV.

11.20 The Chairman proposed that the more stringent standards be used, subject to a review to be undertaken at MEPC 67 (second part of the year 2014), and invited the Committee to revisit this issue at a later stage of the session (see paragraph 11.60).

11.21 Consequently, the Committee instructed the drafting group to finalize the draft MEPC resolution on the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants*, subject to the Committee's further consideration of the removal standards for nitrogen and phosphorous.

Type approval of shipboard incinerators

11.22 The Committee endorsed the recommendation of DE 56 that incinerators with a capacity greater than 1,500 kW and up to 4,000 kW can be type-approved under the existing *Standard Specification for Shipboard Incinerators* (resolution MEPC.76(40), as amended by resolution MEPC.93(45)), and instructed the Secretariat to issue MEPC.1/Circ.793 for this decision.

OUTCOME OF STW 43

11.23 The Committee noted that the Sub-Committee on Standards of Training and Watchkeeping (STW) held its forty-third session from 30 April to 4 May 2012 and its report on that session was circulated under the symbol STW 43/14. Matters of relevance to the work of the Committee were reported in document MEPC 64/11/2.

ISM-related Guidelines

11.24 The Committee approved two sets of draft Assembly resolutions on Revised Guidelines on implementation of the ISM Code by Administrations and on Revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, set out in annexes 17 and 18, respectively, for consideration and adoption at the twenty-eighth session of the Assembly, subject to concurrent decision of MSC 91.

11.25 The Committee approved the revised MEPC-MSC circular on Guidelines for the operational implementation of the ISM Code by companies, as set out in annex 8 of document STW 43/14, subject to concurrent decision of MSC 91.

11.26 The delegation of the Bahamas, in indicating their intention to submit further comments on the draft amendments to the ISM Code (STW 43/14, annex 6) to MSC 91, expressed the concern that the proposed addition of a footnote to paragraph 1.2.3.2 of the ISM Code only refers to the list of IMO safety-related requirements and recommendations (MSC.1/Circ.1371), which could potentially mislead users to conclude that non-mandatory instruments on environmental matters issued by the MEPC and its subsidiary bodies do not need to be taken into account to the same extent. The Committee noted the concern expressed and invited MSC 91 to consider this issue.

OUTCOME OF FSI 20

11.27 The Committee noted that the Sub-Committee on Flag State Implementation (FSI) held its twentieth session from 26 to 30 March 2012 and its report was circulated under the symbol of FSI 20/19. Matters of relevance to the work of the Committee were reported in document MEPC 64/11/3.

11.28 The Committee approved, in general, the report of FSI 20 (FSI 20/19), and took action as indicated hereunder.

Reporting requirements in IMO instruments

11.29 The Committee noted that, in the context of reporting requirements in IMO instruments, FSI 20 continued its consideration of the potential for validating electronic reporting as a means to achieve compliance with the reporting requirements, whilst also addressing issues related to data storage and other relevant capabilities of the IMO Global Integrated Shipping Information System (GISIS).

11.30 The Committee endorsed FSI 20's decision to consider, at its next session, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements, as set out in the annex to document FSI 20/3/1.

11.31 The Committee also endorsed FSI 20's invitation to interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session of the Sub-Committee, in particular on domestic legislation, including the frequency of such reporting and the language in which information should be provided.

11.32 In this connection, the Committee instructed the Sub-Committee to examine in detail the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the request of A 27 to the Council, to establish the Ad Hoc Steering Group for Reducing Administrative Requirements (resolution A.1043(27)), with a view to avoiding any duplication of work.

Certificates and documents to be carried on board ships

11.33 With regard to certificates and documents to be carried on board ships, the Committee endorsed FSI 20's decision to further clarify the meaning of "originals" to be carried on board at a future session.

11.34 The Committee instructed the Sub-Committee to initiate revisions to the Revised list of certificates and documents required to be carried on board ships (FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409), as may be necessary, and endorsed the request to the Secretariat to prepare a note containing those requirements, which may result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the Procedures for PSC, as appropriate.

Regulation for non-convention ships

11.35 The Committee noted that a draft GlobalReg (the modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention) together with a model course, were developed in 2010 by IMO consultants, taking into account existing model regulations for non-Convention ships developed by IMO for different regions, as well as all available IMO documents on safety regulations for ships not covered by SOLAS Convention.

11.36 With regard to the FSI 20's request of the Committee to instruct the FSI Sub-Committee to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, in order to develop a non-mandatory instrument on regulations for non-convention ships and to identify a process for keeping it updated, the delegations of the Netherlands, the United States and Panama expressed the views that as the MSC had been assigned as the sole parent organ for the relevant planned output (5.2.1.18 of HLA for 2012 and 2013), the issue should be strictly dealt with by the MSC and that there was no justification for the Organization to keep updating the GlobalReg, in view of the large volume of the work involved and the busy agenda of the Committee.

11.37 The Committee concurred with the views that it would not be appropriate to extend the scope of the above-mentioned planned output and the GlobalReg.

11.38 The delegation of Indonesia, in referring to the Organization's initiative of the creation of country profiles to address the real capacity-building needs of developing countries, including enhancing the formulation of national maritime legislation, expressed the view that a detailed technical review of GlobalReg by all relevant sub-committees with a view to developing a comprehensive non-mandatory instrument on regulations for non-convention ships would be beneficial in this respect.

Certified true copy of amendments to conventions

11.39 The Committee requested the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and to establish a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office.

11.40 With regard to FSI 20's proposal to request the Secretariat to invite States depositing instruments of ratification to submit relevant and related domestic documents leading to the ratification that could be made accessible to other States, the Committee, in noting that TC 62 had considered the same proposal, agreed to concur with the view of TC 62 (TC 62/15, paragraphs 3.14 and 3.15). In this connection, the Committee also agreed not to consider any further, at this stage, the option of expanding the GISIS to make accessible related domestic documents due to concerns over the administrative burden inherent in the expansion of GISIS and the translation of materials.

Draft IMO Instruments Implementation Code (III Code)

11.41 The Committee recalled that MEPC 62 and MSC 89 had approved the draft IMO Instruments Implementation Code (III Code), as set out in annex 26 to document MSC 89/25, for submission to the Assembly, at its twenty-eighth session, for adoption, and had requested the Secretariat to provide FSI 20 with a comprehensive review of the options available on the process of making the III Code and auditing mandatory and the rationale thereof.

11.42 The Committee endorsed FSI 20's view that, although the III Code is intended to become mandatory at the adoption stage, it would be non-mandatory until it is made mandatory by relevant IMO instruments; and that the version of the III Code, as approved by MSC 89 and MEPC 62, which contains both provisions in mandatory terms and provisions of a recommendatory nature, needs to be redrafted in non-mandatory form.

11.43 The Committee approved the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, as redrafted by FSI 20, set out in annex 19, with a view to submission to the Assembly, at its twenty-eighth session, for adoption, subject to concurrent decision of MSC 91.

11.44 The Committee endorsed FSI 20's recommendation that amendments to the relevant instruments should be adopted after the III Code has been adopted by the Assembly; and that the preferred method of referencing would be to incorporate the symbol of the Assembly resolution adopting the III Code into the text of the amendments to the mandatory instruments. This reference would neither include the standard words "as amended" nor mention the article of the instrument concerned regarding the use of the tacit acceptance procedure. Using this method, the resolution reference alone could, in future, be replaced and updated using the article-based tacit acceptance procedure.

11.45 The Committee noted that FSI 20, having reviewed various scenarios proposed in document FSI 20/12 for making the III Code mandatory, had agreed, in general, that the normal amendment procedures currently exercised by the Committees should be pursued, i.e. introducing amendments to IMO instruments through the article-based tacit acceptance procedure, on the basis of normal sequence of events and meetings of the MSC and the MEPC. In this context, the Committee noted the information contained in document MEPC 64/11/3/Add.1 concerning a possible timeframe to make the draft III Code and auditing mandatory and agreed to coordinate the entry into force dates of amendments to relevant IMO instruments for making the III Code mandatory.

11.46 The Committee approved the draft amendments to MARPOL Annexes I, II, III, IV, V and VI to make the III Code and auditing mandatory, set out in annex 20, with a view to adoption at MEPC 66 (after the envisaged adoption of the III Code at A 28).

11.47 The delegation of Cyprus made a statement after the approval of the draft III Code and the draft amendments to MARPOL to make the Code and auditing mandatory, set out in annex 21. The delegations of Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom associated themselves with the statement.

11.48 The Committee endorsed FSI 20's recommendation concerning future amendments to the III Code and the applicable provisions of the mandatory instruments. FSI 20 recommended that, once a new Code is adopted by the Assembly, amendments to the mandatory instruments making the III Code mandatory should be adopted to replace the symbol of the corresponding Assembly resolution number which had adopted the old version of the Code with the symbol of the new Assembly resolution adopting the new version of the Code. The amendments to all relevant mandatory instruments making the Code mandatory should enter into force at the same time, in order to avoid having different versions of the Code in force simultaneously.

11.49 The Committee instructed the Sub-Committee to develop, at its next session, a new non-mandatory instrument in the form of an Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption.

Draft Code for recognized organizations (RO Code)

11.50 The Committee recalled that the draft Code for recognized organizations (RO Code) should be made mandatory under SOLAS, MARPOL and Load Lines Conventions by amending those mandatory provisions referring to resolutions A.739(18) on *Guidelines for the Authorization of Organizations Acting on Behalf of the Administration* and A.789(19) on *Specifications on the Survey and Certification Functions of Recognized Organizations acting on behalf of the Administration*, under the tacit acceptance procedure. The Committee endorsed FSI 20's recommendation that the adoption of separate MSC and MEPC resolutions as the most legally sound way forward for adopting and amending the RO Code. In this connection, the Committee further endorsed FSI 20's recommendation to amend only those instruments that refer expressly to resolutions A.739(18) and A.789(19), i.e. MARPOL Annexes I and II under its purview, to make the RO Code mandatory.

11.51 The Committee endorsed FSI 20's request to the Secretariat to further communicate with the ISO Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations to adjust the text of the RO Code.

11.52 Having considered the two square-bracketed versions of the proposed new footnote to be added to the entry on "liability", as it appears under paragraph 8.4 of appendix 3 of the RO Code, the Committee agreed to use the second version of the footnote.

11.53 The delegation of Panama expressed concern on the inclusion of a footnote on the liability issue and reiterated their general opposition for the inclusion of a footnote in the RO Code.

11.54 The Committee, having considered documents MEPC 64/11/5 and MEPC 64/11/5/Corr.1 (IACS) commenting on the draft Code for Recognized Organizations agreed, in general, to the modifications to the draft RO Code as proposed by the IACS observer. With regard to the last sentence of paragraph 3.6.3 of part II of the RO Code, the Committee agreed to further amend it to read:

"Records specified in 3.6.4.2 for a ship shall be retained for a minimum period of 3 years beyond the period for which statutory certification and services are provided by the RO to that ship, or a longer period if specified in the agreement between the flag State and the RO".

11.55 The Committee instructed the drafting group established under agenda item 7 to review and finalize the draft Code for recognized organizations (RO Code), using text in annex 6 of document FSI 20/19 as a basis, taking into account documents MEPC 64/11/5 and MEPC 64/11/5/Corr.1 (IACS).

11.56 The delegation of Cyprus made a statement in connection with the approval of the draft RO Code and the draft amendments to MARPOL to make the Code mandatory, which is also set out in annex 21. The delegations of Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom associated themselves with the above-mentioned statement.

ADDITIONAL TERMS OF REFERENCE TO BE ADDED TO THE DRAFTING GROUP ESTABLISHED UNDER AGENDA ITEM 7

11.57 Having considered all the documents under this agenda item, the Committee agreed to add the following terms of reference to the drafting group established under agenda item 7 (see paragraph 7.27):

- .1 finalize the draft MEPC resolution on the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants, using text in annex 15 to document DE 56/25 as a basis, and taking into account document MEPC 64/11/3 (Finland and the United Kingdom); and
- .2 review and finalize the draft Code for recognized organizations (RO Code), using text in annex 6 of document FSI 20/19 as a basis, taking into account documents MEPC 64/11/5 and MEPC 64/11/5/Corr.1 (IACS).

REPORT OF THE DRAFTING GROUP

11.58 Having considered the part of the drafting group relating to this output, the Committee took the action as indicated hereunder.

2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants

11.59 The Committee noted that the drafting group had completed its work on the draft 2012 Guidelines.

11.60 The Committee, having further considered the Chairman's proposal concerning the removal standards for nitrogen and phosphorous (see paragraph 11.20), agreed that:

- .1 the geometric mean of the total nitrogen and phosphorus content of the samples of effluent taken during the test period should not exceed:
 - .1 total nitrogen⁴: 20 Qi/Qe mg/l or at least 70% reduction⁵;
 - .2 total phosphorus: 1.0 Qi/Qe mg/l or at least 80% reduction⁶.
- .2 the requirements of the above-mentioned removal standards for nitrogen and phosphorous should apply to sewage treatment plants installed on:
 - .1 new passenger ships when operating in a MARPOL Annex IV special area and intending to discharge treated sewage effluent into the sea on or after 1 January 2016; and
 - .2 existing passenger ships when operating in a MARPOL Annex IV special area and intending to discharge treated sewage effluent into the sea on or after 1 January 2018.
- .3 a review of the Nitrogen and Phosphorus removal standard set forth in paragraph 4.2.1 of the Guidelines should be undertaken by the Committee at its sixty-seventh session (second part of year 2014) to determine that the required removal standards for Nitrogen and Phosphorus are met by type approved sewage treatment plants, or such systems in development, taking into account the results of on board and ashore testing in accordance with section 5 of the 2012 Guidelines. In order to accomplish this, the Committee decided to establish a review group at MEPC 67.
- .4 the Committee, based on the information provided by the review group, should decide whether it is possible for ships to comply with the standard in paragraph 4.2.1 with the dates set out in paragraph 1.2.3. If a decision is taken that it is not possible or practicable for ships to comply, then the Guidelines should be amended accordingly.

11.61 The Committee instructed the Secretariat, when preparing the final version of the 2012 Guidelines, to insert text of sub-paragraphs 11.60.3 and 11.60.4 into the Guidelines as new paragraphs 4.4 and 4.5. Consequently, the Committee adopted, by resolution MEPC.227(64), the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants*, set out in annex 22.

Draft Code for recognized organizations (RO Code)

11.62 The Committee approved the draft Code for recognized organizations (RO Code), as contained in annex 6 to document FSI 20/19, with a view to adoption at MEPC 65, subject to concurrent decision of MSC 91.

11.63 The Committee approved the draft amendments to MARPOL Annexes I and II to make the RO Code mandatory, set out in annex 23, for circulation, with a view to adoption at MEPC 65 after the adoption of the RO Code at the same session.

⁴ Total nitrogen means the sum of total Kjeldahl nitrogen (organic and ammoniacal nitrogen) nitrate-nitrogen and nitrite-nitrogen.

⁵ Reduction in relation to the load of the influent.

⁶ Reduction in relation to the load of the influent.

12 WORK OF OTHER BODIES

OUTCOME OF MSC 90

12.1 The Committee noted that the ninetieth session of the Maritime Safety Committee (MSC 90) was held from 16 to 25 May 2012 and its report on that session was circulated under the symbols MSC 90/28 and addenda. The outcome of MSC 90, relevant to the work of the Committee, was summarized in document MEPC 64/12/1.

12.2 The Committee noted, in general, the outcome of MSC 90 on all issues of relevance to it and agreed to take MSC's action into account, as appropriate, under the relevant items of its agenda.

12.3 In this connection, the Committee noted that the outcome of MSC 90 concerning the approval of amendments to the IBC Code; the adoption of the Associated Protective Measure for the Strait of Bonifacio PSSA; the recommendation of discontinuing receiving document in hard copies for information on status of conventions; the role of the human element; the biennial agenda for BLG and FSI Sub-Committees; and application of the Committee's guidelines; had been addressed under agenda items 6, 9, 13, 17, 19 and 20, respectively.

12.4 The Committee further noted that the outcome of MSC 90 concerning action taken by BLG 16 on the outcome of ESPH 17 and the progress made by the DE Sub-Committee in the development of a mandatory Polar Code had been addressed under agenda item 11.

12.5 The Committee also noted the following information and actions taken by MSC 90, which were of interest to it:

- .1 the adoption, by resolution MSC.325(90), inter alia, a new regulation VI/5-2 of the 1974 SOLAS Convention concerning the prohibition of the blending of bulk liquid cargoes during the sea voyage;
- .2 the adoption, by resolution MSC.328(90), of amendments to the *International Maritime Dangerous Goods (IMDG) Code*;
- .3 in the context of Goal-based New Ship Construction Standard, the progress made in the development of the Guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments, including the MARPOL Convention;
- .4 the progress made with respect to formal safety assessment;
- .5 the intention to further consider the issue of online access to certificates and documents at MSC 91; and
- .6 the progress made in the development of IMO model courses and Global Integrated Shipping Information System (GISIS).

OUTCOME OF LEG 99

12.6 The Committee noted that the ninety-ninth session of the Legal Committee (LEG 99) was held from 16 to 20 April 2012 and its report on that session was circulated under the symbol LEG 99/14. The matters of interest to the Committee were summarized in document MEPC 64/12/2.

12.7 The Committee noted, in general, the outcome of LEG 99 on issues of relevance to it, and in particular:

- .1 that LEG 99 adopted, by resolution LEG.5(99), *amendments of the limitation amounts in the Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims, 1976*, which represent an increase of 51 per cent in limits; and
- .2 that LEG 99 agreed to further analyse the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, with the aim of developing guidance to assist States interested in pursuing bilateral or regional arrangements; and that LEG 99 also agreed that there was no compelling need to develop an international convention on the subject.

OUTCOME OF TC 62

12.8 The Committee noted that the sixty-second session of the Technical Co-operation Committee (TC 62) was held from 6 to 8 June 2012 and its report on that session was circulated under the symbol TC 62/15. The matters of interest to the Committee were summarized in document MEPC 64/12/3.

12.9 The Committee further noted that the outcome of TC 62 concerning marine environment protection-related matters were to be considered under agenda item 16 – Technical co-operation activities for the protection of the marine environment.

OUTCOME OF C 108

General

12.10 The Committee noted that the 108th session of the Council (C 108) was held from 11 to 14 June 2012 and its summary of decisions was issued under the symbol C 108/D. The matters of interest to the Committee were summarized in document MEPC 64/12/5, including the Council's decision concerning the report of MEPC 63.

12.11 The Committee noted that the Council had approved the report of the sixty-third session of the Marine Environment Protection Committee, as set out in document C 108/7, and had decided to transmit it, together with its comments and recommendations, to the twenty-eighth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

12.12 The Committee also noted that the Council had approved the planned intersessional meetings of the OPRC-HNS Technical Group in 2012 and the ESPH Working Group in 2013.

12.13 The Committee further noted, in general, the outcome of C 108 on matters of relevance to it concerning strategy, planning and reform, resource management, Voluntary IMO Member State Audit Scheme, and World Maritime Day, and, in particular:

- .1 that the Council had agreed to the inclusion of an unplanned output "the Secretary-General's review and reform mechanism" in the HLAP for the current biennium, which, inter alia, included the restructuring of the sub-committees;
- .2 that the Council had agreed to a measure to cross-reference certain meeting decisions in order to reduce translation and printing costs. All committees should have in their reports a new section entitled "Action requested of other IMO bodies" to facilitate subsequent cross-referencing by other IMO bodies; and
- .3 that the Council had endorsed Secretary-General's proposal that the theme of World Maritime Day for 2013 should be: "Sustainable Development: IMO's contribution beyond Rio+20".

Outcome of JWGMSA 5

12.14 The Committee was advised that C 108 had considered the outcome of the fifth session of the Joint Working Group on the Member State Audit Scheme (JWGMSA 5), and had noted that it had been invited to decide, no later than its 109th session, on the issue of confidentiality in the context of a mandatory scheme, in particular, with regard to the disclosure of audit reports to all Member States. In this respect, C 108 had requested the Joint Working Group to provide the outcome to the MSC and the MEPC for their consideration in the context of the mandatory instruments within their purview, prior to a decision being taken by C 109.

12.15 The Committee considered the outcome of JWGMSA 5 (MEPC 64/12), on the issue of confidentiality and the reporting format, particularly on whether its role, with respect to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocols of 1978 and 1997 relating thereto, or those of Member States that are Parties to those instruments, is affected with respect to the application of the provisions of those instruments by the disclosure of the following:

- .1 audit results in the form as provided for in the executive summary report; and
- .2 a State's comments on the progress of implementation of its corrective action plan.

12.16 The Committee noted that the outcome of the fifth session of the Joint Working Group was also submitted to MSC 90 in document MSC 90/22/3 and that MSC 90's consideration on this issue is reported in paragraphs 19 to 21 of document MEPC 64/12/1. On the issue of confidentiality, MSC 90 noted that a general need for transparency was supported by a number of delegations, whilst other delegations expressed some concerns. A number of delegations, in highlighting the core objectives of the audit scheme, both in its current voluntary form and a future mandatory scheme, in particular, the fundamental need to further assist Member States to improve their capabilities and overall performance in the implementation of the mandatory IMO instruments through the provision of technical assistance, whilst at the same time providing valuable input to the regulatory function of the Organization, expressed the view that the availability of audit reports could also foster the achievement of the aforementioned objectives. Several delegations also emphasized that the sovereignty of Member States and any differences in national practices should be respected.

12.17 The Committee also noted that, in addressing the questions posed to it on the release of the executive summary report and a Member State's comments on the progress of implementation of its corrective action plan, MSC 90 agreed, by a slight majority, that the release of the executive summary report and the related Member State's comments thereon, would have no negative impact on its role or that of a Member State as a Party to the instruments concerned. It also acknowledged that the release of the report and comments could positively impact the work of the MSC, particularly in its review of the implementation of instruments and the regulatory work of the Organization.

12.18 The delegation of Cyprus, supported by some other delegations, expressed the view that one of the key elements that the IMO Member State Audit Scheme could achieve its intended objectives is the maximum disclosure of the audit results, and that in supporting the maximum disclosure, it is understood that some limitations and various other aspects should be taken into account in order to achieve a pragmatic and workable result.

12.19 The delegation of China stressed that all the activities associated with the IMO Member State Audit Scheme, including the release of the executive summary report, should only serve the objective of further assisting Member Governments to improve their capabilities and overall performance in order to be able to comply with the IMO instruments to which they are party, as defined in resolution A.1018(26).

12.20 Following discussion, the Committee concurred with the views of MSC 90.

OUTCOMES OF THE JOINT SESSION OF THE SCIENTIFIC GROUPS UNDER THE LONDON CONVENTION AND PROTOCOL

12.21 The Committee noted the information contained in document MEPC 64/INF.29 concerning the outcome of the joint session of the Scientific Groups under the London Convention and Protocol (21 to 25 May 2012) with regard to their work on the revision of joint LC-LP/MEPC Guidance on managing spoilt cargoes (LC-LP.1/Circ.30 and MEPC.1/Circ.688) and the development of outreach and training materials thereof. In this context, the Committee noted that a new version of the joint Guidance on managing spoilt cargoes had been prepared for consideration of LC 34-LP 7, the outcome of which would be reported to a future session of the MEPC.

OUTCOME OF THE UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT

12.22 The Committee noted the information contained in document MEPC 64/12/4, as well as that provided orally by the Secretariat, concerning the outcome of the United Nations Conference on Sustainable Development (Rio+20), held in Rio de Janeiro, Brazil, 20-22 June 2012, which marked the twentieth anniversary of the 1992 United Nations Conference on Environment and Development (UNCED), in Rio de Janeiro, Brazil and the tenth anniversary of the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa. The objective of the Conference was to reaffirm the commitment of the principles of the Rio Declaration on Environment and Development and past action plans by securing renewed political commitment for sustainable development, assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development, and addressing new and emerging challenges.

12.23 The Committee noted that in the lead-up to Rio+20, the IMO Secretariat had contributed to a number of reports and publications and participated in the preparatory process for the Rio+20 Conference. During the Conference, IMO participated in a high-level Round Table on "Looking at the way forward in implementing the expected outcomes of the

Conference" where the Secretary-General highlighted shipping's contribution to sustainable maritime development in environmental, social and economic aspects. IMO also led a side event on "Sustainable Maritime Development – Contribution of Maritime Transport to Green Growth and Inclusive Development", in partnership with the maritime industry and other stakeholders.

12.24 The Committee noted that other side-events with IMO's participation included "United Nations System: Together for the future we want", organized by the United Nations System Chief Executive Board for Coordination; "The Oceans Day at Rio+20", a high-level ocean event organized by Global Oceans Forum; "Rio+Social", a global event gathering technology, social media and global leaders; "Marine litter – preventing our oceans from becoming dumps" and "Greening the Blue World: Green Economy Approach for Oceans, Coasts and SIDS", both organized by UNEP.

12.25 The Committee recalled that, in his opening speech of this meeting, the Secretary-General had highlighted the outcome document of the Rio+20 Conference, entitled "The Future We Want", and IMO's own contribution to the follow-up of the United Nations led work within the context of Sustainable Development Goals. To this end, the Secretary-General defined eight key elements or "pillars" on which IMO's Sustainable Development Goals for shipping and the maritime industries should focus. These are:

- .1 safety culture and environmental stewardship;
- .2 energy efficiency;
- .3 new technology and innovation;
- .4 maritime education and training;
- .5 maritime security and anti-piracy actions;
- .6 maritime traffic management;
- .7 maritime infrastructure development; and
- .8 implementation of global standards developed, adopted and maintained by IMO.

12.26 In recalling his opening speech of this meeting, the Secretary-General stated that, as a result of Rio+20, the United Nations has been taking serious initiatives to generate an overarching set of sustainable development goals, which are a very important opportunity for the Organization and the shipping industry to generate a concept of sustainable development goals for the maritime industry and the shipping industry. He continued that the future of this global economy and welfare, all depends on the concept of sustainable development, and without shipping, as well as international transportation, we cannot really think about the future of the global economy.

12.27 The Secretary-General further stated that efforts should not be spared to generate a good concept for our sustainable development goals, with a view that IMO's contribution will be reflected in the overarching sustainable development goals which will be established by the United Nations. In this connection, under the leading role of the Council, the MEPC, the Technical Co-operation Committee, as well as the Maritime Safety Committee will have their roles to play to move towards our sustainable development goals.

12.28 The delegation of Brazil, in expressing their appreciation to the Secretary-General's remarks and the preparation of document MEPC 64/12/4 by the Secretariat, made a statement on the outcome of Rio+20, set out in annex 24.

12.29 The delegation of China, in expressing their appreciation to the Secretary-General's remarks, associated themselves with the statement made by the delegation of Brazil. The Chinese delegation further stressed that, in the process of making international regulations and providing the legislative framework for shipping, the Organization should endeavour to ensure the sustainable development of the shipping industry, and that any measure taken should be practicable and feasible, as well as alleviating any potential negative impacts to it.

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 2012 (MEPC 64/13), 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;
- .7 annex 7, showing the status of the 2004 BWM Convention; and
- .8 annex 8, showing the status of the 2009 Hong Kong Convention.

13.2 The Committee also noted the following information provided by the Secretariat since document MEPC 64/13 was issued on 18 June 2012:

- .1 with regard to annex 2 on the status of MARPOL Convention:
 - Niue deposited its instrument of accession to MARPOL Annexes I, II, III, IV, V and VI on 27 June 2012;
 - the Netherlands deposited its instrument of accession to MARPOL Annex VI on 27 June 2012; and
 - the Republic of Indonesia deposited its instrument of accession to MARPOL Annexes III, IV, V and VI on 24 August 2012.
- .2 with regard to annex 7 on the status of the BMW Convention:
 - Denmark deposited its instrument of accession on 11 September 2012.

13.3 The Committee further noted the following information:

- .1 the delegation of Argentina stated that their Government would deposit their instrument of accession to the BWM Convention and MARPOL Annex VI soon; and
- .2 the delegations of the Russian Federation and the United States stated that their Governments had deposited their instrument of accession to the AFS Convention on 9 and 21 August 2012, respectively.

13.4 The Committee further noted that MSC 90, having noted that the information on the conventions, protocols and amendments thereto related to the work of the MSC and their status, as presented in a document to every session of the MSC, is also available on the IMO public website www.imo.org, agreed to discontinue the practice of producing hard-copy documents on the matter. MSC 90 also recommended that the MEPC discontinue hard-copy information on the status of the Conventions.

13.5 The Committee agreed to MSC 90's recommendation. Therefore, the item on "status of conventions" should be deleted from the agenda of the Committee for its future sessions.

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 has 62 Parties, representing 80.33 per cent of the gross tonnage of the world's merchant fleet. All those States that have not yet ratified this Convention were invited to do so at the earliest opportunity.

14.2 The Committee, noting that no documents had been submitted to the current session, invited Member States and observer organizations to provide information or proposals under this item to future sessions of the Committee, recognizing its importance for the smooth and coordinated implementation of the Anti-fouling Systems Convention.

15 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS

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

15.2 The Committee, noting that no documents had been submitted to the current session, invited delegations and observers to submit relevant documents or information to the next session of the Committee.

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

16.1 The Committee noted the information provided in document MEPC 64/16 on the Organization's technical co-operation activities related to the protection of the marine environment, during the period from 1 December 2011 to 1 July 2012, under the Integrated Technical Co-operation Programme (ITCP) as well as under the major projects which are financed through external sources. These activities were aimed at assisting Member States in the implementation of the provisions of the relevant IMO instruments, including AFS, BWM, MARPOL, OPRC, OPRC-HNS, London Convention/Protocol and the Hong Kong Ship Recycling Convention.

16.2 The Committee further noted that, during the period under review, significant progress has been achieved through the major projects, namely the Marine Electronic Highway Demonstration Project; the GEF-UNDP-IMO GloBallast Partnerships project and its related initiatives, including the Global Industry Alliance (GIA); the GI WACAF project which aims at assisting the West, Central and Southern African region in implementing the OPRC Convention; the IMO-KOICA Project on building capacities in East Asian countries to address greenhouse gas (GHG) emissions from ships; the feasibility study on LNG-fuelled short-sea and coastal shipping in the wider Caribbean region; the IMO-KOICA-PEMSEA project on environmental sensitivity mapping in the gulf of Thailand and the EU-funded SAFEMED II project, implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) on behalf of IMO.

16.3 The Committee further noted that the sixty-second session of the Technical Co-operation Committee (TC 62) was held from 6 to 8 June 2012 and its report on that session was circulated under the symbol TC 62/15. The matters of interest to the Committee were summarized in document MEPC 64/12/3. In particular, the Committee noted that TC 62 considered and approved the ITCP biennial report for 2010-2011 and that TC 62 acknowledged with appreciation the Secretary-General's initiative on the Review and Reform of Technical Co-operation, relating to the creation of country profiles to address the real capacity-building needs of developing countries. The Committee also noted that TC 62 strongly supported the Secretary-General's strategic direction for technical co-operation, to be implemented, inter alia, through enhanced assistance in the formulation of national maritime transport policies for developing countries.

16.4 In summing up, the Chairman recalled that the constituent programmes of IMO's ITCP 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 the financial and in-kind contributions to the ITCP and major projects and invited Member States and international organizations to continue and, if possible, increase their appreciable support for IMO's technical co-operation activities so that successful delivery of the programme could be achieved.

17 ROLE OF THE HUMAN ELEMENT

17.1 The Committee recalled that MSC 89, subject to the concurrence of MEPC 62, had agreed, in principle, to entrust a leading and coordinating role to the STW Sub-Committee for the implementation of the Organization's strategy to address the Human Element.

17.2 The Committee also recalled that MEPC 62, due to time constraints, had deferred the consideration of the decision of MSC 89 until MEPC 63.

17.3 The Committee further recalled that MEPC 63, having concurred with the decision of MSC 89, subject to review of this arrangement after a few years to decide if it had achieved the objectives, had agreed that the Committee could refer Human Element matters relating to environmental issues directly to the Joint MSC/MEPC Working Group on the Human Element, and that the Working Group should consider the issues referred to it, without further discussion in the plenary of the STW Sub-Committee.

17.4 The Committee, having noted that MSC 90 had noted its decision on the matter and given that there were items in the agenda of the STW Sub-Committee relevant to the work of the Committee, such as "Enhancing the efficiency and user-friendliness of the ISM Code", agreed to keep this item in its agenda for the next session.

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

18.1 The Committee recalled that MEPC 62, having noted that a new output had already been planned on the biennial agenda of the DE Sub-Committee to develop technical guidelines to address the issue of noise from commercial shipping and its adverse impacts on marine life, instructed the DE Sub-Committee to address this issue. MEPC 62 also decided to keep the item on the Committee's agenda to consider the outcome of the DE Sub-Committee on the matter.

Outcome of DE 56 on noise from commercial shipping and its impact on marine life

18.2 The Committee noted that the DE Sub-Committee held its fifty-sixth session from 13 to 17 February 2012 and its report has been circulated under the symbol of DE 56/25. The Committee also noted that DE 56, having considered document DE 56/24 (United States), providing information on the issue and offering recommendations and a framework concerning the development of non-mandatory, technical guidelines to minimize underwater noise, in particular, identifying four specific high-focus areas that should be assessed for potential underwater noise reduction, i.e. propulsion, hull design, onboard machinery and operational modifications, established a Correspondence Group on Minimizing Underwater Noise, under the coordination of the United States, and instructed it to:

- .1 taking into account document DE 56/24 and the information contained in documents MEPC 59/19 and MEPC 60/18, giving special consideration to the priority focus areas identified in the two latter documents, continue to examine the available options for ship-quieting technologies and operational practices;
- .2 develop non-mandatory draft guidelines for reducing underwater noise from commercial ships; and
- .3 submit a report to DE 57.

18.3 The Committee invited DE 57 to report the outcome of this work to MEPC 65 (May 2013) for consideration.

19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

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

19.1 The Committee noted that the biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees relating to environmental issues have been approved by MSC 90 and MEPC 63 and noted further that the post biennial agendas, as proposed by the said Sub-Committees, have been approved by MSC 90.

19.2 The Committee, having considered document MEPC 64/WP.3, approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues, as set out in annex 25.

Biennial agenda of the BLG Sub-Committee and provisional agenda for BLG 17

19.3 The Committee recalled that MEPC 63 agreed to the planned outputs of the 2012-2013 biennium, taking into account the inclusion by BLG 16 of a new agenda item on the development of international measures for minimizing the transfer of invasive aquatic species through biofouling of ships.

19.4 The Committee noted that MSC 90 considered and approved the BLG Sub-Committee's planned outputs of the 2012-2013 biennium, including the unplanned outputs as proposed by BLG 16 on biofouling of ships.

19.5 The Committee noted that, pursuant of resolution A.1038(27) on the *High-level Actions and related planned outputs for 2012-2013 biennium*, the Secretariat, in consultation with the Chairman, consequently updated the planned outputs of the BLG Sub-Committee as approved by MSC 90 and MEPC 63 with the inclusion of all planned and unplanned outputs under the purview of the Sub-Committee.

19.6 The Committee, having considered annex 1 to document MEPC 64/WP.4, approved the revised agenda of the BLG Sub-Committee and the provisional agenda for BLG 17 and requested the Secretariat to inform the MSC accordingly. The biennial agenda of the BLG Sub-Committee and the provisional agenda for BLG 17, as approved, are set out in annex 26.

Biennial agenda of the FSI Sub-Committee and provisional agenda for FSI 21

19.7 The Committee noted that MSC 90 and MEPC 63 approved the biennial agenda of the FSI Sub-Committee for the 2012-2013 biennium and the provisional agenda for FSI 21.

19.8 The Committee further noted that the biennial agenda of the FSI Sub-Committee, as approved by MSC 90 and MEPC 63, has been consequentially updated based on the planned outputs for the MSC and MEPC for the 2012-2013 biennium.

19.9 The Committee, having considered annex 2 to document MEPC 64/WP.4, approved the updated biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21 and requested the Secretariat to inform the MSC accordingly. The biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21, as approved, are set out in annex 27.

Report on the status of the planned outputs for the MEPC for the 2012-2013 biennium

19.10 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 of the Organization* adopted by resolution A.1013(26), the reports on the status of planned outputs included in the High-level Action Plan and priorities for the 2012-2013 biennium should be prepared and annexed to the report of each session of the sub-committees and committees, and to the biennial report of the Council to the Assembly. Such report should separately identify unplanned outputs accepted for inclusion in the biennial agendas.

19.11 The Committee further noted that resolution A.1013(26) also requests that, in preparing such report, each organ of the Organization should consolidate therein all the reports on the status of planned outputs which it has received since its previous report.

19.12 The Committee noted that, pursuant to resolution A.1038(27), the Assembly requested the MEPC to take specific action on the approved *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*, in particular table 2 on the High-level actions and related planned outputs in full observance of the Guidelines contained in resolution A.1013(26).

19.13 The Committee, having considered document MEPC 64/WP.5 on the report on the status of planned outputs for MEPC for the 2012-2013 biennium as contained in resolution A.1038(27), which was updated based on the outcome of MEPC 63 and MSC 90,

endorsed the status of planned outputs for the 2012-2013 biennium and authorized the Secretariat to update the status of planned outputs for the 2012-2013 biennium, taking into account the progress made at this session. The updated report on the status of planned outputs for the MEPC for 2012-2013 biennium is set out in annex 28.

Activities, priorities and plan of meeting-weeks of the Committees and their subsidiary bodies for the 2014-2015 biennium

19.14 The Committee recalled that paragraph 3.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2) requires that, at the end of the first year of the biennium, the Committee Chairmen should submit to their respective committees a joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium, for consideration in the subsequent year, with a view to inclusion in the Secretary-General's relevant budget proposals.

19.15 The Committee noted that, in preparing the activities and priorities of the Committees and their subsidiary bodies (MEPC 64/WP.6), advice was sought from the Chairmen of the sub-committees on the number of sessions their sub-committees would need for the 2014-2015 biennium, based on the sub-committees' present biennial agendas and anticipated needs regarding work which might be required during the next biennium.

19.16 The Committee recalled that the Secretary-General provided information to the Council (C 108/3/3) on a possible future restructuring of the sub-committees, and that the Council, having expressed its appreciation and support for his initiative, noted that C 109 will consider the above matter in more detail and, in this regard, proposals contained in document MEPC 64/WP.6 have been prepared on the basis of the current sub-committees arrangements and might be subject to change following consideration by the Council and the Committees of any change to the sub-committees' structure.

19.17 The Committee further noted that, with regard to activities and priorities of the Committees, the Chairman noted that the Assembly, at its twenty-seventh session, had approved resolution A.1038(27) on the *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*, which identified the high-level actions, including priorities for specific items for the respective Committees, necessary to achieve the strategic objectives in the *Strategic Plan for the Organization (for the six-year period 2012-2017)* (resolution A.1037(27)).

19.18 The Committee further noted that the Chairmen also noted the provisions of resolution A.900(21), which sets out the objectives of the Organization in the 2000s and provides 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*.

19.19 The Committee recalled that MEPC 63 and MSC 90 had approved the biennial agendas of the sub-committees, including priorities for each output and target completion dates or number of sessions needed to complete them as shown in annex 29 of the report of MSC 90 (MSC 90/28/Add.1).

19.20 Taking into account the technical workload of the Organization and budgetary constraints, the priorities assigned by the Assembly in resolution A.1038(27) to subjects for consideration by the MSC and MEPC and the advice provided by the Chairmen of the Sub-Committees, the Committee:

- .1 did not agree to the proposed two (2) meeting-weeks for the FP and DE Sub-Committees, respectively, for 2014 footnoted in the plan of meeting-weeks for the MSC and MEPC for the biennium 2014-2015;
- .2 noted that C 109 would discuss the reduction of sessions requiring interpretation to eight per sub-committee meetings (C 109/3/1, paragraph 25) and, on this basis, did not agree to the proposed 10 plenary sessions of the DE Sub-Committee in each of the next two sessions regardless of any reduction in the number of meeting-weeks;
- .3 noted the suggestions of some delegations that Member States should prioritize the planned/unplanned outputs to be given to sub-committees with respect to their own priorities and the Chairmen of the sub-committees should be encouraged to attend the Committees' meetings; and
- .4 approved, subject to the concurrent decision by MSC 91, the plan of meeting-weeks for the MSC and MEPC and their subsidiary bodies for the biennium 2014-2015, as listed in the table below, for inclusion in the Secretary-General's relevant budget proposals:

Year	MSC	MEPC	BLG	DSC	FP	FSI	COMSAR	NAV	DE	SLF	STW	Total
2014	2.5	2	1	1	1*	1	1	1	1**	1	1	13.5
2015	1.5	1	1	1	1	1	1	1	1	1	1	11.5
Grand total (weeks)												25

Items to be included in the agendas of MEPC 65, MEPC 66 and MEPC 67

19.21 The Committee, having considered document MEPC 64/WP.7 and taking into account the decisions made at this session, approved the items to be included in the agendas for MEPC 65, MEPC 66 and MEPC 67 and the proposed groups, as set out in annex 29.

Dates for MEPC 65, MEPC 66 and MEPC 67

19.22 The Committee noted that MEPC 65 would be held from 13 to 17 May 2013 and that MEPC 66 and MEPC 67 were tentatively scheduled to be held in March 2014 and October 2014, respectively.

Working/review/drafting groups at MEPC 65

19.23 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 65:

- .1 Ballast Water Review Group;

* The Chairman of FP has proposed two meeting-weeks in 2014, on the basis that no FP session has been held in 2012, the bulky agenda and the urgent matters postponed during 2012.

** The Chairman of DE has proposed two meeting-weeks in 2014. However, this number could be reduced if the Sub-Committee is permitted to have 10 plenary sessions requiring interpretation in a five-day period, in each of the next two sessions.

- .2 Working Group on Air Pollution and Energy efficiency;
- .3 Working Group on the Draft Resolution on Promotion of Technical Co-operation and Transfer of Technology relating to the Improvement of Energy efficiency of Ships; and
- .4 Drafting Group on Amendments to Mandatory Instruments.

Correspondence groups

19.24 The Committee agreed to establish the following intersessional Correspondence Group, which would report to MEPC 65:

- .1 Correspondence Group on Ship Recycling;
- .2 Correspondence Group on Energy efficiency for Ships;
- .3 Correspondence Group on Assessment of Technological Developments to Implement the Tier III NO_x Emission Standard under MARPOL Annex V; and
- .4 Correspondence Group on the Assembly Resolution on the Application of BWM Convention.

Intersessional meetings

19.25 The Committee agreed to hold the following intersessional meetings, subject to approval by the Council:

- .1 OPRC/HNS Technical Group to be held in the week before MEPC 65 in May 2013, which should report to MEPC 65; and
- .2 ESPH Working Group to be held in October 2013.

20 APPLICATION OF THE COMMITTEES' GUIDELINES

20.1 The Committee recalled that MEPC 63 and MSC 90 agreed to the request of C/ES.26, in accordance with paragraph 4 of resolution A.1013(26), to include in the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.2) the checklist for identifying administrative burdens to be used when preparing the analysis of implications, which is required when submitting proposals for inclusion of unplanned outputs.

20.2 The Committee noted that the Committees' Guidelines, with the addition of the checklist, had been disseminated as MSC-MEPC.1/Circ.4/Rev.2 and that its application will be adhered to in the conduct of the work of the Committee.

21 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2013

21.1 The Committee, in accordance with rule 17 of its Rules of Procedure, unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman and Mr. Arsenio Dominguez (Panama) as Vice-Chairman, both for 2013.

22 ANY OTHER BUSINESS

Marine Environmental Awareness Raising Posters: Sargasso Sea

22.1 The Committee noted that document MEPC 64/INF.24 (GlobalMET Ltd, IUCN, Nautical Institute and WWF) contained an example of a poster which aims to raise marine environmental awareness of seafarers and others about sensitive sea areas frequented by ships and the associated environmental and marine life features. The Sargasso Sea was chosen as the first of a series of similar proposed posters because of concerns about the impacts of ships on the fauna and flora of this unique region. The posters can be displayed in messrooms on board ships, as well as in shore-based academies and elsewhere and can be purchased at: <http://www.maritimetraining.com/Search/sargasso>.

The Protection and Management of the Sargasso Sea: Summary Science Case and Supporting Evidence Case

22.2 The Committee also noted that document MEPC 64/INF.25 (IUCN) contained the summary of a recent publication entitled "The Protection and Management of the Sargasso Sea: Summary Science Case and Supporting Evidence Case". The report provides the scientific and other supporting evidence of the importance of the Sargasso Sea located within the North Atlantic sub-tropical gyre and will be used as part of the process to secure international recognition of the importance of the Sargasso Sea and of establishing appropriate management and precautionary regimes within existing instruments and organizations such as the IMO and the International Convention for the Conservation of Atlantic Tuna. The full report can be viewed or downloaded at: <http://www.sargassoalliance.org/case-for-protection>.

The Expo 2012 Yeosu Korea and the launch of the Oceans Compact

22.3 The Committee further noted that document MEPC 64/INF.32 (Secretariat) provided information about the 2012 International Exposition, held in Yeosu, Republic of Korea, from 12 May to 12 August 2012. IMO provided input to the Expo, both as part of the permanent United Nations exhibition, and in a temporary exhibition showcasing IMO's work for the wider audience.

22.4 The Committee also further noted information about the Oceans Compact, a new initiative on ocean matters by the United Nations Secretary-General, which was launched during the Yeosu Expo. The Oceans Compact sets out a strategic vision for the United Nations system to deliver more coherently and effectively on its ocean-related mandates, consistent with the Rio+20 outcome document "The Future we want". The Oceans Compact will be accompanied by an integrated and results-based "Action Plan" which will be overseen by the UN-Oceans coordinating mechanism to which IMO is a member. A time-bound Advisory Group that includes Executive Heads of involved United Nations system organizations, high-level policy-makers, scientists, leading ocean experts, private sector representatives, representatives of non-governmental organizations and civil society organizations will facilitate stakeholder dialogue and accelerate support in various quarters for concrete actions towards the common goal of "Healthy Oceans for Prosperity".

Other issues

22.5 The Committee noted the invitation by the observer from ISCO to environmental NGOs to provide input on its work related to the development of Knowledge-based Response Planning for Marine Incidents involving oil and HNS and its intention to formalize this invitation by letter in the coming weeks.

22.6 The observer from IACS informed the Committee of the recent addition to the information on their website related to easy and free-of-charge access to IACS Unified Interpretations (UIs), consisting of a new spreadsheet that provides a means of linking IACS UIs to MARPOL, MEPC circulars and other IMO instruments. Details can be found at: www.iacs.org.uk/publications.aspx?pageid=4§ionid=4.

Actions requested of other IMO bodies

22.7 The actions requested of other IMO bodies are summarized as follows (paragraph numbers are those of the report of MEPC 64).

22.8 The Maritime Safety Committee, at its ninety-first session, is invited to:

- .1 note that the MEPC 64 approved, subject to concurrent decision by MSC 91, the draft MEPC-MSC Circular for the interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions, and the need to finalize, at MSC 91, the above-mentioned circular, bearing in mind that the entry into force date of chapter 4 of MARPOL Annex VI will be 1 January 2013 (paragraphs 4.112.6 and 4.112.7);
- .2 note that MEPC 64 adopted, by resolution MEPC.225(64), the 2012 amendments to the IBC Code (paragraph 6.5 and annex 12);
- .3 note that MEPC 64 approved the draft Assembly resolution on the revised Guidelines on implementation of the ISM Code by Administrations, subject to concurrent decision of MSC 91 (paragraph 11.24 and annex 17);
- .4 note that MEPC 64 approved the draft Assembly resolution on the revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, subject to concurrent decision of MSC 91 (paragraph 11.24 and annex 18);
- .5 note that MEPC 64 approved the revised MEPC-MSC circular on the Guidelines for the operational implementation of the ISM Code by companies, subject to concurrent decision of MSC 91 (paragraph 11.25);
- .6 consider, with the view to addressing, the concern with regard to the proposed addition of a footnote to paragraph 1.2.3.2 of the ISM Code in relation to MSC.1/Circ. 1371 (paragraph 11.26)
- .7 note that MEPC 64 approved the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, with a view to submission to the Assembly, at its twenty-eighth session, for adoption, subject to concurrent decision of MSC 91 (paragraph 11.43 and annex 19);
- .8 note that MEPC 64 approved the draft amendments to MARPOL to make the III Code and auditing mandatory, with a view to adoption at MEPC 66 (after the envisaged adoption of the III Code at A 28) (paragraph 11.46 and annex 20);
- .9 note that MEPC 64 approved the draft Code for recognized organizations (RO Code), with a view to adoption at MEPC 65, subject to concurrent decision of MSC 91 (paragraph 11.62);

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- .10 note that MEPC 64 approved the draft amendments to MARPOL Annexes I and II to make the RO Code mandatory, for circulation, with a view to adoption at MEPC 65 (paragraph 11.63 and annex 23);
 - .11 note that the actions taken by MEPC 64 on the outcome of MSC 90 on all issues of relevance to it under the relevant items of its agenda (paragraphs 12.2 to 12.5);
 - .12 note that MEPC 64 concurred with the views of MSC 90 on the outcome of the fifth session of the Joint Working Group on the Member State Audit Scheme, particularly on the issue of confidentiality in the context of a mandatory audit scheme (paragraph 12.14 to 12.20);
 - .13 note that MEPC 64 agreed to MSC 90's recommendation with regard to discontinuing hard-copy information on the status of the Conventions (paragraph 13.5);
 - .14 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25);
 - .15 note that MEPC 64 approved the revised agenda of the BLG Sub-Committee and the provisional agenda for BLG 17 (paragraph 19.6 and annex 26);
 - .16 note that MEPC 64 approved the updated biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21 (paragraph 19.9 and annex 27); and
 - .17 note that MEPC 64 approved, subject to concurrent decision by MSC 91, the plan of meeting-weeks for the MSC and MEPC and their subsidiary bodies for the biennium 2014-2015, for inclusion in the Secretary-General's relevant budget proposals (paragraph 19.20).

22.9 The Sub-Committee on Bulk Liquids and Gases (BLG), at its seventeenth session, is instructed to:

- .1 develop a BWM circular on the application of the BWM Convention to Offshore Support Vessels based on the proposals in documents MEPC 64/2/14 and MEPC 64/2/20 (paragraph 2.29);
- .2 in developing sampling and analysis procedures for port State control, take into account MEPC 64's decision that such procedures should be no more stringent than what is required for Type Approval of ballast water management systems (paragraph 2.36);
- .3 note that MEPC 64 invited Member Governments and international organizations to submit case studies including quantitative data and information to document problems with the supply, operation and suitability of Type-Approved ballast water management systems to the BLG Sub-Committee to facilitate more informed analysis of these aspects (paragraph 2.38.4);

- .4 review resolution MEPC.175(58) on information reporting on type approved ballast water management systems, taking into account text contained in annex 1 of document MEPC 64/WP.8 (paragraph 2.38.4);
- .5 prepare additional guidance with regard to application of the provisions contained in Guidelines (G8), including expansion of BWM.2/Circ.28 (paragraph 2.38.5);
- .6 consider the proposals made in document MEPC 64/2/15 on monitoring and sampling of certain ballast water management systems and advise the MEPC accordingly, noting that MEPC 64 extended deadline for submissions of more than six pages commenting on document MEPC 64/2/15 to Friday, 30 November 2012 (paragraph 2.38.6);
- .7 note that MEPC 64 approved MEPC.1/Circ.795 on unified interpretation for continuous-feed type shipboard incinerators (paragraph 4.25);
- .8 note MEPC 64's view that, in order to progress the development of the procedures on sampling of fuel oil being used on board matter, it would be necessary for future submissions to demonstrate the compelling need for such procedures and to provide concrete proposals on the matter (paragraph 4.112.9);
- .9 note that MEPC 64 adopted, by resolution MEPC.225(64), the 2012 amendments to the IBC Code (paragraph 6.5 and annex 12);
- .10 note that MEPC 64 approved, in general, the report of BLG 16 (paragraph 11.2);
- .11 note that MEPC 64 endorsed the decisions taken by BLG 16 regarding the outcome of ESPH 17 (paragraph 11.3);
- .12 note that MEPC 64 endorsed BLG 16's evaluation of the Trade-named mixtures presenting safety hazards, for inclusion in List 3 of the MEPC.2/Circular (paragraph 11.4);
- .13 note that MEPC 64 endorsed BLG 16's evaluation of cargo tank cleaning additives found to meet the requirements of regulation 13.5.2 of MARPOL Annex II, for inclusion in the next edition of the MEPC.2/Circular (paragraph 11.5);
- .14 note that MEPC 64 approved MEPC.1/Circ.761/Rev.1 on the amendments to the 2011 Guidelines for the carriage of blends of petroleum oil and biofuels (paragraph 11.6);
- .15 note that MEPC 64 approved MEPC.1/Circ.792 on guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft (paragraph 11.8); and
- .16 note that MEPC 64 approved the revised agenda of the BLG Sub-Committee and the provisional agenda for BLG 17 (paragraph 19.6 and annex 26).

22.10 The Sub-Committee on Flag State Implementation (FSI), at its twenty-first session, is instructed to:

- .1 in developing sampling and analysis procedures for port State control, take into account MEPC 64's decision that such procedures should be no more stringent than what is required for Type Approval of ballast water management systems (paragraph 2.36);
- .2 consider document MEPC 64/7/6 with a view to defining when survey and certification requirements could be exempted for unmanned and non-self-propelled barges under a specific MARPOL Annex (paragraph 7.19);
- .3 in the context of revision of MSC-MEPC.3/Circ.3 and the related GISIS module, not to eliminate the information on pollution incidents, in view of the fact that this information is used for purposes beyond casualty investigations and is relevant to the work of the OPRC-HNS Technical Group (paragraph 8.3.4);
- .4 note that MEPC 64 approved, in general, the report of FSI 20 (paragraph 11.28);
- .5 note that MEPC 64 endorsed FSI 20's decision to consider, at its next session, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements (paragraph 11.30);
- .6 note that MEPC 64 endorsed FSI 20's invitation to interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session of the FSI Sub-Committee, in particular on domestic legislation, including the frequency of such reporting and the language in which information should be provided (paragraph 11.31);
- .7 examine in detail the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the request of A 27 to the Council, to establish the Ad Hoc Steering Group for Reducing Administrative Requirements (resolution A.1043(27)), with a view to avoiding any duplication of work (paragraph 11.32);
- .8 note that MEPC 64 endorsed FSI 20's decision to further clarify the meaning of "originals" to be carried on board at a future session (paragraph 11.33);
- .9 initiate revisions to the Revised list of certificates and documents required to be carried on board ships (FAL.2/Circ.123-MEPC.1/Circ.769-MS-C.1/Circ.1409), as may be necessary, noting that MEPC 64 requested the Secretariat to prepare a note containing those requirements, which may result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the Procedures for PSC, as appropriate (paragraph 11.34);
- .10 in the context of FSI 20's request to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, note the MEPC 64's view that it would not be appropriate to extend the scope of the relevant planned

- output (5.2.1.18 of HLAP for 2012 and 2013) and the GlobalReg (paragraph 11.37);
- .11 note that MEPC 64 requested the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and to establish a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office (paragraph 11.39);
- .12 in respect of FSI 20's proposal to request the Secretariat to invite States depositing instruments of ratification to submit relevant and related domestic documents leading to the ratification that could be made accessible to other States, note that MEPC 64 concurred with the view of TC 62 (paragraph 11.40);
- .13 note that MEPC 64 approved the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, with a view to submission to the Assembly, at its twenty-eighth session, for adoption, subject to concurrent decision of MSC 91 (paragraph 11.43 and annex 19);
- .14 note that MEPC 64 approved the draft amendments to MARPOL to make the III Code and auditing mandatory, with a view to adoption at MEPC 66 (after the envisaged adoption of the III Code at A 28) (paragraph 11.46 and annex 20);
- .15 note that MEPC 64 endorsed FSI 20's recommendation concerning future amendments to the III Code and the applicable provisions of the mandatory instruments (paragraph 11.48);
- .16 develop a new non-mandatory instrument in the form of an Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption (paragraph 11.49);
- .17 note that MEPC 64 endorsed FSI 20's request to the Secretariat to further communicate with the ISO Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations to adjust the text of the RO Code (paragraph 11.51);
- .18 note that MEPC 64 approved the draft Code for recognized organizations (RO Code), with a view to adoption at MEPC 65, subject to concurrent decision of MSC 91 (paragraph 11.62);
- .19 note that MEPC 64 approved the draft amendments to MARPOL Annexes I and II to make the RO Code mandatory, for circulation, with a view to adoption at MEPC 65 (paragraph 11.63 and annex 23); and
- .20 note that MEPC 64 approved the updated biennial agenda of the FSI Sub-Committee and the provisional agenda for FSI 21 (paragraph 19.9 and annex 27).

22.11 The Sub-Committee on Ship Design and Equipment (DE), at its fifty-seventh session, is instructed to:

- .1 in the context of developing the draft Polar Code, bear in mind MEPC 63's decisions on how to make the Polar Code mandatory and that the Code should only include new issues and additional requirements which do not appear in other instruments (paragraph 11.12);
- .2 note that MEPC 64 approved draft amendments to the Condition Assessment Scheme (CAS) (resolution MEPC.94(46)) which is mandatory under MARPOL Annex I, for circulation, with a view to adoption at MEPC 65 (paragraph 11.13 and annex 16);
- .3 note that MEPC 64 adopted, by resolution MEPC. 227(64), *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants* (paragraph 11.61 and annex 22);
- .4 note that MEPC 64 endorsed the recommendation of DE 56 that incinerators with a capacity greater than 1,500 kW and up to 4,000 kW can be type-approved under the existing *Standard Specification for Shipboard Incinerators* (resolution MEPC.76(40), as amended by resolution MEPC.93(45)) (paragraph 11.22); and
- .5 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25).

22.12 The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), at its eighteenth session, is instructed to:

- .1 consider how the long-term implementation of the provisions of MARPOL Annex V concerning cargo residues could be facilitated by amendments to the International Maritime Solid Bulk Cargoes Code (paragraph 7.26); and
- .2 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25).

22.13 The Sub-Committee on Standards of Training and Watchkeeping (STW), at its forty-fourth session, is instructed to:

- .1 note that MEPC 64 approved draft Assembly resolution on the revised Guidelines on implementation of the ISM Code by Administrations, subject to concurrent decision of MSC 91 (paragraph 11.24 and annex 17);
- .2 note that MEPC 64 approved draft Assembly resolution on the revised Guidelines for the structure of an integrated system of contingency planning for shipboard emergencies, subject to concurrent decision of MSC 91(paragraph 11.24 and annex 18);
- .3 note that MEPC 64 approved the revised MEPC-MS C circular on Guidelines for the operational implementation of the ISM Code by companies, subject to concurrent decision of MSC 91(paragraph 11.25);

- .4 consider, with the view to addressing, the concern with regard to the proposed addition of a footnote to paragraph 1.2.3.2 of the ISM Code (paragraph 11.26); and
- .5 note that MEPC 64 approved the items in the biennial and post-biennial agendas of the DE, DSC, FP, COMSAR, NAV, SLF and STW Sub-Committees, which relate to environmental issues (paragraph 19.2 and annex 25).

22.14 The Sub-Committee on Safety of Navigation (NAV), at its fifty-ninth session, is instructed to note that MEPC 64 designated, by resolution MEPC.226 (64), the Saba Bank as a Particularly Sensitive Sea Area (paragraph 9.4 and annex 15).

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