



MARINE ENVIRONMENT PROTECTION
COMMITTEE
59th session
Agenda item 24

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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE
ON ITS FIFTY-NINTH SESSION**

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1 INTRODUCTION

1.1 The fifty-ninth session of the Marine Environment Protection Committee was held at IMO Headquarters from 13 to 17 July 2009 under the chairmanship of Mr. A. Chrysostomou (Cyprus).

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

ALGERIA	LATVIA
ANGOLA	LIBERIA
ANTIGUA AND BARBUDA	LIBYAN ARAB JAMAHIRIYA
ARGENTINA	LITHUANIA
AUSTRALIA	LUXEMBOURG
BAHAMAS	MALAYSIA
BANGLADESH	MALTA
BARBADOS	MARSHALL ISLANDS
BELGIUM	MEXICO
BELIZE	MONACO
BOLIVIA	MONTENEGRO
BRAZIL	MOROCCO
BULGARIA	NETHERLANDS
CAMEROON	NEW ZEALAND
CANADA	NIGERIA
CHILE	NORWAY
CHINA	OMAN
COOK ISLANDS	PANAMA
COSTA RICA	PAPUA NEW GUINEA
CROATIA	PERU
CUBA	PHILIPPINES
CYPRUS	POLAND
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PORTUGAL
DENMARK	QATAR
ECUADOR	REPUBLIC OF KOREA
EGYPT	ROMANIA
ESTONIA	RUSSIAN FEDERATION
FINLAND	SAINT KITTS AND NEVIS
FRANCE	SAINT VINCENT AND THE GRENADINES
GERMANY	SAUDI ARABIA
GHANA	SINGAPORE
GREECE	SOMALIA
GUINEA	SOUTH AFRICA
HONDURAS	SPAIN
INDIA	SWEDEN
INDONESIA	SWITZERLAND
IRAN (ISLAMIC REPUBLIC OF)	SYRIAN ARAB REPUBLIC
IRELAND	THAILAND
ISRAEL	TURKEY
ITALY	TUVALU
JAMAICA	UKRAINE
JAPAN	UNITED KINGDOM
KENYA	UNITED STATES

URUGUAY
VANUATU

VENEZUELA (BOLIVARIAN
REPUBLIC OF)

the following Associate Members of IMO:

HONG KONG, CHINA
FAROE ISLANDS

by representatives from the following United Nations and Specialized Agencies:

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)/SECRETARIAT OF
THE BASEL CONVENTION
WORLD METEOROLOGICAL ORGANIZATION (WMO)
INTERNATIONAL LABOUR ORGANIZATION (ILO)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE
(UNFCCC)
THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR
THE MEDITERRANEAN SEA (REMPEC)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUNDS)
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)
LEAGUE OF ARAB STATES
INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE
ENVIRONMENT (ROPME)
COMMISSION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF
THE NORTH-EAST ATLANTIC (OSPAR COMMISSION)
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING ON
PORT STATE CONTROL (ABUJA MoU)
REGIONAL ORGANIZATION FOR THE CONSERVATION OF THE
ENVIRONMENT OF THE RED SEA AND GULF AREA (PERSGA)
INTERNATIONAL WHALING COMMISSION (IWC)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL SHIPPING FEDERATION (ISF)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)
COMITÉ MARITIME INTERNATIONAL (CMI)
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 FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
THE INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED
(ITOPF)
THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS
LIMITED (SIGTTO)
GREENPEACE INTERNATIONAL
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
WORLD WIDE FUND FOR NATURE (WWF)
ASSOCIATION OF EUROPEAN MANUFACTURERS OF INTERNAL
COMBUSTION ENGINES (EUROMOT)
INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENTAL
CONSERVATION ASSOCIATION (IPIECA)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (InterManager)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL PAINTING AND PRINTING INK COUNCIL (IPPIC)
INTERNATIONAL FUND FOR ANIMAL WELFARE (IFAW)
INTERNATIONAL SPILL CONTROL ORGANIZATION (ISCO)
NACE INTERNATIONAL
THE WORLD SHIPPING COUNCIL (WSC)

1.3 The Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Z. Alam (Singapore) and the Chairman on Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), Mme Olga Pestel Lefèvre (France), were also present.

The Secretary-General's opening address

1.4 The Secretary-General welcomed participants and delivered his opening address, which is reproduced, in full, in document MEPC 59/INF.32.

Chairman's remarks

1.5 The Chairman thanked the Secretary-General for his opening address and stated that it would be given every consideration in the work of the Committee and, in particular, in progressing its work on reduction of greenhouse gas emissions from ships, which should be characterized by pragmatic, realistic, workable, cost-effective and well balanced decisions, so as to send an unequivocal message to the Copenhagen Conference that IMO can and, against the background of its sterling work, deserves to continue to be entrusted with the regulation of shipping from the limitation or reduction of greenhouse gas emissions from shipping operations points of view.

Adoption of the agenda

1.6 The Committee adopted the agenda (MEPC 59/1) and the provisional timetable for guidance during the session (MEPC 59/1/1, annex 2, as amended). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 59/INF.33.

Credentials

1.7 The Committee noted the report of the Secretary-General that credentials of the delegations were in due and proper order.

2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

2.1 The Committee recalled that, from 31 May 2005, the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" (BWM Convention) had been open for accession by any State and noted that two more States (Albania and Antigua and Barbuda) had acceded to the Convention since the last MEPC session, which brought the number of contracting Governments to 18, representing 15.27% of the world's merchant fleet tonnage. The Committee urged the other Member States to ratify the Convention at their earliest possible opportunity.

REPORTS OF THE EIGHTH AND NINTH MEETINGS OF THE GESAMP-BWWG

2.2 The Committee noted that the eighth and ninth meetings of the GESAMP-Ballast Water Working Group were held from 16 to 21 February 2009 and from 23 to 27 March 2009, respectively, at the IMO Headquarters, under the chairmanship of Mr. Jan Linders. During the two meetings, the GESAMP-BWWG reviewed a total of eight proposals for approval of ballast water management systems that make use of Active Substances submitted by China, Germany (three proposals), Japan, the Netherlands, Norway and the Republic of Korea.

2.3 The Committee further noted that the ninth meeting of the GESAMP-BWWG was held as an extraordinary meeting, in addition to the regular meeting scheduled between MEPC 58 and MEPC 59, to review as many proposals as possible submitted before the deadline contained in circular BWM.2/Circ.15.

2.4 The observer from CEFIC cautioned about the increased workload of the GESAMP-BWWG and the need for Administrations to thoroughly check the completeness of their applications, including the non-confidential submissions to MEPC as well as the confidential dossiers for evaluation by the GESAMP-BWWG, so as to facilitate the review of proposals.

Basic Approval

2.5 The Committee, having considered the recommendations contained in annexes 7 and 8 of the “Report of the eighth meeting of the GESAMP-BWWG” (MEPC 59/2/16) as well as recommendations contained in annex 6 of the “Report of the ninth meeting of the GESAMP-BWWG” (MEPC 59/2/19), agreed to grant **Basic Approval** to:

- .1 the Blue Ocean Shield Ballast Water Management System proposed by China in document MEPC 59/2/2;
- .2 the Hyundai Heavy Industries Co., Ltd. (HHI) Ballast Water Management System (EcoBallast) proposed by the Republic of Korea in document MEPC 59/2/4; and
- .3 the AquaTriCombTM Ballast Water Treatment System proposed by Germany in document MEPC 59/2/8.

2.6 The Committee then invited the Administrations of China, the Republic of Korea and Germany to take into account all the recommendations made in the aforementioned reports (annexes 7 and 8 of the eighth report and annex 6 of the ninth report, respectively) during the further development of the systems.

2.7 With regard to the Hyundai Heavy Industries Co., Ltd. (HHI) Ballast Water Management System (EcoBallast), the Committee noted the opinion of the GESAMP-BWWG that the application related to the above-mentioned system also fulfilled the requirements of Procedure (G9) for Final Approval.

Final Approval

2.8 The Committee, having considered the recommendations contained in annexes 5 and 6 of the “Report of the eighth meeting of the GESAMP-BWWG” (MEPC 59/2/16) as well as the recommendations contained in annexes 4 and 5 of the “Report of the ninth meeting of the GESAMP-BWWG” (MEPC 59/2/19), agreed to grant **Final Approval** to:

- .1 the RWO Ballast Water Management System (CleanBallast) proposed by Germany in document MEPC 59/2;
- .2 the NK-O3 BlueBallast System (Ozone) proposed by the Republic of Korea in document MEPC 59/2/3;
- .3 the Hitachi Ballast Water Purification System (ClearBallast) proposed by Japan in document MEPC 59/2/5; and
- .4 the Greenship Sedinox Ballast Water Management System proposed by the Netherlands in document MEPC 59/2/6.

2.9 The Committee then invited the Administrations of Germany, the Republic of Korea, Japan and the Netherlands to verify that all the recommendations made in the aforementioned reports (annexes 5 and 6 of the eighth report as well as annexes 4 and 5 of the ninth report, respectively) are fully addressed prior to the issuance of a Type Approval Certificate.

2.10 Having examined the recommendations contained in annex 4 of the “Report of the eighth meeting of the GESAMP-BWWG” (MEPC 59/2/16), the Committee did not agree to grant Final Approval at this stage to the Special Pipe Hybrid Ballast Water Management System (combined with Ozone treatment) proposed by Japan in document MEPC 59/2/1 for the reasons given in annex 4 of the above report.

Future work of the GESAMP-BWWG

2.11 The Committee noted that 12 submissions for either Basic or Final Approval had been received for evaluation by the GESAMP-BWWG. However, due to the limited time between two consecutive sessions of the MEPC, the GESAMP-BWWG could only meet twice (GESAMP-BWWG 8 and GESAMP-BWWG 9) and was only able to evaluate eight proposals for approval in their chronological order of submission. The Committee noted with appreciation that, with a view to facilitating the consideration of as many ballast water management systems as possible and in anticipation of an increasing workload for the year 2010, the GESAMP-BWWG had agreed to hold a third extraordinary meeting (GESAMP-BWWG 10), scheduled from 14 to 18 September 2009, to evaluate the remaining four proposals contained in documents MEPC 59/2/7 (Republic of Korea), MEPC 59/2/9 (Germany), MEPC 59/2/10 (South Africa) and MEPC 59/2/11 (Germany) and report to MEPC 60.

2.12 The Committee also noted that the next regular meeting of the GESAMP-BWWG, i.e. the eleventh meeting, had been tentatively scheduled from 19 to 23 October 2009 and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems to MEPC 60, as soon as possible but not later than 28 August 2009.

2.13 The Committee further noted that, recognizing the possibility that more than four proposals may be submitted for its review and approval by MEPC 60, the GESAMP-BWWG had expressed its availability to have an additional meeting, in December 2009, to accommodate as many proposals as possible provided that all necessary conditions for organizing such a meeting are met.

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

Other matters emanating from the eighth and ninth meetings of the GESAMP-BWWG

2.15 In considering the GESAMP-BWWG’s recommendation that ballast water management systems which use UV light should be reviewed in accordance with the requirements of Procedure (G9), the Committee noted the views expressed by the United Kingdom and supported by other delegations, which disagreed with the blanket approach proposed by the GESAMP-BWWG.

2.16 After some discussion, the Committee could not agree with the Group’s recommendation that all ballast water management systems that use UV light need to be reviewed by IMO and reiterated the view that the decision on whether a ballast water management system makes use of Active Substances or not remains the prerogative of the responsible National Administrations.

2.17 Following the requests of clarification from the delegations of China, CEFIC and Germany, the Chairman of the Committee added that it is for the National Administration to determine if a ballast water management system that uses UV light produces Active Substances and to decide if it needs to make a proposal for approval to the Committee or not.

2.18 The Committee concurred with the GESAMP-BWWG's proposal to change references to "Toxicity" in section 5 of the Procedure (G9) to "Ecotoxicity" in order to remove any suggestion that mammalian toxicity studies need to be performed on treated ballast water. Consequently, the Committee instructed the Secretariat to incorporate the necessary changes into future amendments to Procedure (G9).

2.19 Having examined the GESAMP-BWWG's recommendations on corrosion testing contained in section 5.1 of the "Report of the eighth meeting of the GESAMP-BWWG", the Committee invited Members and observers to submit their contributions to further develop these recommendations with a view to their inclusion in the GESAMP-BWWG Methodology for information gathering and the conduct of the work at MEPC 60.

STOCK-TAKING WORKSHOP ON THE ACTIVITY OF THE GESAMP-BALLAST WATER WORKING GROUP

2.20 Having recalled that MEPC 58 had agreed that additional time should be allocated to the GESAMP-BWWG to take stock of the experience achieved during its first seven meetings, the Committee noted that a Stock-taking Workshop on the Activity of the GESAMP-Ballast Water Working Group was held at IMO Headquarters, in London, from 21 to 22 January 2009, under the chairmanship of Mr. Jan Linders.

2.21 In introducing the report of the Workshop (MEPC 59/2/13), Mr. Linders informed the Committee that the Workshop had identified a number of new tools believed to considerably increase the effectiveness and efficiency of the GESAMP-BWWG in its effort to evaluate as many proposals for approval as possible. After some discussion, the Committee took action as outlined in the following paragraphs.

Consolidation of data associated with the chemical by-products of various ballast water management systems

2.22 The Committee noted that out of a list of more than 70 by-products, which have been detected during the treatment by various ballast water management systems, the Workshop had selected, as a first step, 18 chemicals believed to pose a potential risk to the environment as well as to humans being exposed, and asked the GESAMP WG 1 (also known as GESAMP EHS Group) to develop hazard profiles for those chemicals. The Committee noted further that, once developed, those hazard profiles could be used both by the applicants and the GESAMP-BWWG to significantly facilitate the process and consequently increase the number of evaluations per meeting.

2.23 As requested by CEFIC and Germany, the Chairman reminded the GESAMP-BWWG of the decision taken at MEPC 58 emphasizing that any open database should be limited to data describing chemical by-products formed during ballast water treatment and should not contain proprietary information.

Further development of the Human Exposure Scenario

2.24 The Committee noted that further progress in developing Human Exposure Scenario (HES) had been made during the Workshop with support from the experts of the United States Environmental Protection Agency. The Committee invited the GESAMP-BWWG to continue the development of the HES, taking into account the directions established during the Workshop and the experience of other Administrations, as such experience becomes available to the MEPC.

Environmental risk assessment models for ballast water discharge

2.25 The Committee noted that the Workshop, having considered the MAMPEC model, initially developed under the EU project “Utilization of more environmental friendly anti-fouling products”, agreed that a worst case scenario of a ballast water discharge could be developed by establishing a set of parameters regarding a model ballast water discharge harbour and an agreed by-products emission scenario. Noting that further work is needed to adapt the MAMPEC model and to provide a suitable interface for ballast water risk assessment, the Committee instructed the Secretariat to explore the possibilities for funding such activity.

Procedure for submission of an application for approval

2.26 Following the intervention of the delegation of the United States adducing that procedural issues should be addressed in the Procedure (G9), the Committee did not agree with the inclusion of the new text developed by the GESAMP-BWWG during its first Stocking-taking Workshop in the “Methodology for information gathering and conduct of work of the GESAMP-BWWG”.

Consideration of the editorial changes to the Methodology agreed in principle at MEPC 58

2.27 The Committee noted that, as requested by MEPC 58, the Workshop had considered a number of editorial changes proposed by CEFIC to the Methodology and had provided, in paragraphs 12 to 15 of document MEPC 59/2/13, the clarification regarding the wording used in the Methodology and the relationship between the Methodology and the Procedure (G9) as amended.

Second stock-taking workshop

2.28 With a view to expediting the development of the new tools identified to increase the effectiveness and efficiency of the GESAMP-BWWG, the Committee agreed with the recommendation of the Workshop to hold a second stock-taking workshop, back-to-back to the GESAMP-BWWG 11 in October 2009.

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

2.29 The Committee, having considered documents MEPC 59/2/14 and MEPC 59/2/15 on the outcome of BLG 13 (2 to 6 March 2009) concerning ballast water management, agreed to:

- .1 approve BWM.2/Circ.19 on clarification regarding the application dates contained in regulation B-3.1 of the BWM Convention;

- .2 endorse the BLG Sub-Committee's decision to merge the Guidance document on how chemicals used to treat ballast water should be handled and stored on board and the Guidance document on safety procedures for ship and crew against risks associated with the ballast water management systems that make use of Active Substances in one guidance document titled "Guidance to ensure safe handling and storage of chemicals and preparations used to treat ballast water and the development of safety procedures for risks to the ship and crew resulting from the treatment process" and to approve BWM.2/Circ.20 on the consolidated guidance document, as contained in annex 5 of document BLG 13/18;
- .3 urge Members and observers to submit their future contributions for the development of an IMO circular to provide ballast water sampling and analysis protocols, taking into consideration the *aide-mémoire* prepared by the Sub-Committee in annex 6 of document BLG 13/18, to BLG 14;
- .4 approve BWM.2/Circ.21 on dissemination of an engineering questionnaire developed by Brazil; and
- .5 note the Action Plan for the uniform implementation of the BWM Convention contained in annex 8 of document BLG 13/18 and the Sub-Committee's arrangements for correspondence and working groups.

2.30 The Committee noted the information regarding the increasing number of invasions through ships' ballast water, provided by WWF in document MEPC 59/2/20, and reiterated its call for urgent ratification and timely implementation of the Ballast Water Management Convention.

REVIEW OF THE STATUS OF BALLAST WATER TREATMENT TECHNOLOGIES

2.31 The Committee recalled that MEPC 58 concluded that ballast water treatment technologies were available and more technologies would become available in the near future. The Committee also recalled that a recommendation from MEPC 58 to the twenty-sixth session of the Assembly on whether there are sufficient type-approved technologies for ships subject to regulation B-3.3 constructed in 2010 was postponed for MEPC 59, in order to provide the Assembly with the most updated information on the matter.

2.32 The Committee noted that four documents MEPC 59/2/18 (Japan), MEPC 59/INF.6 (Republic of Korea), MEPC 59/INF.17 (Norway) and MEPC 59/INF.20 (United Kingdom), providing information on the development of ballast water treatment technologies, had been submitted to facilitate the review.

2.33 The Committee noted the information contained in documents MEPC 59/INF.6 (Republic of Korea), MEPC 59/INF.17 (Norway) and MEPC 59/INF.20 (United Kingdom) regarding the type approval certification of three ballast water management systems granted by the Administrations of the Republic of Korea, Norway and the United Kingdom to the Electro-Clean™ System (ECS), the OceanSaver® Ballast Water Management System, and the Hyde GUARDIAN™ systems, respectively.

2.34 Having considered document MEPC 59/2/18, the Committee noted that some delegations shared the concerns expressed by Japan in this document whilst several other delegations were of the view that no further postponing of the application date for ships subject to regulation B-3.3 constructed in 2010 was needed. After some discussion, the Committee agreed to refer the four documents mentioned in paragraphs 2.32 and 2.33 above to the Ballast Water Review Group for further consideration.

2.35 Having considered document MEPC 59/2/17 (United Kingdom) seeking clarification on whether potable water generated on board a ship can be used as ballast water, the Committee agreed to refer this document to the Ballast Water Review Group for further consideration and advice as appropriate.

2.36 At the request of the Chairman of the Ballast Water Review Group and in view of the significant time constraints, the Committee instructed the Group to start the consideration of item 4 of the provisional terms of reference regarding the use of potable water outside normal working hours and rejoin the plenary on Wednesday, 15 July 2009 at 9:30 a.m.

Other information related to ballast water management and control

2.37 Having considered document MEPC 59/2/12 (Secretariat), the Committee endorsed the proposal to develop a specific database in the Global Integrated Shipping Information System (GISIS) to facilitate direct access to information on approved ballast water management systems and instructed the Secretariat to keep the Committee informed of the status of development of such a database.

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

- .1 MEPC 59/INF.3 (ROPME/MEMAC) on the Second ROPME Sea Area Regional Steering Committee Meeting on Ballast Water Management and the mandatory requirements for ballast water exchange outside the ROPME Sea Area;
- .2 MEPC 59/INF.7 (Islamic Republic of Iran) regarding a research on potential introduction of an invasive bivalvia to Khark Island through ships' ballast water;
- .3 MEPC 59/INF.14 (Turkey) on a national project on the effect of harmful aquatic organisms and pathogens transferred by ships' ballast water and the pilot implementation project on ballast water management in Iskenderun Bay;
- .4 MEPC 59/INF.24 (Germany) on the North Sea Ballast Water Opportunity Project within the European Union Regional Development Fund Interreg IVB Programme; and
- .5 MEPC 59/INF.25 (IMarEST) on the importance of considering water density when conducting ballast water exchange using the flow-through or dilution method.

Establishment of the Ballast Water Review Group

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

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

- .1 identify the current status of ballast water treatment technologies and provide an estimate of how many of them will be available for ships constructed in 2010, taking into account the report of the Ballast Water Review Group to MEPC 58 and the information contained in documents MEPC 59/2/18 (Japan), MEPC 59/INF.6 (Republic of Korea), MEPC 59/INF.17 (Norway) and MEPC 59/INF.20 (United Kingdom);
- .2 confirm whether there are sufficient type-approved technologies for ships subject to regulation B-3.3 constructed in 2010, as instructed by Assembly resolution A.1005(25), and recommend an appropriate course of action for consideration by the Committee;
- .3 consider document MEPC 59/2/17 (United Kingdom) on the use of potable water as ballast water and advise the Committee accordingly; and
- .4 submit a written report to plenary on Thursday, 16 July 2009.”

CONSIDERATION OF THE REPORT OF THE BALLAST WATER REVIEW GROUP

2.40 Upon receipt of the report of the Ballast Water Review Group (MEPC 59/WP.6), the Committee approved it in general and took action as outlined in the following paragraphs.

2.41 The Committee noted that the review was conducted based on information representing an appropriate record of the current status of ballast water treatment technologies.

2.42 The Committee noted that, because of the current economic situation, many new buildings have been delayed or even cancelled and, as such, the number of ships expected to be built in the year 2010 subject to regulation B-3.3 would, in all probability, decrease significantly.

2.43 The Committee also noted that, concomitantly, the number of ballast water treatment technologies available had increased significantly to six Type Approved systems and four additional systems were being granted Final Approval at this session. The Committee further noted that the prediction of manufacturing capability indicated in the Lloyd’s Report of 2008 was supported by Germany indicating that six systems developed under the supervision of their Administration alone would produce approximately 800 ballast water management units by 2010.

2.44 Conversely, the Committee noted that it is not easy to install the ballast water management systems without extensive design consideration such as physical and technical feasibility, modification of ships designs and the necessary lead time for these modifications.

2.45 While acknowledging the difficulties, the Committee agreed that ballast water treatment technologies were available and are currently being fitted on board ships and confirmed that a number of ballast water management systems would be available to ships constructed in 2010.

2.46 The Committee, noting that postponing the dates stipulated in resolution A.1005(25) would not be beneficial to the implementation process, would send the wrong message to the world and would not stimulate the installation of new ballast water technologies on board ships, concluded that no changes to Assembly resolution A.1005(25) were needed with respect to ships constructed in 2010.

2.47 Recognizing that a proactive approach would best serve the interests of the industry at this stage, the Committee agreed to instruct the Secretariat to prepare a draft MEPC resolution requesting Administrations to encourage the installation of ballast water management systems during new ship construction in accordance with the application dates contained in the Ballast Water Management Convention, to be presented to MEPC 60 for consideration and adoption.

Use of potable water as ballast water

2.48 The Committee noted the extensive discussions held by the Review Group on this matter, including the intent of the usage of the water, the definitions of ballast water and potable water, and the chemicals that could be potentially discharged (particularly residual chlorine) and agreed that if the usage is for ballast water then this should be subject to the Ballast Water Management Convention. As such, the Committee agreed that there are options available under Guidelines (G8) or Procedure (G9), as appropriate, or under the "Procedure for assessing other methods of ballast water management" currently under development by the BLG Sub-Committee and noted the intention to re-visit this issue when this procedure would be finalized.

Future work of the Review Group

2.49 The Committee agreed to conduct a new review of the status of ballast water technologies before the 2012 application date, or before the entry into force of the Convention, and to re-establish the Ballast Water Review Group (BWRG) during MEPC 61 for this purpose, as well as to examine the applicable requirements for ships described in regulation B-3.1 and any other aspects of ballast water management addressed in the annex to the Convention in accordance with the provisions contained in regulation D-5.1.

2.50 The delegation of Panama, supported by the Bahamas, expressed concern regarding the slow progress in the preparation of ballast water sampling and analysis protocols and underlined the need to develop the relevant guidance document as a high priority.

Action taken by the Committee

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

- .1 concluded that there are sufficient type-approved ballast water treatment technologies available for ships subject to regulation B-3.3 constructed in 2010 and agreed that no changes to Assembly resolution A.1005(25) are needed;
- .2 instructed the Secretariat to prepare a draft MEPC resolution requesting Administrations to encourage the installation of ballast water management systems during new ship construction in accordance with the application dates contained in the Ballast Water Management Convention, to be submitted to MEPC 60 for consideration and adoption;

- .3 agreed that if potable water is used as ballast water then it should be subject to the Ballast Water Management Convention, noting, at the same time, the intention to re-visit this issue after the adoption of the “Procedure for assessing other methods of ballast water management”; and
- .4 agreed to re-establish the Ballast Water Review Group at MEPC 61 in accordance with the provisions contained in regulation D-5.1 of the Convention.

3 RECYCLING OF SHIPS

3.1 The Committee recalled that, since MEPC 58, substantial progress had been made through the work of a correspondence group on the development of the “Guidelines for safe and environmentally sound ship recycling” and the “Guidelines for the development of the Inventory of Hazardous Materials”.

PLANNING OF THE WORK

3.2 The Committee noted that 11 documents had been submitted on ship recycling and agreed to plan its work as follows:

- .1 under “Outcome of the Diplomatic Conference”, to consider two documents addressing the outcome of the Diplomatic Conference and the procedure for the calculation of ship recycling capacity by the Depositary;
- .2 under “Development of the guidelines”, to consider six documents addressing the development of the guidelines associated with the Hong Kong Convention; and
- .3 under the heading “Other matters”, to consider three documents dealing with: criteria for the assessment of equivalency between the Basel Convention and the Hong Kong Convention; the European Parliament resolution of March 2009 on an EU strategy for better ship dismantling; and the report of the third session of the Joint ILO/IMO/BC Working Group on Ship Scrapping that took place in October 2008.

OUTCOME OF THE DIPLOMATIC CONFERENCE

3.3 Document MEPC 59/3/3 (Secretariat) reported on the outcome of the 2009 International Conference on the Safe and Environmentally Sound Recycling of Ships which took place from 11 to 15 May 2009 in Hong Kong, China. The Conference had been attended by representatives of sixty-three States and two Associate Members; the United Nations Environment Programme; the International Labour Organization; the European Commission; and eight non-governmental organizations in consultative status with the Organization.

3.4 As a result of its deliberations, the Conference had adopted the “Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009”, the text of which is contained in document SR/CONF/45. The Convention will be open for signature at the Headquarters of the Organization from 1 September 2009 and will remain open for signature until 31 August 2010. Thereafter, it will remain open for accession. The Conference had also adopted six resolutions, the texts of which are contained in the attachment to document SR/CONF/46.

3.5 The Committee noted in particular resolution 4, which invited the Organization, as a matter of urgency, to develop and adopt the guidelines associated to the requirements of the Convention; and resolution 6 which invited the MEPC to explore possible ways for monitoring the functioning of the Convention and for ensuring that Parties establish mechanisms for overseeing that Ship Recycling Facilities comply with the requirements of the Convention.

Calculation of the ship recycling capacity

3.6 Document MEPC 59/3/9 (Secretariat) reported the decision of the Conference (as recorded in paragraph 1 of document SR/CONF/CW/RD/5) to request the MEPC to develop the procedure for calculating the ship recycling capacity by the Depositary, taking into account the proposal in document SR/CONF/41 (Japan), at the earliest opportunity but no later than 31 August 2010. Document MEPC 59/3/9 also proposed a draft MEPC resolution as a basis for the Committee's deliberations.

3.7 During the discussion of the proposed MEPC resolution for the calculation of ship recycling capacity, a delegation suggested that it was not clear from Article 17.1.3 of the Hong Kong Convention which ten-year period the Depositary should use in the calculation of the combined maximum annual ship recycling volume, and suggested that it should be the ten years preceding the ratification by a State, rather than the ten-year period before the entry into force of the Convention. The Committee noted that tonnage calculations for entry-into-force conditions in other IMO conventions utilized each State's tonnage at the time of entry into force and not at the time it ratifies a convention.

3.8 Some delegations, while supporting the draft resolution, suggested that the Committee could delay its adoption until MEPC 60. Many delegations, however, supported the immediate adoption of the proposed MEPC resolution, and it was stated that the proposed calculation methodology accurately reflected what had been agreed by the Diplomatic Conference. Consequently, the Committee adopted, as proposed, resolution MEPC.178(59) on the Calculation of recycling capacity for meeting the entry-into-force conditions of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, as set out in annex 1.

Expression of appreciation

3.9 The Committee recorded its sincere appreciation to Hong Kong, China, for its hospitality and excellent organization of the International Conference on the Safe and Environmentally Sound Recycling of Ships. The Committee also expressed appreciation to its Chairman, who had also chaired the Conference's Committee of the Whole, and to all other Officers of the Diplomatic Conference for their valuable contribution towards the adoption of the Hong Kong Convention and expressed its hope for a speedy entry into force.

DEVELOPMENT OF THE GUIDELINES

3.10 The Committee agreed to instruct the Working Group on Guidelines for Ship Recycling to consider the report of the intersessional correspondence group as basis (documents MEPC 59/3 and MEPC 59/3/1 by Japan) and to further develop and, if possible, finalize the "Guidelines for the development of the Inventory of Hazardous Materials"; and also to further develop the "guidelines for safe and environmentally sound ship recycling", taking into account the comments and proposals in documents MEPC 59/3/8 (IACS) and MEPC 59/3/7 (United States).

3.11 Regarding the submissions MEPC 59/3/2 (Republic of Korea) and MEPC 59/3/4 (Republic of the Marshall Islands), referring to guidelines whose development had not yet commenced, the Committee agreed to request the working group to consider these documents and propose an appropriate course of action.

3.12 The diplomatic Conference had adopted Resolution 4 on future work by the Organization pertaining to the Convention. The resolution quotes the articles and regulations of the Convention which refer to guidelines to be adopted by the Organization; lists these guidelines; and invites the Organization to develop these as a matter of urgency. The diplomatic Conference had also adopted Resolution 5 inviting all stakeholders to consider the early and voluntary implementation of the technical standards of the Convention and of the associated guidelines. The Committee decided that there was a need to plan for this work by agreeing a sequence for the development and adoption of the guidelines associated with the Convention and instructed the working group to propose an appropriate sequence for the development of the guidelines so as to facilitate their early and voluntary implementation.

OTHER MATTERS

Assessment of equivalency between the Basel Convention and the Hong Kong Convention

3.13 The Committee noted that, in June 2008, the ninth Conference of the Parties to the Basel Convention, in its Decision IX/30 on the dismantling of ships, had established a process for the assessment of equivalency between the Hong Kong Convention and the Basel Convention. According to this process, the seventh session of the Open-ended Working Group of the Basel Convention was instructed to carry out in May 2010 a preliminary assessment on whether the Hong Kong Convention, as adopted, establishes an equivalent level of control and enforcement as that established under the Basel Convention and to transmit the results of the assessment to the tenth Conference of the Parties to the Basel Convention in 2011 for consideration and actions, as appropriate. Document MEPC 59/3/5 (Secretariat of the Basel Convention) provided a summary of comments received from two Parties to the Basel Convention on what may be the appropriate criteria for the assessment of the equivalency.

European Parliament's resolution on the Green Paper on better ship dismantling

3.14 The Committee noted document MEPC 59/3/6 (Secretariat) reproducing the text of the European Parliament resolution of 26 March 2009 on an EU strategy for better ship dismantling.

3.15 The representative of the European Commission explained that within the European Union it is only the Commission that can propose new legislation. The resolution by the European Parliament should, therefore, be seen mainly as an invitation by the European Parliament for the European Commission to take action and for the EU Member States to ratify the new Convention. The European Commission was already working on ship recycling but it would take some time before this work might result in European legislation. In this process, the European Commission wanted to make good use and build upon the impressive laudable and positive achievements within IMO and, in particular, the recent adoption of the Hong Kong Convention. For this achievement the European Commission wanted to thank and congratulate the IMO community and the Secretary-General.

Third session of the Joint ILO/IMO/BC Working Group on Ship Scrapping

3.16 Document MEPC 59/INF.2 (Secretariat) contained the report of the outcome of the third session of the Joint ILO/IMO/BC Working Group on Ship Scrapping, hosted by ILO in Geneva in October 2008. The Committee noted the report of the Joint Working Group and, in particular:

- .1 on the subject of joint technical cooperation projects, noted the decision by the Joint Working Group to support the general approach of the three Secretariats regarding the development of the Global Programme for Sustainable Ship Recycling (paragraphs 90 and 91 of the annex to document MEPC 59/INF.2);
- .2 noted the recommendations adopted by the Joint Working Group for interim measures to be taken prior to the entry into force of the Convention, including the recommendations that interim measures should be based on the requirements of the Convention and should assist States in the early ratification of the Convention. The Joint Working Group identified ten measures to facilitate the implementation of interim measures, including, *inter alia*, the voluntary application of the provisions concerning the inventory of hazardous materials; the hosting of workshops on the requirements of the Convention and of the technical guidelines; and the promotion of technical assistance programmes (paragraphs 160 and 161); and
- .3 noted the views expressed by the Joint Working Group during its discussion on whether there was a need for any future meetings of the group. The group had agreed that its work had proved beneficial in terms of cooperation and would continue to be beneficial in the future, especially as the new Convention became a reality. The group had concluded that it will have useful work to do in the future, although the timing of any meetings would be agreed depending on actual needs (paragraphs 180 to 193).

ESTABLISHMENT OF THE WORKING GROUP ON GUIDELINES FOR SHIP RECYCLING

3.17 The Committee agreed to establish the Working Group on Guidelines for Ship Recycling under the chairmanship of Miss Katy Ware (United Kingdom) with the following Terms of Reference:

“Using the report of the correspondence group on ship recycling guidelines (documents MEPC 59/3 and MEPC 59/3/1 by Japan) as basis, the Working Group on Guidelines for Ship Recycling is instructed to:

- .1 further develop and, if possible, finalize the “Guidelines for the development of the Inventory of Hazardous Materials” taking into account the comments and proposals in document MEPC 59/3/8 (IACS);
- .2 further develop the “Guidelines for safe and environmentally sound ship recycling”, taking into account the comments and proposals in document MEPC 59/3/7 (United States);
- .3 consider documents MEPC 59/3/2 (Republic of Korea) and MEPC 59/3/4 (Republic of the Marshall Islands) and propose an appropriate course of action;

- .4 propose an appropriate sequence for the development of the guidelines associated with the Hong Kong Convention, in line with resolutions 4 and 5 of the 2009 International Conference on the Safe and Environmentally Sound Recycling of Ships;
- .5 develop draft terms of reference for an intersessional correspondence group on Guidelines for Ship Recycling; and
- .6 provide a written report to plenary on Thursday, 16 July 2009.”

REPORT OF THE WORKING GROUP ON GUIDELINES FOR SHIP RECYCLING

3.18 The Committee considered and approved the report of the working group (MEPC 59/WP.7) in general and, in particular (paragraph numbers are those of document MEPC 59/WP.7):

- .1 noted the discussions of the group leading to the finalization of the draft guidelines for the development of the Inventory of Hazardous Materials (paragraphs 6 to 10);
- .2 adopted the Guidelines for the development of the Inventory of Hazardous Materials, by resolution MEPC.179(59), as set out in annex 2;
- .3 noted the progress made by the group on the development of the draft guidelines for safe and environmentally sound ship recycling (paragraphs 11 to 13);
- .4 noted the outcome of the consideration of the group regarding the development of guidance to facilitate the delegation by Competent Authorities to Recognized Organizations for the authorization of Ship Recycling Facilities (paragraph 14);
- .5 noted the outcome of the consideration of the group regarding the development of guidance for the recycling of flagless and non-Party ships by Parties to the Convention (paragraph 15);
- .6 agreed to the proposed sequence for the development of the guidelines associated with the Convention (paragraphs 16 and 17); and
- .7 agreed to the re-establishment of the intersessional correspondence group on Guidelines for Ship Recycling, under the coordination of Japan¹, with the following terms of reference (paragraph 18):

“On the basis of the outcome of MEPC 59 and the report of the Working Group MEPC 59/WP.7, the Correspondence Group on Ship Recycling Guidelines is instructed to:

¹ **Coordinator:**
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Safety Standards Division
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- .1 further develop the draft text of the “guidelines for safe and environmentally sound ship recycling” based on the text contained in annex 1 to document MEPC 59/3/1, with the view to their finalization during MEPC 60;
- .2 if time is available, commence the development of the draft text of the “guidelines for the development of the Ship Recycling Plan”;
- .3 if time is available, commence the development of the draft text of the “guidelines for the authorization of Ship Recycling Facilities”; and
- .4 report the outcome of its deliberations to MEPC 60.”

3.19 The Committee thanked the Chairman and the members of the Working Group for their hard work that led to the finalization and adoption of the inventory guidelines. The Committee also thanked Japan for the considerable effort expended in the preparation of the basis documents for both, inventory and for the facilities guidelines.

3.20 The observer from Friends of the Earth International made a statement concerning the adoption of the Hong Kong Convention. As requested, the statement is attached at annex 3.

4 PREVENTION OF AIR POLLUTION FROM SHIPS

4.1 The Committee noted that this agenda item concerned two major issues: MARPOL Annex VI-related issues; and control of greenhouse gas emissions from ships. The Committee agreed to first consider MARPOL Annex VI-related issues, and then greenhouse gas emissions from ships.

MARPOL ANNEX VI-RELATED ISSUES

4.2 The Committee recalled that MEPC 58 had unanimously adopted the revised MARPOL Annex VI, by resolution MEPC.176(58), and the NO_x Technical Code 2008, by resolution MEPC.177(58). MEPC 58 had agreed to set the expected entry-into-force date for the two revised instruments to 1 July 2010 to allow sufficient time to undertake the update of affected guidelines and to develop new guidelines to facilitate smooth implementation.

4.3 The Committee also recalled that MEPC 58 had approved Terms of Reference (ToR) for the BLG Sub-Committee to update and develop guidelines and to consider the need for further guidance on several issues relating to the implementation of the revised MARPOL Annex VI and the NO_x Technical Code 2008.

Guidelines and Guidance under MARPOL Annex VI and the NO_x Technical Code

4.4 The Committee noted that, in March 2009, BLG 13 considered guidelines and guidance under the revised MARPOL Annex VI, prioritized in accordance with relevant entry-into-force dates and necessary lead time. BLG 13 finalized text to amend *four* existing guidelines (Survey Guidelines under HSSC for the revised MARPOL Annex VI; Guidelines for port State control under the revised MARPOL Annex VI; Guidelines for monitoring the worldwide average of sulphur content of residual fuel oils; and Guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI) and developed new guidelines for the development of VOC management plans for tankers. BLG 13 further finalized *three* draft MEPC circulars addressing: the appropriate usage of the NO_x Technical Code for Tier I engines; definitions

concerning the use of the cost-effectiveness formula for existing engines; and technical information to assist the development of VOC management plans (MEPC 59/10/3 and MEPC 59/10/3/Add.1).

4.5 The Committee also noted that, as requested by BLG 13, the FSI Sub-Committee, at its seventeenth session in April 2009, reviewed two updated guidelines (Survey Guidelines under HSSC for the revised MARPOL Annex VI; and Guidelines for port State control under the revised MARPOL Annex VI) and agreed to forward them to this session for consideration, with a view to adoption.

4.6 Following a brief debate, the Committee agreed to instruct the Technical Group to review the guidelines and the draft MEPC circulars, and finalize them, with a view to adoption at this session.

Guidelines for Exhaust Gas Cleaning Systems (EGCS)

4.7 The Committee recalled that MEPC 57 agreed to forward the interim washwater discharge criteria, set out in section 10 of the Guidelines for EGCS, to GESAMP for its review and comments. The initial findings of GESAMP were presented to the Committee at its last session in document MEPC 58/5/5 where GESAMP was seeking clarifications on some specific issues and MEPC 58 agreed with a response that was forwarded to GESAMP providing clarifications and further input.

4.8 The Committee noted that BLG 13 briefly considered the Guidelines for EGCS (resolution MEPC.170(57)) based on document MEPC 58/5/8 (Marshall Islands and ICS) proposing amendments to the Guidelines in light of the revised MARPOL Annex VI.

4.9 The delegation of Norway expressed the view, which was supported by other delegations, that the advice by GESAMP on the interim washwater discharge criteria for EGCS systems presented in document MEPC 59/4/19 contained some points of principle that warranted careful consideration by the Committee in relation to regulation 4.4 (equivalents) of the revised MARPOL Annex VI and also Article 195 of UNCLOS (Duty not to transfer damage or hazards or transform one type of pollution into another). In view of the urgency of completing the draft revised Guidelines for Exhaust Gas Cleaning Systems, the following sequence of steps was suggested:

- .1 review and adopt the revised EGCS Guidelines at this session;
- .2 establishment of a process enabling a detailed review of the recommendations of GESAMP; and
- .3 review the revised EGCS Guidelines again in the light of the outcome of the review process under sub-item .2 above.

4.10 The delegation of the Cook Islands noted that regulation 4 of the revised MARPOL Annex VI allows Administrations to accept alternative compliance methods and expressed the view that the Technical Group should take this into account and not use the advice by GESAMP to limit the use of alternative methods as long as they comply with regulation 4.4. The delegation of Saudi Arabia supported this view.

4.11 The Committee agreed to instruct the Technical Group to:

- .1 continue the review of the revised EGCS guidelines for completion at this session, drawing on GESAMP's advice on washwater discharge criteria together with documents MEPC 59/4/31 (Finland) and MEPC 59/10/5 (IMarEST), which are all related to the EGCS Guidelines themselves and contain technical proposals; and
- .2 prepare recommendations on a process for a further review of the revised EGCS guidelines in light of some of the points raised by GESAMP.

Proposal to designate an Emission Control Area for the coastal waters of the United States and Canada

4.12 The delegations of the United States and Canada proposed, in documents MEPC 59/6/5 and MEPC 59/INF.13, the designation of an Emission Control Area (ECA) for specific portions of the United States and Canadian coastal waters including parts of Hawaii, for the control of NO_x, SO_x and particulate matter emissions, prior to the entry-into-force date of the revised MARPOL Annex VI. The delegations invited the Committee to approve the draft amendments to regulations 13.6 and 14.3 of MARPOL Annex VI for the proposed ECA at this session with a view to adoption at MEPC 60.

4.13 In light of Canada's co-sponsorship of the proposed ECA and the questions raised regarding Canada's ratification of MARPOL Annex VI, the delegation reported on the progress Canada was making in this regard. The statement of the delegation is reproduced in annex 4 to this report.

4.14 The delegation of China stated that it was not in a position to support the proposal by the United States and Canada on the following grounds:

- .1 the proposal covered *all* navigational waters along the United States' and the Canadian coasts and the need was not demonstrated for such a "blanket" coverage;
- .2 the designation of an ECA of this size might set a precedent, leading to a situation that in future all the world's oceans could become ECAs; and
- .3 the demand for low-sulphur marine fuels would be far higher than the supply in the foreseeable future.

4.15 However, a large majority of delegations that spoke expressed their support, in principle, for the proposed Emission Control Area, as it met the requirements of appendix III of MARPOL Annex VI. The following points were raised for careful consideration and clarification when reviewing the proposal in detail:

- .1 in response to the comments on the proposed ECA covering all coastal waters to 200 nautical miles from the territorial baseline, it was clarified that the proposed distance was based on scientific analysis rather than aiming to be an EEZ distance;
- .2 the position of the Saint-Pierre and Miquelon Archipelago, which is a French territory lying off the East coast of Canada and situated within the proposed ECA, should be clarified further, as full consultation with France had not yet been completed on this issue;

- .3 it would be worthwhile to investigate the incremental gain/loss in terms of added protection between establishing a 150 and a 200-nautical mile ECA;
- .4 the timely availability of low-sulphur marine fuels outside the United States and Canada should be carefully assessed so as not to negatively influence vessels travelling through the proposed ECA;
- .5 the possibility that the provision of additional low-sulphur marine fuels resulting from the proposed ECA would lead to more greenhouse gas emissions from the refineries;
- .6 the additional cost of the fuels to be used in ECAs may result in a shift from sea to less environmentally-friendly transport over land;
- .7 proponents of ECAs were free to choose the size of ECAs, as long as they could demonstrate that all MARPOL Annex VI criteria were met;
- .8 it was queried whether countries that are not yet a Party to MARPOL Annex VI, such as Canada in this case, could co-sponsor amendments to it. It was noted that a similar situation with some countries in the North Sea and Baltic Sea Areas SECAs had not hindered the designation processes of these areas under the prior Annex VI; and
- .9 the comprehensive and thorough nature of the proposal and the supporting materials set a high benchmark for any future ECA proposal.

4.16 At the invitation of the Chairman, the representative of the IMO Legal Office offered the following views on the legal issues raised. Based on an examination of precedents, it would be possible for the Committee to consider and adopt a proposed amendment, *provided* that the adoption takes place *after* the date on which the revised Annex VI is deemed to be accepted (1 January 2010) and *provided further* that the amendment does not enter into force until *after* the entry-into-force date of the revised Annex VI (1 July 2010). With regard to the issue of whether a non-Party to Annex VI could co-sponsor the proposal for a new ECA, the Legal Office saw no legal impediment to such co-sponsorship as an indication of regional support of the proposal, but took the view that a non-Party to Annex VI could not enforce the ECA until it had become Party to the Annex.

4.17 The Committee agreed to forward the United States/Canadian proposal to the Technical Group for further consideration, taking into account the above-mentioned comments, and in particular:

- .1 the availability of low-sulphur marine fuels and its consequences; and
- .2 the position of the Saint-Pierre and Miquelon Archipelago as French territories in the proposed ECA.

Monitoring the worldwide average of sulphur content of residual fuel

4.18 The Committee noted the information on sulphur monitoring for the year 2008 in document MEPC 59/4/1. The average sulphur level in residual fuel oil for 2008 was 2.37% representing a reduction of 0.05 percentage points from the previous year, 2007, when it was 2.42%. The average sulphur content had been calculated on the basis of the number of samples tested and not

the actual quantity of fuel oil bunkered. It was noted that the explanation for this decrease might be that ships took on board smaller quantities of low-sulphur fuel oil for consumption within a Sulphur Emission Control Area and that low-sulphur fuel oil was tested more frequently to secure compliance. Both these factors might lead to an increased number of low sulphur samples and thereby a lower average sulphur level in the Sulphur Monitoring Programme, and not reflect that the actual global sulphur content had gone down.

4.19 The Committee also noted that BLG 13 had raised a recommendation to the Committee as to whether the monitoring of worldwide sulphur average should continue or should be expanded to monitor the sulphur content of all fuels.

4.20 The Committee agreed to forward this proposal to the Technical Group for further consideration.

Monitoring the supply and demand of marine fuels

4.21 The Committee considered document MEPC 59/4/6 (ICS, OCIMF, BIMCO and INTERCARGO) proposing the establishment of a correspondence group to develop a strategy to monitor the supply and demand situation of the bunker fuels under the revised MARPOL Annex VI, prior to the formal review in 2018. The proposal also contained draft Terms of Reference for the proposed correspondence group. In introducing the document, it was stated that the proposed course of action was not intended to amend the emission requirements in the revised MARPOL Annex VI.

4.22 IPIECA, in document MEPC 59/4/42, supported this proposal and expressed the view that the mechanism to undertake the 2018 review needed to be assessed well before the formal review date, due to the complexity of the refining business and the inherent difficulties in forecasting fuel supply and demand. IPIECA offered additional points for inclusion in the draft Terms of Reference.

4.23 Several delegations spoke in favour of establishing a correspondence group in order to provide a useful assessment for bunker fuels prior to the formal review in 2018. Other delegations expressed the view that it would be premature to establish such a group at this stage.

4.24 Given the equally divided views on this issue, the Committee agreed not to establish a correspondence group at this stage and decided to keep documents MEPC 59/4/6 and MEPC 59/4/42 in abeyance for consideration at a future session.

Marine fuel oil specifications

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

4.26 The Committee welcomed ISO's advice in document MEPC 59/4/3 responding to the request by MEPC 57 and providing the results of the review of fuel oil specifications on fuel parameters and overall limiting values pertinent to air quality, ship safety, engine performance and crew health. ISO advised that it would undertake further examinations on marine fuel specifications in 2010, in which ISO would analyse the impact of bio-derived components contained in marine fuels that could lead to potential storage and handling problems. ISO also

advised that IMO should consider operational or technical measures to mitigate the risk of H₂S gas evolved from marine fuel oils.

4.27 The Committee noted a study pertaining to ship emissions' impact on climate change and air quality, as submitted by the United States (MEPC 59/INF.15).

4.28 The delegation of Japan expressed the view that the fuel oil specifications and overall limiting value provided in annex 2 to document MEPC 59/4/3 (ISO) contained some problems for limit values that are derived from the existing ISO standards; that the fuel oil categories identified in the document (only distillate fuel oils and residual fuel oils) were fewer than those in the revised MARPOL Annex VI; and that the characteristics concerning ignition quality were incomplete.

4.29 The Committee agreed to forward the proposals by ISO (MEPC 59/4/3), together with the above comments, to the Technical Group for advice on further action.

Shore supply of electric power to ships in port

4.30 The Committee noted the information provided by ISO in document 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 had approved the publication of the current shore power document as a Publicly Available Specification (PAS) that would be published in the near future.

Establishment of the Technical Group on Emission Control Areas and other MARPOL Annex VI-related issues

4.31 The Committee established the Technical Group on Emission Control Areas and other MARPOL Annex VI-related issues with the following Terms of Reference:

“Taking into account relevant submissions and comments made in plenary, the Technical Group is instructed to:

- .1 review and finalize the text of the following guidelines:
 - .1 Amendments to the revised Survey Guidelines under the Harmonized System of Survey and Certification (resolution MEPC.128(53));
 - .2 Guidelines for port State control under MARPOL Annex VI (resolution MEPC.129(53));
 - .3 Guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI (resolution MEPC.96(47));
 - .4 Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use on board ships (resolution MEPC.82(43));
 - .5 Guidelines for exhaust gas cleaning systems (resolution MEPC.170(57));
and

- .6 Guidelines for the development of a VOC management plan, as required by regulation 15.6;
- .2 review and finalize the text of the following draft MEPC circulars:
 - .1 Definitions for the cost-effectiveness formula in regulation 13.7.5 to the revised Annex VI of MARPOL;
 - .2 Guidelines for the application of the NO_x Technical Code relative to certification and amendments of Tier I engines; and
 - .3 Technical information on systems and operation to assist development of VOC management plans;
- .3 consider the proposal by the United States and Canada to designate an ECA as proposed in document MEPC 59/6/5 and draft text to amend regulations 13 and 14 of MARPOL Annex VI accordingly based on annex 4 to document MEPC 59/6/5;
- .4 consider whether monitoring the worldwide average of sulphur content of residual fuel should continue or be expanded to monitor the sulphur content of all fuels;
- .5 assess the report by ISO (MEPC 59/4/3) and consider whether further action is needed by the Organization on marine fuel oil specifications; and
- .6 submit a written report to the plenary for consideration and adoption of these amendments on Thursday, 16 July 2009.”

Action taken by the Committee on the report of the Technical Group

4.32 Having considered the report of the Technical Group on Emission Control Areas and other MARPOL Annex VI-related issues (MEPC 59/WP.10 and MEPC 59/WP.10/Add.1), which met from 14 to 16 July 2009 under the chairmanship of Mr. Zafrul Alam (Singapore), the Committee approved the report in general, and in particular:

- .1 **adopted** the amendments to the Survey Guidelines under the Harmonized System of Survey and Certification for the revised MARPOL Annex VI by resolution MEPC.180(59), as set out in annex 5;
- .2 **adopted** the revised Guidelines for port State control under the revised MARPOL Annex VI by resolution MEPC.181(59), as set out in annex 6;
- .3 **adopted** the 2009 Guidelines for the sampling of fuel oil for determination of compliance with the revised MARPOL Annex VI by resolution MEPC.182(59), as set out in annex 7;
- .4 **adopted** the 2009 Guidelines for monitoring the worldwide average sulphur content of residual fuel oils supplied for use on board ships by resolution MEPC.183(59), as set out in annex 8;

- .5 **endorsed** the recommendation of the Technical Group that BLG 14 be instructed to start revising the 2009 Guidelines to address the expansion to all marine fuels with a target completion date of 2010 according to the following terms of reference:
- “1 review and recommend changes to the 2009 Guidelines for monitoring the worldwide average sulphur content to the fuels covered by the revised MARPOL Annex VI, taking into account the quantity (in metric tons) of each delivery of oil fuel and also taking into account grouping into the different sulphur limits as required by regulation 14.2; and
- .2 recommend whether low-sulphur fuels according to the Bunker Delivery Note should be monitored separately and how this can be done.”
- .6 **adopted** the revised Guidelines for Exhaust Gas Cleaning Systems by resolution MEPC.184(59), as set out in annex 9.
- In taking the above action, the Committee also agreed that the washwater discharge criteria should be revised in the future as more data become available on the contents of discharge and its effects, taking into account advice provided by GESAMP (MEPC 59/4/19);
- .7 **adopted** the Guidelines for the development of a VOC management plan by resolution MEPC.185(59), as set out in annex 10;
- .8 **approved** MEPC.1/Circ.678 (MEPC 59/WP.10, annex 7) on Definitions for the cost-effectiveness formula in regulation 13.7.5 to the revised MARPOL Annex VI;
- .9 **approved** MEPC.1/Circ.679 (MEPC 59/WP.10, annex 8) on Guidelines for the application of the NO_x Technical Code relative to certification and amendments of Tier I engines;
- .10 **approved** MEPC.1/Circ.680 (MEPC 59/WP.10, annex 9) on Technical information on systems and operation to assist development of VOC management plans;
- .11 **noted** that the Technical Group had determined that the ECA proposal for the coastal waters of the United States and Canada satisfied the criteria set forth in appendix III to MARPOL Annex VI;
- .12 **noted** that the breadth of the proposed ECA was determined through application of the criteria in appendix III to MARPOL Annex VI, and it was not based on, or linked in any way to, the extent of the proponents’ exclusive economic zones;
- .13 **approved** the proposed ECA for the coastal waters of the United States and Canada and the draft amendments to regulations 13 and 14 the revised MARPOL Annex VI concerning the proposed ECA, as set out in annex 11, with a view to adoption at MEPC 60, taking into account the comments of the Technical Group.

In taking the above actions concerning the proposed ECA, the Committee noted the clarifications provided by the delegation of the United States concerning document MEPC 59/WP.10 as follows:

paragraph 3.24.6 should read:

“the proponents confirmed that the equivalency provisions under regulation 4, in particular abatement technology, would apply to voyages of ships while travelling in the proposed ECA, including voyages in the internal waters of the United States and Canada.”

paragraph 3.24.10 should read:

“the delegation of the United States affirmed that, if sulphur reducing technology is used, all US states have the right under current law to require additional water quality regulations for the discharge of washwater above the national standard. The delegation stated that the United States Government would try to work with the states to ensure that a harmonized effluent standard is developed.”

In this regard, the delegation of France confirmed that France would co-sponsor the proposed ECA on behalf of the Saint-Pierre and Miquelon Archipelago. The Government of France would fully cooperate with the United States and Canada in the next steps of the procedure.

The delegations of Canada and the United States welcomed the statement by the delegation of France. The inclusion of the waters of the French territory of Saint-Pierre and Miquelon into the proposed ECA would only be a very minor adjustment to the proposal, as this small territory is entirely surrounded by the proposed ECA. International shipping in this area is transiting to or from Canada or the United States; and this traffic and related emissions had already been included in the ECA proposal. The delegations looked forward to working with France on the establishment of the ECA in North American coastal waters;

- .14 **approved** the recommendation of the Technical Group to postpone endorsing the parameters and characteristics for marine fuel oil specifications to a future session of MEPC; and
- .15 **invited** ISO to provide further advice, taking into account the concerns raised by the Technical Group.

In taking the above action, the Committee noted that the representative of ISO accepted the general conclusions of the Committee and the Technical Group, but rejected the statement by INTERTANKO that the current proposal by ISO for a limit value of 2 mg/kg of H₂S for residual fuel oil and distillate fuel oil “was not acceptable as it was wrong to place a product on the market that is unsafe” (MEPC 59/WP.10, paragraph 3.35). The representative of ISO advised the Committee that ISO had proposed a measurement and limits that control H₂S in the liquid phase to be a level that is achievable by the current test methodology. In the opinion of the ISO Working Group, this was the most appropriate way of determining the total amount of H₂S in a fuel oil and a reliable basis upon which a specification limit can be set.

The representative of ISO recognized that the H₂S limit which ISO had proposed (2 mg/kg) was not a limit that rendered a fuel safe. The current test methods, which identify the content of H₂S in the liquid phase cannot guarantee that H₂S gas will not be released during the course of onboard storage and handling. For this reason, ISO had requested IMO to consider other operational or technical measures to mitigate the risk of any H₂S gas evolved from marine fuel oils (MEPC 59/4/3, paragraph 11). It would thus be for IMO to determine the level of risk associated with the presence of hydrogen sulphide in fuel oils on board ships. For example, fuels supplied to ships should not generate more than 100 ppm of H₂S in the bunker tanks. This would require ISO to produce a fuel oil specification to meet this requirement. This was a function that ISO was well qualified to carry out and, therefore, ISO would appreciate IMO's guidance on this issue.

PREVENTION OF AIR POLLUTION FROM SHIPS – GHG MATTERS

4.33 The Committee recalled that, at its last session, it had considered the report of the intersessional meeting of the working group – GHG-WG 1 – and agreed that a second intersessional meeting should be held to progress the development of the technical and operational reduction measures adequately, to be ready for finalization at this session. MEPC 58 had approved Terms of Reference for the second intersessional meeting – GHG-WG 2 – that was held at the IMO Headquarters in mid-March 2009. The Committee noted that the outcome of GHG-WG 2 would, together with submissions providing comments on the outcome, form the basis for the debate on the technical and operational measures at this session.

4.34 The Committee recalled also that MEPC 58 had noted with appreciation the presentation by the coordinator of the international Consortium contracted to undertake the update of the 2000 IMO GHG Study, who provided a summary of the main findings of Phase 1 of the Study on GHG emissions from ships. The Committee noted that at this session it would benefit from the finalized study that had been entitled: Second IMO GHG Study 2009.

4.35 The Committee recalled further that MEPC 58, due to time constraints, was unable to consider all the submitted documents on GHG matters and that the nine documents listed in paragraph 5 of document MEPC 59/4/18 (Secretariat) had been kept in abeyance for this session.

4.36 The Committee recalled finally that MEPC 58 had agreed to hold an in-depth debate on market-based reduction measures at this session and noted that adequate time had been allocated.

Technical documents to be considered by the working group

4.37 The Committee agreed that none of the technical documents would be introduced in plenary but referred directly to the working group following a brief debate in plenary, limited to providing the necessary instructions to the working group, and that the following documents related to the Energy Efficiency Design Index (EEDI), the Ship Energy Management Plan (SEMP) and the Energy Efficiency Operational Indicator (EEOI) would be considered first by the working group:

MEPC 59/4/2	Secretariat;
MEPC 59/4/10	SIGTTO;
MEPC 59/4/12	CLIA;
MEPC 59/4/13	ICS;
MEPC 59/4/14	Canada, Estonia, Finland, Norway and Sweden;

MEPC 59/4/20	China;
MEPC 59/4/21	China;
MEPC 59/4/22	Republic of Korea;
MEPC 59/4/23	Finland and Sweden;
MEPC 59/4/27	IACS;
MEPC 59/4/28	CLIA;
MEPC 59/4/29	CLIA;
MEPC 59/4/30	United States;
MEPC 59/4/33	Japan and United States;
MEPC 59/4/36	Japan and Norway;
MEPC 59/4/37	Sweden;
MEPC 59/4/38	CESA;
MEPC 59/4/39	Republic of Korea;
MEPC 59/4/41	Marshall Islands;
MEPC 59/4/43	INTERTANKO (except paragraphs 7 to 10 on market-based measures);
MEPC 59/4/44	IACS; and
MEPC 59/4/49	Secretariat.

Information documents

4.38 The Committee noted the following information documents:

MEPC 59/INF.5	Secretariat	Ministerial Conference on global environment and energy in transport
MEPC 59/INF.9	ICS	Greenhouse Gas – Market-based Instruments
MEPC 59/INF.11	Australia and the Netherlands (coordinators of the correspondence group)	Received submissions by the coordinators of the Intersessional Correspondence Group on Greenhouse Gas Related Issues
MEPC 59/INF.15	United States	Study Pertaining to Ship Emissions' Impact on Climate Change and Air Quality
MEPC 59/INF.19	OCIMF	Introduction of Energy Efficiency and Fuel Management Document
MEPC 59/INF.27	Japan	Detailed information on the prospect of energy efficiency improvement of new ships

4.39 The working group was instructed to take the information contained in the above-listed documents into account during its work, as appropriate.

Deferring the debates on legal aspects and application matters to MEPC 60

4.40 Following a proposal by its Chairman, the Committee agreed that all documents and the debates on the type of legal instrument and application issues, in their entirety, should be left for future sessions, where the issues should be discussed in light of the outcome of COP 15, which would be known at that time. The following documents were deferred to MEPC 60:

MEPC 58/4/15	United Kingdom;
MEPC 58/4/16	Australia, Canada, Denmark, Germany, Japan, the Marshall Islands, Norway, Panama and the United States;
MEPC 58/4/17	United States;
MEPC 58/4/18	Cyprus;
MEPC 58/4/20	Secretariat;
MEPC 58/4/23	Australia;
MEPC 58/4/31	Brazil;
MEPC 58/4/32	China and India;
MEPC 59/4/16	Islamic Republic of Iran;
MEPC 59/4/26	France, Germany and Norway (those parts covering the form of legal instrument and application issues); and
MEPC 59/INF.26	Japan and Norway.

Order of discussions

4.41 Following a proposal by the Chairman, the Committee agreed to conduct the greenhouse gas debate as follows:

- .1 The Chairman's proposals for further progress;
- .2 Second IMO GHG Study 2009;
- .3 UNFCCC meetings and the ongoing negotiation process;
- .4 Necessary instructions to the working group on GHG emissions from ships on the technical and operational reduction measures (the EEDI, the SEMP, and the EEOI);
- .5 In-depth debate on market-based reduction measures; and
- .6 Terms of Reference (ToR) for the working group.

The Chairman's proposals for further progress

4.42 The Committee considered document MEPC 59/4/9 (Chairman) containing proposals to ensure that IMO's work on control of GHG emissions from international shipping progressed satisfactorily. Building upon good progress made on the technical and operational reduction measures, the Chairman had held informal consultations with a number of countries in preparing his proposals. The purpose of the document was not to pre-empt discussions or decisions, but rather to guide the process for a focused and structured discussion. It would be highly desirable that the Committee reached a number of agreements on the technical and operational measures, so that IMO was in a position to progress its work on reduction of GHG emissions from international shipping.

Intervention by the Secretary-General

4.43 The Committee noted with appreciation an intervention by the Secretary-General in which he underlined that the Committee had reached a crucial stage in its deliberations on greenhouse gas emissions and expressed thanks to the Chairman for making his proposals for further progress. He added that it was incumbent upon the Committee to do everything possible to help stem climate change and global warming. The Secretary-General recalled that the Council, at its 102nd session, had endorsed and supported a statement by the Chairman of the Committee concerning the desirability of the Committee focusing on two tasks, in particular:

- .1 finalizing its technical work on improved energy efficiencies to reduce greenhouse gas emissions from ships; and
- .2 progressing the debate on market-based measures, as provided for in the Committee's GHG work plan adopted in 2006.

He added that the Committee should settle agreements, decisively and by consensus, on the various types of technical and operational measures so that the status of IMO's technical work on improved energy efficiencies for merchant ships could be presented to the Copenhagen Conference in a clear and unambiguous manner. A strong and clear message that the Organization had both the willingness and the ability to match wider world efforts to combat climate change, by delivering on all aspects of shipborne greenhouse gas emission reductions, would make it self-evident to all concerned in Copenhagen that IMO and the maritime community were fully committed to the goals of the Conference and would, therefore, at an appropriate time, have in place a control regime that would achieve the necessary emission reductions.

The Secretary-General stated that, in progressing the debate on market-based measures as much as possible at this session, the Committee had a further unique opportunity to demonstrate to the world that IMO, as the sole competent global standard-setting body for international shipping, could also be relied upon to deliver, efficiently and effectively, on the necessary financial solution (or solutions) to keep international shipping in line with overall targets to be agreed internationally.

The Secretary-General repeated the plea he made in his opening address to all delegations to do everything possible at this session to progress the urgent matters at hand expeditiously and satisfactorily, as was expected by the Council and, in so doing, to pay heed to the wisdom of the Chairman, who had only one purpose in mind, in presenting his proposals for further progress on what was not only a very complex and delicate issue but also one of unprecedented dimensions in terms of its potentially devastating impact on the survival of the planet – and that was to help the Committee make responsible decisions that were acceptable to all.

Video-message by the Executive Secretary of the UNFCCC Secretariat, Mr. Yvo de Boer

4.44 The Committee noted with appreciation a statement by the Executive Secretary of the UNFCCC Secretariat, Mr. Yvo de Boer, delivered as a video message. The statement provided information on the ongoing UNFCCC negotiations on a post-2012 climate change regime and gave a clear indication on what was expected of IMO in its reporting to COP 15. The statement is set out in annex 12 to this report.

Statement by the delegation of China on GHG issues

4.45 The delegation of China submitted a written statement on GHG issues. As requested, the statement is set out in annex 13.

Submission by OCIMF

4.46 The Committee noted a submission by OCIMF in document MEPC 59/4/9 supporting the proposals by the Chairman to ensure that work on control of GHG emissions from international shipping was progressed under the framework of IMO. OCIMF advocated that IMO had the competence and was in the right position to make balanced decisions on the global issue of emissions from international shipping.

Debate

4.47 The overwhelming majority of delegations that spoke expressed their full support for the way forward proposed by the Chairman in document MEPC 59/4/9, as it was considered a well-balanced compromise, taking into account the concerns of all countries. Some delegations expressed concerns with the use of the word “agreed” in paragraph 7, fearing that the text implied that measures had been adopted or approved and were thereby mandatory in nature. One delegation noted its concern about the establishment of a work plan for further consideration of market-based measures, as outlined in paragraph 11.1 of document MEPC 59/4/9. A number of countries stressed that the principles of common but differentiated responsibilities should be respected for the consideration of market-based measures, and made suggestions on the use of generated funds for mitigation and adaptation projects in developing countries and small islands developing States.

4.48 The Chairman clarified that the use of the word “agree” indicated that the Committee was content with the issue at hand but, prior to making final firm decisions, it needed input from experience gained from testing and trials. The word “agree” did not signify “approval” or “adoption” by the Committee. Under the IMO customary procedures “approval” and “adoption” indicated that the Committee was at the final stages of making a measure final, while the word “agree” did not have this implication.

Conclusions

4.49 The Committee agreed to use the Chairman’s proposal as the basis for structuring further debate at this session, considering that:

- .1 the use of the word “agree” would not imply approval, adoption or decision;
- .2 interim measures for improved energy efficiency (MEPC/Circ.471) had already been agreed upon at previous sessions; and
- .3 application issues and matters related to the legal instrument would not be considered at this session, but be discussed at MEPC 60.

4.50 The Committee was thereby invited to:

- .1 agree that the technical and operational measures under consideration by IMO prior to COP 15 should be characterized as energy efficiency measures; and

- .2 consider the recommendations of the intersessional meeting of the working group (GHG-WG 2) and reach agreements on the Energy Efficiency Design Index for new ships, including draft baseline(s), and on the Ship Energy Efficiency Management Plan for new and existing ships, and clearly reflect this agreement in the report of the session.

4.51 In particular, the Committee was invited to:

- .1 agree on the Energy Efficiency Design Index for new Ships (the formula), and encourage continued testing of the formula regarding its robustness (the Index);
- .2 agree on the formula for establishing the baseline for the Index and encourage testing of the formula regarding its robustness (the level of the attained Index relative to the baseline is not to be set at this session (the Baseline));
- .3 agree on the Ship Energy Efficiency Management Plan for new and existing ships (the Management Plan); and
- .4 settle these agreements (the Index, the Baseline, the Management Plan) preferably in MEPC circulars encouraging voluntary application and continued testing of the robustness of the measures and requesting Member States and organizations to submit their experience to MEPC 60.

4.52 The Chairman recommended that the Committee clearly indicated in the report of this session that:

- .1 proposals for mandatory application of some of the measures had already been submitted to MEPC 58 and that the Committee would welcome further proposals on application of the technical and operational measure to its next session for careful and thorough consideration and decisions, as appropriate and if possible;
- .2 prior to a possible approval of the energy efficiency measures, a thorough and detailed consideration of the robustness of the measures should take place;
- .3 any possible impacts on the shipping sector, including, but not limited to, the overall impact on the maritime sectors of developing States, should be duly considered by the Committee prior to making any decision regarding the energy efficiency measures; the Committee should decide how this could be best achieved; and
- .4 the recommendations of resolution A.998(25) on “Need for capacity-building for the development and implementation of new, and amendments to existing, instruments”, should be fulfilled obligatorily and that the Committee should reaffirm this in the report of this session.

Second IMO GHG Study 2009

4.53 The Committee recalled that, at its last session, it had noted with appreciation the presentation by the coordinator of the international Consortium contracted to undertake the update of the 2000 IMO GHG Study, who provided a summary of the main findings of Phase 1 of the updated Study. The Committee noted that at this session it would benefit from the finalized full study, which had been entitled: **Second IMO GHG Study 2009**.

4.54 The Committee recalled also that, at its fifty-fifth session in October 2006, it agreed that the 2000 IMO GHG Study (MEPC 45/8) should be updated to provide a better foundation for future decisions. MEPC 56 in July 2007 approved the Terms of Reference for the update (may be found as annex 1 to MEPC 59/4/4), voluntary contributions were encouraged and the real work started in the latter part of that year, following the establishment of a Steering Committee to oversee the updating process.

4.55 The Committee had before it three documents (by the Secretariat) related to the Second IMO GHG Study 2009: MEPC 59/4/4 providing a final status report on the updating exercise and on the work of the Steering Committee; MEPC 59/4/7 providing the executive summary of the Second IMO GHG Study 2009; and MEPC 59/INF.10 where the full report, including its appendices, could be found.

4.56 The Chair of the Steering Committee, Ms Petra Bethge (Germany), summarized the Steering Committee's work and thanked the research Consortium, on behalf of the 19 participating Member States, for the significant work undertaken. In the course of its work, the Steering Committee had realized that further work would be needed before all aspects of the GHG work could be concluded. The Steering Committee therefore recommended that MEPC 59 encouraged Member States and observers to make financial contributions to the follow-up work of the Study, for example, through a comprehensive cost-benefit analysis, feasibility and impact assessments of the measures proposed, or other activities as agreed by the Committee or initiation by the Secretary-General.

4.57 The Committee noted the Steering Committee's appraisal of the final report against the Terms of Reference, as adopted by MEPC 56, and unanimously approved the report, recognizing that the responsibility for the scientific content of the study rests with the Consortium. The Committee congratulated the Consortium for the comprehensive and balanced study.

4.58 The Committee noted that the study had been funded through voluntary contributions and expressed profound appreciation and wholehearted thanks to the donors: Australia, Canada, Denmark, Germany, the Marshall Islands, the Netherlands, Norway, Sweden, the United Kingdom and the Japanese Shipowners' Association. It agreed that the balance should be transferred back to the Onassis Fund and used for follow-up activities as may be agreed by the Committee or initiated by the Secretary-General.

4.59 The Committee noted that the Steering Committee had completed its work for the Second IMO GHG Study 2009 and thanked them for their important efforts in overseeing the exercise, in particular in ensuring the timely delivering of the Study so that the Committee could benefit from its outcome at this session.

4.60 The Committee agreed that the "Second IMO GHG Study 2009" would constitute a significant document and become the paramount reference to the Committee for information in developing IMO's strategy to limit and reduce GHG emissions from international shipping, in the same manner as the 2000 IMO GHG Study had been an authoritative assessment on the issue in the past.

4.61 The Committee expressed thanks to all involved in the work, individually and collectively, for the remarkable achievements and the productive cooperation in accordance with their respective roles and responsibilities, always in the best interests of the Committee and the Organization.

Presentation of the Second IMO GHG Study

4.62 The Second IMO GHG Study 2009 was presented by the research Consortium during a special session on Monday, 13 July. The Consortium was represented by: Dr. Oyvind Buhaug (coordinator), Prof. James Corbett, Dr. Veronica Eyring, Dr. Jasper Faber, Mr. Hinichi Hanayama, Prof. David Lee, Prof. Donchool Lee, Mr. Haakon Lindstad, Mr. Alvar Mjelde, Dr. James Winebrake, and Mr. Koichi Yoshida. The presentations can be viewed at http://www.imo.org/home.asp?topic_id=1823.

4.63 The Committee noted that the study came to the following main conclusions, as outlined in its executive summary:

- Shipping was estimated to have emitted 1046 million tonnes of CO₂ in 2007, which corresponded to 3.3% of the global emissions during 2007. International shipping was estimated to have emitted 870 million tonnes, or about 2.7% of the global emissions of CO₂ in 2007.
- Exhaust gases were the primary source of emissions from ships. Carbon dioxide was the most important GHG emitted by ships. Both in terms of quantity and of global warming potential, other GHG emissions from ships were less important.
- Mid-range emissions scenarios showed that, by 2050, in the absence of policies, ship emissions could grow by 150% to 250% (compared to the emissions in 2007) as a result of the growth in world trade.
- A significant potential for reduction of GHG emissions through technical and operational measures had been identified. Together, if implemented, these measures could increase efficiency and reduce the emissions rate by 25% to 75% below the current levels. Many of these measures appeared to be cost-effective, although non-financial barriers may discourage their implementation.
- A number of policies to reduce GHG emissions from ships were conceivable. The report analysed options relevant to the current IMO debate. The report found that market-based measures were cost-effective policy instruments with a high environmental effectiveness. Such instruments captured the largest amount of emissions under the scope, allowed both technical and operational measures in the shipping sector to be used, and could offset emissions in other sectors. A mandatory limit on the Energy Efficiency Design Index for new ships was a cost-effective solution that could provide an incentive to improve the design efficiency of new ships. However, its environmental effect was limited because it only applied to new ships and because it only incentivized design improvements and not improvements in operations.
- Shipping had been shown, in general, to be an energy-efficient means of transportation compared to other modes.

- The emissions of CO₂ from shipping lead to positive “radiative forcing” (a metric of climate change) and to long-lasting global warming. In the shorter term, the global mean radiative forcing from shipping was negative and implied cooling; however, regional temperature responses and other manifestations of climate change may nevertheless occur. In the longer term, emissions from shipping would result in a warming response as the long-lasting effect of CO₂ would overwhelm any shorter-term cooling effects.
- If the climate was to be stabilized at no more than 2°C warming over pre-industrial levels by 2100 and emissions from shipping continue as projected in the scenarios that were given in the report, then they would constitute between 12% and 18% of the global total CO₂ emissions in 2050 that would be required to achieve stabilization (by 2100) with a 50% probability of success.

The executive summary of the Second IMO GHG Study 2009 is set out in annex 14 of this report.

Intervention by the Secretary-General

4.64 The Committee welcomed an intervention by the Secretary-General in which he emphasized the enormous amount of research that had been undertaken in a very short period of time, since the real work to update the first IMO Study on greenhouse gas emissions from ships had only started at the end of 2007. Without this valuable second Study, it would be extremely difficult for IMO, not only to make informed and well balanced decisions, but also to convince the world that the Organization was best placed, as the only competent regulatory forum, to develop and establish an authoritative emission control regime that was relevant for international shipping, while matching the general expectations for climate change abatement.

The Secretary-General noted that the Organization and the maritime community were indebted to the members of the Steering Committee for overseeing the updating process with exemplary commitment, under the able chairmanship of Ms Petra Bethge (Germany), and to the scientists and other experts of the international Consortium contracted to conduct the update. Their hard work and team spirit had done an immense service to the environment, to shipping and to IMO, and the fact that they were able to submit such an in-depth and comprehensive study on time for the meeting, as expected, and in full accordance with the agreed terms of reference, was no mean feat. Profound appreciation was also owed to MARINTEK for coordinating the Consortium and for covering all its administrative costs, and to those amongst other involved institutes for their in-kind contributions.

The Secretary-General went on to say that the study itself would not have been possible without the generosity of the donors: Australia, Canada, Denmark, Germany, the Marshall Islands, the Netherlands, Norway, Sweden, the United Kingdom and the Japanese Shipowners' Association. Their voluntary contributions – totalling some USD 478,000 – fully funded the actual research work and he was grateful to all of them for responding so positively to his request for funds to supplement the initial monies made available from the balance of funds from the informal Cross Government/Industry Scientific Group of Experts established in the context of the MARPOL Annex VI revision.

In concluding, the Secretary-General reiterated his profound gratitude and deep appreciation for the remarkable achievements of the Second IMO GHG Study 2009, which would serve as the most comprehensive and authoritative assessment of the current and future situation concerning GHG emissions from international shipping, at this session and for many years to come.

Submission by three NGOs

4.65 The Committee noted a submission by three NGOs (Friends of the Earth International, Greenpeace International and WWF) in document MEPC 59/4/47, emphasizing that IMO must adopt ambitious targets, strict timetables, a robust set of economic, technical and operational reduction measures as the basis for shipping's inclusion in the UNFCCC Copenhagen climate change deal. The co-sponsors noted that, in the absence of an agreement on the way forward at this week's MEPC session, the NGOs would call on other fora, such as the UNFCCC or the European Union, to take timely and appropriate actions.

UNFCCC meetings and the ongoing negotiating process

4.66 The Committee recalled that Assembly resolution A.963(23) on IMO policies and practices related to the reduction of greenhouse gas emissions from ships requests the Secretariat to continue its cooperation with the Secretariat of the UNFCCC, and to report the outcome of IMO's GHG work to relevant UNFCCC bodies and relevant meetings.

4.67 The Committee also recalled that MEPC 58 had before it the outcomes of the 28th session of the Subsidiary Body for Scientific and Technical Advice held in Bonn, Germany, in June 2008 (MEPC 58/4/5) and of the United Nations Climate Change Talks held in Accra, Ghana, in August 2008 (MEPC 58/4/5/Add.1).

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

4.69 The Committee noted the following information documents by the Secretariat on the UNFCCC process:

MEPC 59/4	Outcome of the United Nations Climate Change Conference held in Poznan, Poland, in December 2008;
MEPC 59/4/Add.1	Outcome of the Bonn Climate Change Talks, in March/April 2009, which initiated the intensive negotiation phase leading up to COP 15;
MEPC 59/INF.28	June 2009 sessions of the subsidiary bodies to the UNFCCC that continued the intensive negotiation phase;
MEPC 59/INF.29	Ideas and proposals related to international shipping presented to the UNFCCC in the "assembly document" (FCCC/AWGLCA/2008/16/Rev.1, dated 15 January 2009), forming the basis for further negotiations on a post 2012-climate regime;

MEPC 59/4/40 Submissions and excerpts related to international shipping of the first draft negotiating text that was considered by Parties at the UNFCCC “Climate Talks” in early June 2009, submitted by Parties prior to 22 May 2009; and

MEPC 59/INF.31 Submissions and excerpts related to international shipping submitted by Parties between 22 May and 17 June 2009.

4.70 The Committee noted in particular that:

- .1 the eighth session of the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 8) considered a number of proposed amendments to Article 2.2 of the Kyoto Protocol, where the limitation or reduction of emissions from international maritime transport was covered;
- .2 no conclusions were reached with respect to Article 2.2 of the Kyoto Protocol or how to regulate emissions from international maritime transport in a second commitment period that would commence in 2013. It was expected that these considerations would continue at the resumed eighth session in August 2009;
- .3 the sixth session of the *Ad Hoc* Working Group on Long-term Cooperative Action under the Convention (AWG-LCA 6) had before it a full negotiating text for a post-2012 climate change regime, building upon the ideas and proposals compiled in the so-called assembly document and was requested to consider a range of proposals for a post-2012 GHG regime relating to international shipping (FCCC/AWGLCA/2008/16/Rev.1 – see document MEPC 59/INF.29 for a summary of shipping related ideas and proposals from that document);
- .4 the proposed options for inclusion of international shipping in a post-2012 climate change regime under the auspices of the UNFCCC were expanded during the meeting by a number of insertions of new text and new proposals as alternatives to the initial text or for clarification purposes;
- .5 the negotiation text addressing international maritime transport, as it was at the end of the session, was set out in paragraph 19 of document MEPC 59/INF.28, including the financial aspects;
- .6 the Secretariat, as an United Nations observer organization, could only provide more comprehensive information to the UNFCCC, e.g., in form of an in-session briefing on the outcome of MEPC 59 at the resumed sessions of the UNFCCC working groups in August 2009, if requested to do so by Parties; and
- .7 a further three negotiation meetings would be held prior to COP 15 and the Secretariat would ascertain to what extent the meetings would be of relevance and endeavour, resources permitting, to participate in accordance with relevant decisions of the Committee.

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

Statement by the delegation of Australia

4.72 During the review of the draft report, the delegation of Australia made a statement on the outcome of the recent UNFCCC meetings. As requested, the statement is set out in annex 15.

Energy Efficiency Design Index for new ships – EEDI

4.73 The Committee recalled that MEPC 58 had instructed the Working Group on GHG emissions from Ships to endeavour to finalize the Energy Efficiency Design Index and, having considered its report, agreed to the use of the draft Interim EEDI for calculation and trial purposes to gain experience on its robustness and adequacy, with a view to further refinement and improvement.

4.74 The Committee recalled also that MEPC 58 had invited delegations and industry observers to disseminate the Interim Guidelines on the EEDI to the maritime community at large, so that experience could be gained on its adequacy as a tool to improve energy efficiency for new ships.

4.75 The Committee, recalling further that MEPC 58 had approved the holding of a second intersessional meeting of the working group – GHG-WG 2, where further development of the Design Index was the paramount issue, approved the GHG-WG 2 report (MEPC 59/4/2) in general, as requested in its action paragraph 8.1.10 and instructed the working group to consider the report in further detail and report back to plenary by Friday, 17 July 2009.

Voluntary verification procedure

4.76 The Committee briefly considered document MEPC 59/4/36 (Japan and Norway), on proposed interim guidelines on voluntary verification of the EEDI for new ships, including the requirement for initial verification at the design stage and final verification during sea trial. The Committee agreed that the guidelines were necessary in order to implement the voluntary use of the EEDI in a uniform manner, and instructed the Working Group to consider this issue in particular.

Scope of the EEDI and ship types to be covered

4.77 The delegation of Denmark informed the Committee that voluntary testing of EEDI robustness for ro-ro passenger ships in Denmark had shown that differentiated baselines would be required for ro-ro car carriers, space carriers and weight carriers.

4.78 Following a brief exchange of views, the Committee agreed that the scope of the EEDI should be wide to allow all ship types to be tested and trialled on a voluntary basis, with the aim of allowing a maximum of experiences to be gained in the trials.

Finalization of the EEDI

4.79 The Committee agreed that the working group should continue its work on finalization of the EEDI at this session, using the outcome of GHG-WG 2 (annex 2 of MEPC 59/4/2) as a basis for the work, and instructed it accordingly.

Ship Efficiency Management Plan for all ships (new and existing) – SEMP

4.80 The Committee recalled that MEPC 58 had instructed the Working Group on GHG Emissions from Ships to consider proposals submitted to that session on the introduction of a fuel efficiency management tool for all ships, and to develop further the guidance on best practices and other voluntary operational measures and practices that may contribute to the reduction of GHG emissions from ships.

4.81 The Committee recalled also that MEPC 58, having considered the report of the working group, had noted that the group had developed further the Guidance on Best Practices for fuel-efficient operation of ships and agreed that the text had been finalized adequately to be used in conjunction with the ship's Energy Management Plan under consideration.

4.82 The Committee recalled further that MEPC 58 had approved the holding of an intersessional meeting of the working group and agreed on Terms of Reference for that meeting, which included consideration, towards finalization, of a management tool for all ships, taking into account the Ship Energy Management Plan (SEMP) considered during MEPC 58.

Debate

4.83 The Committee considered document MEPC 59/4/33 (Japan and the United States), providing draft guidelines on the Ship Energy Management Plan, and concluded that the document should be used as the basis for further discussion by the GHG Working Group.

Finalization of the SEMP

4.84 The Committee agreed that the working group should continue its work on finalization of the SEMP at this session, using the outcome of GHG-WG 2 and document MEPC 59/4/33 as a basis for the work.

Energy Efficiency Operational Indicator for all ships (new and existing) – EEOI

Report of the Correspondence Group on GHG Emissions from Ships

4.85 The Committee recalled that MEPC 58 had approved the establishment of an intersessional correspondence group, coordinated by Japan, to further advance the work on the Energy Efficiency Operational Index with instructions to provide status of its work to the second intersessional meeting of the Working Group on Greenhouse Gas Emissions from Ships (GHG-WG 2), and to take the outcome of that meeting into account, as appropriate.

4.86 The Committee noted that GHG-WG 2 had agreed that the operational index should be renamed and entitled: **Energy Efficiency Operational Indicator – EEOI**. The Committee endorsed the agreement by GHG-WG 2.

4.87 The Committee considered the report of the correspondence group in document MEPC 59/4/15 and agreed to forward it to the working group for further consideration.

4.88 The coordinator of the correspondence group informed the Committee that the group had considered MEPC/Circ.471, all the related submissions to previous sessions (MEPC 56, 57 and 58) and the input provided to the group. The coordinator suggested that document MEPC 59/4/15 should be used as the basis for the finalization of the issue by the Working Group at this session.

4.89 The Committee noted the information provided, approved the report in general and thanked the coordinator for the comprehensive results achieved.

Finalization of the EEOI

4.90 The Committee agreed that the working group should finalize at this session the review of the interim guidelines on the CO₂ operational index (MEPC/Circ.471), now entitled Energy Efficiency Operational Indicator (EEOI), using annex 1 to document MEPC 59/4/15 as a basis, and instructed it accordingly.

In-depth debate on market-based reduction measures

4.91 The Committee recalled that resolution A.963(23), on IMO policies and practices related to the reduction of greenhouse gas emissions from ships, urges the Committee to identify and develop the mechanisms needed to achieve limitation or reduction of GHG emissions from international shipping and, in doing so, to give priority to, *inter alia*, the evaluation of technical, operational and market-based solutions.

4.92 The Committee noted that the technical and operational reduction measures had been under development over the past years and were well matured and ready for implementation, whereas market-based reduction measures, due to the complexity of the matter, had not been developed at the same pace. Recognizing that technical and operational measures alone would not be sufficient to satisfactorily reduce the amount of GHG emissions from international shipping and, in view of projections that world trade would continue growing, market-based mechanisms had been discussed by the Committee in line with the work plan agreed at MEPC 55.

4.93 The Committee also noted that a market-based reduction mechanism could serve two main purposes: the offsetting of growing ship emissions in other sectors, and the provision of incentives for the maritime industry to invest in more fuel efficient ships and to operate ships in a more energy efficient way. In addition, proposed market-based mechanisms, such as a global contribution scheme (levy) and a global emission trading scheme for ships, could generate considerable funds, which could be used for different climate-related purposes, such as mitigation and adaptation activities in developing countries.

4.94 The Committee recalled that a preliminary debate on market-based reduction measures was held at MEPC 58, following the introduction of six documents containing proposals or related aspects for market-based measures. It was also recognized that further submissions addressing all matters pertaining to market-based measures, including their feasibility, were needed to enable the Committee to progress the matter further.

4.95 The Committee recalled also that MEPC 58 had requested delegations to provide as much information as possible to this session to facilitating a more focused debate at this session, where adequate time would be allocated for that purpose.

4.96 The Committee noted document MEPC 59/4/18 by the Secretariat, listing the documents kept in abeyance from the last session, as well as relevant background documents.

Report of the Correspondence Group on GHG Emissions from Ships

4.97 The Committee recalled that MEPC 58 had noted that, in accordance with the decision by MEPC 57 (MEPC 57/21, paragraph 4.117.4), the Correspondence Group on Greenhouse Gas Emissions from Ships would continue working with the following Terms of Reference:

Taking into consideration available relevant information, the Intersessional Correspondence Group on Greenhouse Gas Emissions from Ships is instructed to:

- .1 prepare detailed proposals on the measures identified in the Correspondence Group report (MEPC 57/4/5 and MEPC 57/4/5/Add.1), which have not been identified for further consideration by the GHG Working Group; and
- .2 present a final report to MEPC 59.

4.98 The Committee considered the report of the Correspondence Group on Greenhouse Gas Emissions from Ships, jointly coordinated by Australia and the Netherlands, provided in document MEPC 59/4/8, together with the proposals received thereon (MEPC 59/4/INF.11).

4.99 A limited number of responses had been received by the group on the issue, which clearly confirmed a willingness to discuss market-based measures further at MEPC 59. The coordinators noted that the discussion was still in its infancy and needed to progress further so that detailed options would be available for final consideration by the Committee.

4.100 The Committee thanked the coordinators for their efforts and noted that the work of the correspondence group was completed.

Consideration of proposals on market-based measures

4.101 The Committee considered document MEPC 59/4/5 (Denmark) outlining the following basic elements of an “International GHG Fund”: (1) ships should buy fuel at a registered bunker supplier; (2) registration of bunker suppliers was mandatory; (3) bunker suppliers should collect the GHG contributions from ships and transfer them to the GHG Fund Administrator; and (4) the administrator should allocate the revenues, *inter alia*, to mitigation and adaptation activities in developing countries and research and development projects.

4.102 The Committee considered two joint submissions by France, Germany and Norway in documents MEPC 59/4/25 and MEPC 59/4/26 (except the parts on legal instrument and application that would be revisited at the next session). The co-sponsors proposed to develop a global Emission Trading System (ETS) for shipping as a Cap and Trade system to ensure that the shipping sector would achieve the emission reductions needed and could be practicable at the same time. In introducing the outline of the proposed global ETS, the co-sponsors emphasized that the scheme would be open to other ETS and, therefore, allow the shipping sector and world trade to further grow. The co-sponsors pointed out that the scheme would be applicable to all ships and be the most cost-effective mechanism to combat climate change. The system would create a fund of significant magnitude which could be used for several purposes including compensation for developing countries.

4.103 The Committee considered document MEPC 59/4/34 (Japan), which supported the International GHG Fund proposed by Denmark by suggesting that ships could pay the contribution directly to the Fund, and not via fuel suppliers, through electronic accounts

established for individual ships. Japan furthermore proposed a leveraged incentive scheme, in which ships ranked with “excellent performance” would be refunded a part of the collected revenues, thereby creating a strong economic incentive to accelerate improvements in the energy efficiency of ships.

4.104 The Committee considered document MEPC 59/4/48 (United States), proposing the establishment of mandatory efficiency standards for new and existing ships, using the EEDI as a model. Key elements included the creation of efficiency baselines for various ship types and sizes, gradual improvement in efficiency from those baselines, and efficiency credit generation and trading amongst the shipping community. While this approach would not establish an international fund nor create an emission trading scheme, nothing in the proposal precluded such options. The United States argued that this approach would provide an equitable, cost-effective and timely market-based solution that would complement the developments of the EEDI, EEOI and SEMP.

4.105 The Committee recalled resolution A.963(23) inviting it to give priority to the evaluation of, *inter alia*, market-based measures. It also recalled the Second IMO GHG Study 2009, on future emissions growth if no regulations are put in place, which concluded that market-based measures were cost-effective policy instruments with a high environmental effectiveness.

Comments on the need and merit of a market-based measure

4.106 The Committee considered a large number of views and contributions on the subject, and agreed by overwhelming majority that a market-based measure was needed as part of a comprehensive package of measures for the regulation GHG emissions from international shipping. A few delegations recommended IMO to concentrate its work on the elaboration of technical and operational measures.

4.107 The Committee agreed that any regulatory scheme on GHG emissions applied to international shipping should be developed and enacted by IMO as the most competent relevant international body.

4.108 Several delegations recalled that the principle of common but differentiated responsibility needed to be carefully considered and included in any regulatory scheme applied, in order to make it comprehensive and globally applicable. Some delegations expressed the concern that market-based measures would disadvantage developing countries, by increasing transportation costs, and cautioned that an extensive bureaucracy would be needed to assure compliance and prevent potential fraud.

4.109 The Committee agreed that the debate on market-based measures should be continued at its next session, to further advance the discussions and come to a conclusion on the evaluation of individual proposals and their applicability. MEPC 60 should furthermore build upon the outcomes of the Climate Change Conference of Parties in Copenhagen in December 2009, taking full account of the relevant outcome made for its further deliberations.

4.110 The in-depth discussion on the merit of the different approaches to market-based measures would not lead to conclusions at this session but be continued at the next session. The respective proposals would be further developed and refined for consideration by MEPC 60, with a view to reaching an agreement on the issue.

Reduction levels resulting from a market-based reduction measure

4.111 The Committee considered two documents related to the reduction level to be achieved by applying a market-based measure submitted to this session; document MEPC 59/4/24 by Norway and document MEPC 59/4/35 by Japan.

4.112 In document MEPC 59/4/24, Norway proposed a methodology (stepwise approach) for setting a cap in a maritime emission trading scheme (METS), in which the marginal cost for shipping should be the same as for all other sectors. The cap could be determined by subtracting the potential shipping reduction level from a baseline for future shipping emissions. Norway presented an example of calculating the baseline using data from IPCC and the Second IMO GHG Study 2009.

4.113 The delegation of Japan in document MEPC 59/4/35 presented reduction scenarios from international shipping, taking into account efficiency improvements in design for new ships and speed reductions for existing ships. Japan argued that an absolute reduction target, such as the one proposed by the European Community for 2050, was not practicable for the shipping sector as part of a market-based measure, but that a flexible approach was more suitable in the context of international shipping.

4.114 Some delegations emphasized that setting targets on emission reductions was an important part of a market-based measure, considering that the necessary emission reductions could not be derived from technical and operational measures alone, but they felt that it was premature to define and agree on realistic limits. Additional contributions on this issue should be invited by the Committee, in order to advance the issue at MEPC 60.

4.115 There was general agreement that the topic of reduction levels for a potential market-based measure should be revisited at its next session, and Members were invited to submit proposals for an informed debate on the issue at MEPC 60.

Initial assessment of the different proposals

4.116 The Committee considered two submissions by OCIMF (MEPC 59/4/17 and MEPC 59/4/45), analysing the relative advantages and disadvantages of the Maritime Emission Trading Scheme and the International GHG Fund proposals. MEPC 59/4/45 provided comments on the proposal by Denmark in document MEPC 59/4/5, noting that there would be similarities in administration of the GHG Fund and the existing IOPC Funds.

4.117 The Committee considered document MEPC 59/4/32 by CLIA outlining key principles that should be considered by IMO when adopting a market-based measure: (1) A market-based measure should be based on a global policy framework that meets the IMO principle of *no more favourable treatment* (not introduced or debated); (2) High quality, multiple benefit carbon mitigation investments (specifically forest carbon restoration and protective activities) should be considered as one of the tools that support climate change mitigation; and (3) In accordance with the UNFCCC principle of *common but differentiated responsibilities and respective capabilities*, a portion of the redistributed funds should be applied to those areas where a net benefit is achieved by non-Annex I parties.

4.118 The Committee considered relevant parts (paragraphs 7 to 10) of document MEPC 59/4/43 (INTERTANKO) requesting that the selection of an MBI should be based on the nine IMO principles agreed at MEPC 57. INTERTANKO was ready to undertake a review of the proposed market-based measures as soon as they were adequately matured to undergo an

evaluation, and would report the results of its evaluation and a comparison between various proposals to the Committee.

4.119 The Committee recalled the agreement made earlier during the GHG debate that a market-based measure should be developed by IMO to complement the technical and operational reduction measures.

4.120 The Committee exchanged views on the subject and the following was highlighted:

- .1 UNFCCC discussions should not be pre-empted by IMO, but coherence and coordination should be assured, such as on the use of funds for climate change mitigation and adaptation projects;
- .2 in particular, the new maritime market-based measure should build on experiences gained from mechanisms established under the UNFCCC, such as the Clean Development Mechanisms and Joint Implementation;
- .3 developments in other economic sectors, such as, e.g., aviation and the fuel producing industry, should be taken into account for the development of a market-based mechanism; and
- .4 a comprehensive package to reduce GHG emissions from international shipping was needed where market-based reduction measures would be an integral part complementing the technical and operational measures.

4.121 A number of delegations noted that the schemes provided were conceptual at this stage and called for additional detail on the proposals to be submitted to the next session. It was suggested that the respective proposals should be further developed and advanced, and that a detailed and balanced analysis of the options at hand should be undertaken. The analysis should assess the virtues and possible concerns resulting from their application, and should facilitate further consideration, evaluation and potential resolution by the Committee.

4.122 Some delegations cautioned about the potential costs resulting from the establishment of a new administrative structure, as required by some of the presented proposals. Other delegations were concerned that the resulting financial burden would be placed on the final consumer, wherein developing country consumers were expected to be most severely impacted.

4.123 The Committee noted the different approaches proposed by Member States, and the following points were highlighted:

- .1 a large number of delegations that spoke were in favour of the “International GHG Fund”, as its approach seemed pragmatic and easy to administer, considering that the contributions would go directly to the Fund and not to the countries;
- .2 a number of delegations were supportive of the Maritime Emission Trading Scheme, highlighting that allowances would be bought by ships rather than countries, experiences with similar schemes in other sectors, and applicability especially to large industries;

- .3 a number of delegations were supportive of the proposal submitted by Japan, stating that the leveraged incentive scheme could provide incentives for the maritime sector, to improve its energy efficiency, above the International GHG Fund;
- .4 a number of delegations were supportive of the proposal submitted by the United States, stating that the proposal showed a new possible approach for market-based measures for international maritime transport and welcoming its further development; and
- .5 some delegations favoured neither of the proposals but suggested discussions to be deferred to, or left entirely to, the UNFCCC.

Timeline for the development of a market-based measure

4.124 Some delegations cautioned that the new mechanism needed to be robust over time, and that market-based measures could not be considered through “quick fixes”. Rather, a long-term reduction strategy, applying the technical and operational measures at least until 2050 was needed.

4.125 Some delegations noted that a dedicated market-based measure should be made operational sooner rather than later, thereby sending a strong signal to the international community.

4.126 Several delegations expressed the view that no market-based measure should be agreed by IMO before the post-2012 climate change treaty was agreed at the UNFCCC COP 15 in December 2009.

4.127 The Committee agreed that it was too early for countries to commit to one of the proposals, and agreed that continued discussion and assessment was needed at MEPC 60 on this issue.

The use of revenues generated by a market-based measure

4.128 A number of delegations inquired additional detail on how the funds could be effectively used for mitigation or adaptation projects in developing countries, and suggested that potential linkages with the UNFCCC funding mechanisms should be further explored.

4.129 The Committee noted that there was a general preference for the greater part of any funds generated by a market-based measure 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.

Intervention by the Secretary-General

4.130 The Committee noted with interest an intervention by the Secretary-General who reminded the Committee of its earlier commitment, agreed at MEPC 55, to consider technical, operational and also market-based measures as part of the 2006 GHG Work Plan. The Secretary-General recalled that the Committee’s intention had not been to finalize the in-depth debate on market-based measures at this session, but to advance the discussion and agree on a roadmap for further steps to be taken.

The Secretary-General also reiterated that a decision on the preferred market-based measure for international shipping should be made by consensus, an outcome that would be good for the environment, good for shipping and good for IMO, in that order. The crucial issue was not whether the Committee would make decisions on the matter before or after Copenhagen; the crucial issue was that it would make the right decision. The approach and measure so chosen should be in line with the principles agreed at MEPC 57; in particular, it should be practical, transparent, fraud-free, easy to administer and, not least, simple for non-experts to understand.

The Secretary-General pointed out that significant progress had been made since the last session, with concrete proposals now on the table. He advised that the proposals should be further studied intersessionally and re-analysed at future sessions to see how the respective schemes could best accommodate the needs of developing countries. While there was still much to do, solid progress had been made and delegates should spread the word to the wider shipping community and become the best ambassadors of the good work that the Organization was doing.

The Secretary-General was particularly pleased to learn that no single delegation was of the opinion that the debate on market-based measures for international shipping should not be kept within IMO. IMO should, thus, ask the Copenhagen Conference to continue entrusting the Organization with the regulation of shipping from the reduction or limitation of GHG emissions points of view. To achieve this objective, it was imperative to involve the Ministers for Transport, the Environment and Foreign Affairs in all the IMO Member States that will attend the Copenhagen Conference. He was convinced that, in doing so, IMO would be able to render a good service to the environment.

Work plan for further development of market-based reduction measures

4.131 As part of the Chairman's proposals for further progress in document MEPC 59/4/9, the Committee considered the need and merit for a work plan to assist further progress on the market-based measures.

4.132 The majority of delegations expressed that the in-depth discussion on market-based measures needed to be continued at MEPC 60 and intersessionally, as an integral part of the package of regulatory measures to be developed and enacted by IMO. The majority of delegations advocated that a work plan on market-based measures would be useful.

4.133 The Committee therefore decided to continue its work on market-based measures at MEPC 60, and adopted the following guidance for its further work:

- .1 encourage further exploration of the feasibility, robustness, environmental effectiveness (emission reduction levels) and administrative burden of possible market-based measure(s);
- .2 identify relevant environmental, economical, administrative and legal aspects of market-based measure(s); and
- .3 develop a process to identify all possible impacts of the proposed market-based measure(s) for reduction of GHG emissions from international shipping, including, but not limited to, the impacts on developing countries.

4.134 The Committee considered and agreed to a draft work plan for further consideration of market-based measures submitted by the Chairman and agreed to the text set out in annex 16.

Establishment of the Working Group on GHG emissions from ships

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

- .1 discuss and finalize, if possible, the Energy Efficiency Design Index (EEDI) for new ships, and its draft MEPC circular, including:
 - .1 the EEDI formula, using annex 2 of document MEPC 59/4/2 as a basis;
 - .2 the formula for establishing the EEDI baseline, using documents MEPC 58/4/8, MEPC 58/4/34 and GHG-WG 2/2/7 as a basis;
 - .3 guidelines for a voluntary verification procedure for the EEDI, and its draft MEPC circular, using document MEPC 59/4/36 as a basis; and
 - .4 any other necessary associated guidelines;
- .2 discuss and finalize, if possible, the Ship Efficiency Management Plan (SEMP) and its draft MEPC circular, using annex 5 of document MEPC 59/4/2 and the annex to document MEPC 59/4/33 as a basis;
- .3 finalize the review of the interim guidelines on the CO₂ operational index (MEPC/Circ.471), using annex 1 to document MEPC 59/4/15 as a basis; and
- .4 present a written report to plenary by Friday, 17 July 2009.

Report of the Working Group on GHG emissions from ships

4.136 In his introduction of the report of the Working Group on GHG Emissions from Ships (MEPC 59/WP.8), the Chairman of the Working Group highlighted the significant progress made at this session on the technical and operational measures to increase energy efficiency and to reduce or limit GHG emissions from international shipping. Four non-mandatory instruments had been finalized by the Working Group and were ready to be circulated for trial applications or voluntary implementation by ships engaged in international trade, among them the first fully international standard for energy efficiency for a global transport sector, the design index for new ships. He thanked the members of the group for their hard work, their flexibility and willingness to negotiate and to reach compromises and thereby securing a successful outcome. In his view, the package of technical and operational reduction measures would contribute notably to increase energy efficiency in shipping and to maintain the Organization's leading position on control of greenhouse gases from international maritime transport.

4.137 Having considered the report of the Working Group, the Committee approved it in general and, in particular (paragraph numbers are those of MEPC 59/WP.8 unless stated otherwise):

- .1 agreed to circulate, by MEPC.1/Circ.681, the interim Guidelines on the method of calculation of the Energy Efficiency Design Index for new ships (annex 17);
- .2 agreed to circulate, by MEPC.1/Circ.682, the interim Guidelines for voluntary verification of Energy Efficiency Design Index (annex 18);

- .3 agreed to circulate, by MEPC.1/Circ.683, the Guidance for the development of a ship energy efficiency management plan (annex 19);
- .4 agreed to circulate, by MEPC.1/Circ.684, the Guidelines for voluntary use of the Energy Efficiency Operational Indicator (annex 20);
- .5 noted the discussion on electric power tables in paragraphs 6.11 and 6.12 and agreed to invite Member Governments and observer organizations to submit comment and further proposals to the next session;
- .6 noted the progress made on EEDI baseline in paragraphs 6.26 to 6.34 and agreed to invite Member Governments and observers to submit proposals and comments on the Working Group Chairman's summary in paragraph 6.35 to the next session; and
- .7 noted the debate on ships with non-conventional propulsion systems, e.g., passenger ships with diesel-electric propulsion, and invited Member States and observers to submit their communications on this matter at the next session of the Committee.

4.138 The Committee expressed appreciation to the Chairman and the members of the Working Group for the considerable amount of work undertaken.

Statements by IUCN and FOEI

4.139 The observers of IUCN and FOEI made statements on GHG-related issues at the closing of the session. As requested, the two statements are set out in annex 21 to this report.

5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

5.1 The Committee recalled that MEPC 58 had approved draft amendments to MARPOL Annex I on the prevention of pollution during the transfer of oil cargo between oil tankers at sea (Addition of a new chapter 8, and Amendments to regulations 1, 12, 13, 17 and 38). The Committee noted that the texts of draft amendments were circulated by the Secretary-General under cover of Circular letter No.2913 on 20 November 2008 in accordance with the provisions of article 16 of the MARPOL Convention.

5.2 The Committee also recalled that MEPC 58 had agreed, in principle, that a drafting group would be established to make any editorial changes to the draft amendments, as necessary, before adoption by the Committee.

Amendments to MARPOL Annex I (Addition of a new chapter 8 and consequential amendments to the Supplement to the IOPP Certificate, Form B)

5.3 The Secretariat informed the Committee that the annex to document MEPC 59/5 contained the draft amendments to MARPOL Annex I (Addition of a new chapter 8 and consequential amendments to the Supplement to the IOPP Certificate, Form B).

5.4 The Committee noted that the draft amendments were prepared by BLG 12 in February 2008. However, there were three sets of square brackets in the draft amendments: the

entry-into-force provisions in paragraph 1 of regulations 40 and 41; and the use of the words “or the exclusive economic zone” in paragraph 1 of regulation 42.

5.5 In the discussion that followed, the Committee decided to:

- .1 set 1 April 2012 as the date of application of the regulations in the new chapter 8 (refer to paragraph 1 of draft regulation 40);
- .2 set 1 January 2011 as the date of application for the compulsory carriage of an STS operations plan (refer to paragraph 1 of draft regulation 41);
- .3 keep the text in draft regulation 42 concerning the notification of STS operations planned in the exclusive economic zone. A comment by the observer from INTERTANKO, relating to the prior notification period, was sent to the Drafting Group; and
- .4 delete paragraph 6.1.5.4 from the Supplement to the International Oil Pollution Prevention Certificate, Form B, to remove an inconsistency in this Form.

5.6 The Committee noted the concerns of the Islamic Republic of Iran (MEPC 59/5/2) regarding the scope of application of non-oil tankers and bunkering operations; the possible need for a single plan unifying all safety and preparedness; that each coastal State should specify the appropriate areas for the conduct of STS operations in its waters; and that other issues (such as ballast waste management, port State control and customs requirements) should be considered in STS operations.

5.7 The Committee, having recalled that the concerns of the Islamic Republic of Iran had already been addressed by BLG 12 and MEPC 58, agreed not to reopen the debate on the text as approved by MEPC 58.

5.8 The Committee agreed to send the proposed amendments to the Drafting Group for editorial review.

Amendments to MARPOL Annex I (Amendments to regulations 1, 12, 13, 17 and 38 of MARPOL Annex I, Supplement to the IOPP Certificate and Oil Record Book)

5.9 With regard to the text of draft amendments contained in document MEPC 59/5/1, the Marshall Islands, in document MEPC 59/5/3, proposed that additional language be inserted in the draft amendments to regulation 12 of MARPOL Annex I and suggested that changes be made to section 11.4 of the 2008 Revised Guidelines for Systems for Handling Oily Wastes in Machinery Spaces of Ships.

5.10 The Committee, having noted the support for the proposal by the Marshall Islands concerning regulation 12, in amended form, agreed to send this to the Drafting Group.

5.11 The Committee decided that the changes to section 11.4 of the 2008 Revised Guidelines proposed by the Marshall Islands (MEPC 59/5/3) should be dealt with under agenda item 6 on “Interpretation and amendments to MARPOL and related instruments”.

5.12 The Committee agreed to send the proposed amendments to the Drafting Group for editorial review.

Establishment of the Drafting Group

5.13 The Committee, having noted the comments made in plenary, established the Drafting Group on Amendments to MARPOL Annex I under the chairmanship of Ms Lindy Johnson (United States) and instructed it to finalize the texts with a view to adoption in accordance with article 16(2)(b), (c) and (d) of the MARPOL Convention, with the following Terms of Reference:

- .1 taking into account documents submitted, as well as decisions, comments and proposals made in plenary, finalize the texts of the draft amendments to MARPOL Annex I as presented in documents MEPC 59/5 and MEPC 59/5/1; and
- .2 prepare appropriate MEPC resolutions on the adoption of the amendments on:
 - .1 addition of a new chapter 8 and consequential amendments to the Supplement to the IOPP Certificate, Form B;
 - .2 amendments to regulations 1, 12, 13, 17 and 38 of MARPOL Annex I and the Supplement to the IOPP Certificate and Oil Record Book.

Report of the Drafting Group

5.14 In introducing the report of the Drafting Group on Amendments to MARPOL Annex I (MEPC 59/WP.9), the Chairman, Ms Lindy Johnson (United States), emphasized the following:

- .1 that the Drafting Group could not decide on the working language of the STS operations plan (as currently required in the last sentence of regulation 41.1). It was noted that two different languages may be used on a particular ship, while a third person, in overall advisory control of the operations, may have a third language; and
- .2 that the Drafting Group, in accordance with its instructions from plenary, developed text, in square brackets, for the inclusion of a sentence to address those STS operations that were scheduled to begin less than 48 hours before the required notification period.

5.15 In the ensuing discussion, the Committee agreed to amend the bracketed text relating to the required notification period, as follows:

“Where, in an exceptional case, all of the information specified in paragraph 2 is not available not less than 48 hours in advance, the oil tanker discharging the oil cargo shall notify the Party to the present Convention, not less than 48 hours in advance that an STS operation will occur and the information specified in paragraph 2 shall be provided to the Party at the earliest opportunity.”

5.16 The Committee also agreed to change the tacit acceptance date to “1 July 2010” and the entry-into-force date to “1 January 2011” in the two MEPC resolutions to adopt the amendments to MARPOL Annex I.

5.17 Having considered the report of the Drafting Group on Amendments to MARPOL Annex I (MEPC 59/WP.9), the Committee approved the report in general and, subsequently:

- .1 adopted the amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Addition of a new chapter 8 and consequential amendments to the Supplement to the IOPP Certificate, Form B), by resolution MEPC.186(59), as set out in annex 22;
- .2 adopted the amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Amendments to regulations 1, 12, 13, 17 and 38 of MARPOL Annex I, Supplement to the IOPP Certificate and Oil Record Book Parts I and II), by resolution MEPC.187(59), as set out in annex 23; and
- .3 instructed the Secretariat to check the amendments for any editorial omissions and, if necessary, insert these in the final text of the amendments.

5.18 The Committee expressed its appreciation to Ms Johnson and to the members of the Drafting Group for the work done.

5.19 After adoption of the amendments, the Committee agreed to make a cross reference to MSC-MEPC.5/Circ.6 on General guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments (see paragraph 10.51).

5.20 The delegation of Cyprus stated that, in the absence of any definition of the “exclusive economic zone” (EEZ) within MARPOL, it would interpret the EEZ as defined in the United Nations Convention on the Law of the Sea (UNCLOS) and, therefore, it viewed the implementation of regulation 42 as subject to whether the coastal State is Party to both conventions, MARPOL and UNCLOS. Even if the coastal State is Party to both conventions it does not necessarily mean that an EEZ is clearly defined. Parties to UNCLOS have different breadth of their territorial sea and different, if any, extent of their EEZs. The delegation emphasized that not all Parties to UNCLOS have taken advantage of the right provided to them by the convention to declare an EEZ as a sea area of up to 200 m from their coast. It viewed that this complex situation will create unnecessary difficulties to the correct implementation of regulation 42 by tanker operators in STS transfer cases on the high seas. It stressed that it could not accept the expansion of the rights of the coastal States, as entailed by regulation 42 beyond their territorial sea, to be regarded as a precedent to other IMO related mandatory regulations.

5.21 In order to clarify this matter, the Committee agreed to consider the development of a circular letter, at a future session, which should be kept updated, informing flag States and, therefore, operators of oil tankers, of the relevant applicable areas with regard to regulation 42 and, in particular, the applicable sea areas of the EEZ.

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

6.1 The Committee noted that, at the current session, 14 substantive documents, one corrigendum and one information document (MEPC 59/INF.13) had been submitted under this agenda item.

6.2 The Committee noted also that some of those documents had been, or would be, considered under other agenda items, namely:

- .1 document MEPC 59/6/5 and Corr.1 (United States and Canada) plus MEPC 59/INF.13, proposing the designation of an Emission Control Area under MARPOL Annex VI, had been considered under agenda item 4 (see paragraphs 4.12 to 4.32); and
- .2 documents MEPC 59/6/4 (Denmark) and MEPC 59/6/12 (OCIMF and INTERTANKO) addressing issues related to the outcome of DE 52, would be considered under agenda item 10 (see paragraphs 10.29 to 10.31).

6.3 Concerning document MEPC 59/9 (BIMCO and INTERCARGO), the Committee agreed to consider it under this agenda item because its content was related to document MEPC 59/6/7, by the same submitters, commenting on the report of the correspondence group for the review of MARPOL Annex V (MEPC 59/6/3 by Canada) in respect of the same matter (cargo residue and hold washing water).

6.4 As regards document MEPC 59/6/10 (Norway), the Committee noted that it had been withdrawn.

6.5 The Committee agreed to consider the remaining documents in three different groups, as follows: one, those proposing interpretations or clarifications to existing mandatory requirements; two, outcome of the correspondence group for the Review of MARPOL Annex V and comments thereto; and three, those with proposals for amendments to existing mandatory instruments.

PROPOSALS FOR UNIFIED INTERPRETATIONS OR CLARIFICATIONS

Measurement of distances

6.6 IACS, in document MEPC 59/6, brought before the Committee their own unified interpretation on the measurement of distances between the inner and outer skins for protecting the spaces inside the inner skins, relevant to the SOLAS, MARPOL, Load Lines Conventions, the IBC Code and other instruments, whereby, unless explicitly stipulated otherwise, distances are to be measured by using moulded dimensions. The Committee noted that IACS members are applying this interpretation since 1 April 2009 in statutory surveys (unless advised to the contrary by Administrations on whose behalf they carry out those surveys).

6.7 The Committee, noting that this proposal had also been submitted to MSC 85 which, in agreeing to this interpretation, had approved, subject to the Committee's concurrent decision, a draft MSC-MEPC.5 circular (MEPC 59/11/1, paragraph 26 and annex), concurred with the decision of MSC 85 and requested the Secretariat to issue it as MSC-MEPC.5/Circ.5.

Regulation 23 of MARPOL Annex I

6.8 The Committee considered document MEPC 59/6/1 (IACS and INTERTANKO) proposing an amendment to the Unified Interpretation to regulation 23.7.3.2 of MARPOL Annex I (Accidental oil outflow performance) that had been agreed at MEPC 58 (MEPC 58/23, paragraph 6.6 and annex 18). The co-sponsors, having reviewed the issue in further detail, including a thorough research, came to the conclusion that the Unified Interpretation, as approved at MEPC 58, had unjustly applied an exceedingly conservative pressure for the

application of MARPOL Annex I, regulation 23.7.3.2 on calculation of cargo level after damage. In consequence, the co-sponsors proposed new revised wording as follows:

“If an inert gas system is fitted, the normal overpressure, in kPa, is to be taken as 5 kPa.”

6.9 Having debated the matter, the Committee approved the revised Unified Interpretation to regulation 23.7.3.2 of MARPOL Annex I, as set out in annex 24.

Discharges of oil and oily waste from fixed and floating platforms

6.10 New Zealand, in document MEPC 59/6/2, requested clarification on the application of MARPOL Annex I regulation 15 relating to discharges from fixed or floating offshore platforms, specifically on whether untreated oily water from machinery spaces of a Floating Production, Storage and Offloading unit (FPSO) can be discharged through the produced water system. In the view of New Zealand, this could be a potential breach of the 15 ppm limit of regulation 15.2.3. However, it would appear that other Administrations allowed this practice based upon annex 1 of the Guidelines for the application of MARPOL Annex I regulations to FPSOs and FSUs (MEPC.139(53) as amended) which allow the addition of oily water from machinery spaces of those units to the production stream.

6.11 The Committee noted that, in the view of New Zealand, production stream in the context of an FPSO is the produced oil that is to be sent ashore, and does not include the offshore processing drainage, production or displacement water. Clarification was sought from the Committee on this point and on whether discharge of untreated machinery space oily water through the production stream discharge would constitute a breach of the 15 ppm oil content limit of regulation 15.

6.12 The observer from INTERTANKO clarified that, in the context of the operation of an FPSO, the “production stream” consists of a combination of gas, crude oil, produced water (including free water from storage as decanted in cargo tanks), and sand and sediment. Adding oily water to the production stream would be inappropriate as the operators wish the gas to be as dry as possible, the produced oil not mixed with water and sand and sediment as free from contamination as possible, as they must be cleaned before disposal.

6.13 Based on the above, the expression “added to the production stream” in the Guidelines should be understood as “added to the produced water”.

6.14 As regards oil-in-water limit applicable to the overboard discharges from the slop tanks of an FPSO, the INTERTANKO observer provided the view that, in accordance with the Guidelines and relevant coastal State legislation:

- .1 when the content of the slop tank is only produced water, this can be discharged with an oil content of 30 or 40 ppm, depending on the coastal State regulations; and
- .2 when adding oily water from the engine-room to the slop tanks, or adding oily water from the engine-room directly to the produced water treatment unit, the overboard effluent shall also be of maximum 15 ppm.

6.15 The Committee concurred with the clarification provided by INTERTANKO.

Application of regulation 12A of MARPOL Annex I

6.16 The Committee considered document MEPC 59/6/8 (Sweden) proposing to review the clarification to regulation 12A of MARPOL Annex I on Oil fuel tank protection that had been agreed at MEPC 58 (MEPC 58/23, paragraph 6.10). The Committee recalled that the clarification then agreed upon was applicable to major conversions of single-hull oil tankers into bulk/ore carriers. The Committee had clarified that regulation 12A (oil fuel tank double hull protection or equivalent) should be applied to the entire oil tanker undergoing a conversion, i.e. to all new and existing oil fuel tanks.

6.17 The Committee noted that the proposal by Sweden involved the application of this same clarification to extensions of ro-ro ships.

6.18 Following debate, the Committee agreed that the clarification of the requirements of MARPOL Annex I, regulation 12A referred to above, is also applicable to major conversions, as defined in regulation 1.28.9 of MARPOL Annex I, of all ships.

Intent of MARPOL Annex I regulation 15 and its Unified Interpretation

6.19 The Marshall Islands, in document MEPC 59/6/11, reported that an informal survey on the views of classification societies and port State control on the application of regulation 15 and its Unified Interpretation 22, concerning control of discharge of oil from machinery spaces as it may apply to oil tankers, revealed different views.

6.20 The Committee noted that the question of the intent of regulation 15 and its Unified Interpretation involved the transfer of bilge water from the machinery space of tankers to the cargo slop tank and subsequent disposal options permitted under MARPOL Annex I when machinery space oily bilge water is mixed with oil cargo residues.

6.21 The Committee noted further that “old” regulation 9 of the pre-2007 MARPOL Annex I addressed oil discharges from both machinery spaces and cargo areas of oil tankers. The existing Annex I split old regulation 9 in two: regulation 15 for machinery spaces of all ships and regulation 34 for cargo areas of oil tankers. In the view of the submitter, an ambiguity now exists concerning the treatment of machinery spaces oily water mixed with cargo area oil and they expressed concern that the Oil Discharge and Monitoring Equipment (ODME) is not intended to cope with emulsions and contaminants that may form part of bilge oily water; and that the standard of 30 litres/nautical mile of regulation 34 may be viewed as more relaxed than the 15 ppm oil content limit of regulation 15.

6.22 In the debate that followed, the following views were expressed:

- .1 regulation 34 and its Unified Interpretation 22 are clear in their intent that when non-oil-cargo related oily residues are transferred to slop tanks, the discharge of such residues should be in compliance with regulation 34. Therefore, the procedure is allowed under MARPOL Annex I regulations;
- .2 however, this allowance does not mean a relaxation of the requirement for ships to be fitted with oil filtering equipment in accordance with regulation 14 of Annex I;
- .3 oil filtering equipment should be used solely in relation to the discharge of oily bilge water from machinery spaces in accordance with the requirements of regulation 15 of Annex I; and

- .4 the discharge of non-oil-cargo related oily residues mixed with cargo oil residues should be made through the oil discharge monitoring and control system referred to in regulation 31 of Annex I.

6.23 The delegation of the Marshall Islands, noting that no decision was reached by the Committee, stated that they would deal with this matter through national legislation.

REVIEW OF MARPOL ANNEX V

Report of the Correspondence Group for the Review of MARPOL Annex V

6.24 The Committee recalled that, at MEPC 58, it had noted the status report on the Review of MARPOL Annex V submitted by Canada, as coordinator of the correspondence group that had been established at MEPC 57, and had instructed the correspondence group to continue working during the intersessional period on the basis of clear definitions, as suggested by several delegations, and with due regard to the suggested general prohibition on the discharge of garbage from ships, and to submit a final report to MEPC 59, as reflected in its Terms of Reference agreed at MEPC 57.

6.25 The Committee noted document MEPC 59/6/3 (Canada) containing the report of the correspondence group that had met intersessionally. In introducing the document, the delegation of Canada, as coordinator of the correspondence group, brought the attention of the Committee to the various issues the group had addressed, including, *inter alia*, the method of work and the extent that marine garbage contributes to marine debris.

6.26 In particular, the Committee noted issues resolved by the group, such as: distance from shore; hull cleaning wastes; bulk liquids not subject to other annexes; animal carcasses; composite materials; cargo residues in special areas; hazardous, but non-pollutant, garbage; and Garbage Record Book for small ships.

6.27 Regarding the challenges of MARPOL Annex V, as identified by the group, the Committee noted that these had been categorized as: general prohibition; waste minimization; derelict fishing gear; port reception facilities; and definitions, conclusions and recommendations. In respect of the latter, the Committee noted the following recommendations as set out in paragraphs 38 to 41 of document MEPC 59/6/3:

“38 States should encourage the use of indicator debris items in volunteer surveys and training volunteers to generate statistically valid trends data to track ship-based garbage. States should also encourage volunteers to survey beaches and coastal waters completely and catalogue marine debris carefully. Proper training of volunteers should be standardized to generate statistically valid trends and data to track ship-based compared to land-based debris sources. In addition, consideration should be given to marine debris that floats in mid-water or sinks to the bottom of the ocean.

39 The Organization should consider outcomes of FSI and co-operation with other UN bodies in regard to efforts to support States to provide adequate port reception facilities and in monitoring the presence of ships' garbage in the environment.

40 *In addressing derelict fishing gear and management of fisheries related garbage, the Organization should continue its cooperation with regional port State control fora, Regional Fisheries Management Organizations, and the Food and Agriculture Organization.*

41 *The Committee should consider potential amendments to Annex V and its Guidelines as noted in the above paragraphs and in annex 1. A correspondence group may be the best means to further consider these amendments, followed by a working group to further conclude this important work.”*

6.28 The Committee noted the information provided by the coordinator of the correspondence group, Mr. Paul Topping (Canada), that Dr. Alison Lane (New Zealand) had offered to continue coordinating the group in the forthcoming intersessional period.

6.29 The Committee expressed its appreciation to Mr. Topping for the work the group had done so far under his coordination which would no doubt be invaluable for the continuation of the review of MARPOL Annex V leading to a successful conclusion.

6.30 The Chairman opened the floor for general comments on the outcome of the correspondence group.

6.31 The delegation of Japan, supporting in general the outcome of the correspondence group, expressed concern for the technical difficulties many Administrations have encountered in dealing with the issue of lost fishing gear and stressed the importance of international collaboration made through FAO or other relevant international or regional fisheries management bodies.

6.32 The representative from FAO reported that the UNEP and FAO Study (FAO Technical Paper 523) on Abandoned, Lost or otherwise Discarded Fishing Gear (ALDFG), that had been made available to the correspondence group, had elaborated recommendations to mitigate the impacts of ALDFG. Of these, FAO considered that high priority should be given to increasing the number of fishing vessels required to maintain a Garbage Record Book; improved monitoring and reporting of lost and abandoned gear; development of technologies for safe retrieval of lost fishing gear from the marine environment; and development of standardized methodologies to assess the impacts of ALDFG. In this context, increasing the availability of, and accessibility to, port reception facilities was also mentioned and the need for close cooperation between IMO, FAO and UNEP was stressed.

6.33 The delegation of the Netherlands, supported by several delegations, reiterated its views, expressed in previous meetings of the Committee, on the desirability to take account of the principle of general prohibition on the discharge of garbage from ships; that all definitions should be contained in the text of Annex V itself, and not in the Guidelines for its application as now is the case; and that only those expressions whose definitions had been recorded should be used in the text of the Annex.

6.34 The delegation of New Zealand, supported by several delegations, stressed that the task ahead entailed a substantial review of the current Annex V as opposed to drafting specific amendments to existing regulations and, in that respect, for the correspondence group to be able to progress the issue and fulfil its mandate, all efforts should be addressed towards reaching consensus or at least take decisions by clear majority within the group. On the issue of including a general prohibition on the discharge of garbage from ships in line with other MARPOL Annexes, a clear and unambiguous instruction from the Committee would be

necessary as, although the Committee had debated this matter in previous meetings, no clear instruction had been given so far.

6.35 The Committee considered two documents related to the review of MARPOL Annex V: MEPC 59/6/7 and MEPC 59/9, both by BIMCO and INTERCARGO as co-sponsors.

6.36 In introducing document MEPC 59/6/7, the observer delegation of INTERCARGO addressed the issue of cargo residues and cargo hold washing water which the correspondence group, in its report, recommends be discharged to port reception facilities as a means to minimize ship-source waste. In the view of the co-sponsors, this requirement could not be met by the world's bulk carrier fleet as these ships do not have holding tanks designed to retain the high volumes of water produced by hold washing. In addition, the above proposal contradicts current requirements of MARPOL Annex V where discharge is generally permitted subject to certain restrictions. The co-sponsors also pointed out that several ambiguities in the current wording of MARPOL Annex V and its Guidelines as regards treatment of "cargo residues", "cargo material", "cargo material contained in the cargo hold bilge water" and others, merited the consideration of these issues with caution.

6.37 In considering document MEPC 59/9 (BIMCO and INTERCARGO) addressing the concern of the co-sponsors regarding lack of reception facilities for cargo residues and hold washing water in both the Mediterranean and Gulfs Special Areas under MARPOL Annex V which had taken effect on 1 May and 1 August 2008, respectively, the Committee noted that, in the co-sponsors' view, in the studies carried out to evaluate the needs of ships sailing those areas, the special needs of bulk carriers had not been considered.

6.38 The Committee then considered the co-sponsors' request to permit those ships to discharge their cargo residue and washings beyond the 12 nm limit in those Special Areas as is currently allowed, under MARPOL Annex V, in all sea areas other than Special Areas. An MEPC circular could disseminate this understanding in the view of the submitters.

6.39 In the debate that followed, the Committee, recognizing that the issue was linked to the ongoing review of MARPOL Annex V and that until appropriate amendments had been adopted and entered into force to address the concerns of INTERCARGO and BIMCO, an appropriate solution should be developed, agreed to issue an MEPC circular, as requested by the submitters, to the effect that:

- .1 cargo hold washing water, containing the remnants of any dry cargo material, generated in connection with the ship cleaning its cargo holds should not be treated as garbage under Annex V within the *Gulfs Area* and *Mediterranean Sea Area*; and
- .2 such cargo hold washing water may be discharged at a greater distance than 12 nautical miles from shore within these areas. Cargo residues in the washing water must not originate from a cargo material that is classified as a marine pollutant in the IMDG Code.

The Committee, however, recalled that paragraph 1.7.10 of the Guidelines for the implementation of Annex V states that cargo residues are expected to be in small quantities.

6.40 The Committee requested the Secretariat to issue the above text as MEPC.1/Circ.675 and clarified that the circular should be revisited in light of the outcome of the consideration of this matter during the deliberations of the correspondence group.

6.41 The delegation of Norway indicated that a more robust, user-friendly and environmentally sound long-term solution would need to be found on this issue because studies showed that the environmental problems in relation to cargo hold washwater might be greater than reflected in the existing regulatory framework. The delegation of Norway suggested that entries in the BC Code could be investigated when discussing such a long-term solution.

Abandoned, Lost or otherwise Discarded Fishing Gear

6.42 The Committee considered document MEPC 59/6/14 (FOEI), addressing the problem of Abandoned, Lost or otherwise Discarded Fishing Gear (ALDFG), one of the more serious threats to the marine environment and marine wildlife. In its document, FOEI quoted the recommendations by UNEP/FAO to IMO to expand the Action Plan on adequacy of port reception facilities to address this issue. In the view of the submitter, the current review of Annex V should take this matter into account.

6.43 In concluding the debate on the review of MARPOL Annex V, the Committee agreed to re-establish the correspondence group under the coordination of New Zealand* and instructed it, on the basis of documents MEPC 59/6/3, MEPC 59/6/6, MEPC 59/6/7, MEPC 59/9, MEPC 59/9/1 and MEPC 59/6/14, and comments and decisions made in plenary, as reflected in the above paragraphs, to:

- .1 discuss and, if appropriate, develop draft amendments to MARPOL Annex V and the Guidelines for its implementation, with a target completion date of 2010, taking into account the following issues:
 - .1 the definitions, including incorporation of the definitions from the current Guidelines into Annex V;
 - .2 a general prohibition on discharge of garbage, unless in accordance with exceptions and conditions specified in Annex V;
 - .3 a general obligation for waste minimization on board ships, unless in accordance with exceptions and conditions specified in Annex V;
 - .4 measures to further reduce the accidental loss of fishing gear (derelict fishing gear);
 - .5 the availability of adequate port reception facilities;
 - .6 management of cargo residues, including hold washings containing cargo residues, not covered by any other MARPOL Annex; and

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- .7 other technical amendments, as set out in MEPC 59/6/3;
- .2 submit an interim report to MEPC 60 and a final report with the draft amendments to MEPC 61, with a view to approval.

Draft guidance to manage spoilt cargoes

6.44 The Secretariat introduced document MEPC 59/6/6 providing the draft Guidance to manage spoilt cargoes prepared by the Joint London Convention/MEPC Working Group to clarify boundary issues between the London Convention and Protocol (LC/LP) and MARPOL Annex V.

6.45 The Committee noted that, in October 2008, the governing bodies of the LC/LP had adopted a draft Guidance for managing spoilt cargoes, as shown in the annex to document MEPC 59/6/6, and had agreed to:

- .1 forward the Guidance to MEPC 59 for its consideration and adoption; and
- .2 recommend its distribution through a joint LC-LP/MEPC circular to replace Circular letter No.2074, issued in 1998 on the same topic.

6.46 The Committee noted also that, regarding a possible Strategy on future cooperation between the LC/LP and the MEPC, the governing bodies recommended that the Joint LC-LP/MEPC Working Group on Boundary Issues should continue to work in the intersessional period as a correspondence group. That group could specifically send the developed spoilt cargo guidance to the MEPC correspondence group which is reviewing MARPOL Annex V, for its consideration. The MEPC correspondence group should then consider whether the main conclusion of the Guidance on management of spoilt cargoes should be noted in any updates to Annex V or its Guidelines. This could also improve the uptake of the Guidance on management of spoilt cargoes.

6.47 The Committee noted further that, in conclusion, the governing bodies also recommended that:

- .1 a joint intersessional correspondence group should be tasked with starting the development of a new IMO training course module on Guidance on managing spoilt cargoes, as well as a plain language brochure with the key elements of the Guidance. This could also be used in technical co-operation activities as well as be distributed to mariners or through the internet;
- .2 the MEPC should investigate other established mechanisms to communicate with mariners and further distribute the Guidance and/or the brochure as appropriate; and
- .3 LC/LP experts should join the correspondence group on the review of MARPOL Annex V and exchange views on other boundary issues that are being explored during the review.

6.48 The Committee, having considered the action requested of it in paragraph 10 of document MEPC 59/6/6, adopted the Guidance on managing spoilt cargoes with minor editorial changes and requested the Secretariat to distribute the Guidance through a joint LC-LP/MEPC circular to replace Circular letter No.2074, issued in 1998 on the same topic, and make the Guidance available on the IMO website.

6.49 The Committee, however, agreed that the Joint LC-LP/MEPC Working Group on Boundary Issues should not continue to work in the intersessional period as a correspondence group given that the review of MARPOL Annex V was still ongoing, whilst recognizing that LC-LP experts could exchange views with the MEPC correspondence group on issues of common interest. The Committee recognized that the Guidance would need review once Annex V revision is finalized.

6.50 In concluding the discussion, the Committee instructed the correspondence group for the review of MARPOL Annex V and the Guidelines for the implementation of Annex V to take the above discussion into account in its deliberations during the intersessional period.

PROPOSED AMENDMENTS TO MARPOL ANNEX I

6.51 The Committee considered document MEPC 59/6/9 (Republic of Korea) proposing the addition of a new paragraph 8 to regulation 30 of MARPOL Annex I on Pumping, piping and discharge arrangement, whereby connection of the cargo tanks of an oil tanker with the ballast tanks would be allowed in an emergency with a view to minimize pollution. The Committee noted that draft text for the proposed new paragraph 8 of regulation 30 of MARPOL Annex I, as well as that of a draft Unified Interpretation, were provided in the annex to the document.

6.52 OCIMF and INTERTANKO, in document MEPC 59/6/13, provided comments to the above proposal. In the co-sponsors' opinion, the proposed amendments, if accepted, would apply to single hull oil tankers only, a fleet in rapid diminution following the mandatory phase-out set out in regulation 20 of MARPOL Annex I. In addition, it would be necessary to retrofit ballast tanks with pressure/vacuum valves, flame arrestors and inert gas to the existing fleet of oil tankers and, even with such facilities in place, it is doubtful that a spill could be averted in time during an emergency situation. A note of caution was also made that, in case the proposal was also intended for double-hull oil tankers in future, this would defy the intent of the conversion of the world's whole oil tanker fleet from single to double hull, as mandated in MARPOL.

6.53 Following debate, the Committee did not agree to the proposed amendments to MARPOL Annex I, set out in document MEPC 59/6/9.

HANDLING OF OILY WASTES IN MACHINERY SPACES OF SHIPS

6.54 The Committee, recalling its previous decision to adopt amendments to regulation 12 of MARPOL Annex I (paragraph 5.17.2), agreed to consider under this agenda item part of document MEPC 59/5/3 (Marshall Islands) proposing further amendments to the 2008 Revised Guidelines for systems for handling oily wastes in machinery spaces of ships incorporating guidance notes for an integrated bilge water treatment system (IBTS) (MEPC.1/Circ.642). The Committee noted that the proposed amendment was consequential to that of regulation 12.2.2 of MARPOL Annex I and consisted in citing the amended regulation 12.2.2 in the text of section 11.4 of the 2008 Revised Guidelines.

6.55 Following discussion, the Committee agreed to amend section 11.4 of the 2008 Revised Guidelines for systems for handling oily wastes in machinery spaces of ships incorporating guidance notes for an integrated bilge water treatment system (IBTS) (MEPC.1/Circ.642), by inserting, after the words "... suitable drainage facilities" the text "*terminating as provided for in regulation 12, paragraph 2.2 of MARPOL Annex I*".

6.56 The Committee requested the Secretariat to disseminate the above-mentioned amendment as MEPC.1/Circ.676.

Interim Guidelines for recording of operations in the Oil Record Book, Part I

6.57 The Committee noted the information provided by the delegation of Denmark that, at MEPC 58, they had advised that they intended to propose Guidelines for recording operations in the Oil Record Book for consideration at the current session, however, due to some delays, the proposed Guidelines would now be submitted to MEPC 60 for approval before the entry into force of the amendments to MARPOL Annex I (paragraph 5.17.2) to which the intended Guidelines relate.

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

7.1 The Committee considered six documents under this agenda item as follows: MEPC 59/WP.1, Report of the ninth meeting of the OPRC-HNS Technical Group; MEPC 59/7 (Secretariat), Introductory IMO model courses on preparedness for and response to HNS pollution incidents in the marine environment; MEPC 59/7/1 (ISCO), Independent Training and Accreditation of Private Oil and HNS Spill Response Contractors; MEPC 59/7/2 (Islamic Republic of Iran), Oil Pollution Combating Equipment; MEPC 59/7/3 (Secretariat), Revised OPRC Train-the-Trainer course and MEPC 59/INF.4 (Islamic Republic of Iran), National OPRC Exercise in the Caspian Sea, Persian Gulf and Gulf of Oman.

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

7.2 The Committee noted that the ninth session of the OPRC-HNS Technical Group was held from 6 to 10 July, under the chairmanship of Mr. Nick Quinn (New Zealand), and that the report of the Group was issued under symbol MEPC 59/WP.1.

7.3 In reviewing the work carried out by the Technical Group, the Committee noted the Group's preliminary discussion on the issue of response to bio-fuels. The Committee, in recalling its own past discussions with respect to the issue of bio-fuels and the current work of the BLG Sub-Committee related to bio-fuel blends, instructed the Technical Group to take into account the outcome of the BLG Sub-Committee on the issue in its future deliberations on this topic.

7.4 The Committee noted concerns raised by some delegations with regard to the modality of work of the Technical Group and the short time available to delegations to review the report prior to its consideration in plenary.

7.5 The Committee, in deliberating the matter, recognized the good work being carried out by the Technical Group and noted that it was working within the established guidelines and in accordance with instructions of the Committee, as well as its revised terms of reference, approved at MEPC 58 (MEPC 58/23, annex 20). However, having noted that similar comments

had been raised over the past several sessions, the Committee agreed that the matter would require further consideration at a future session.

7.6 The Committee concluded by agreeing to set aside time at MEPC 60 for a more in-depth discussion on the matter, noting that there would be no need to submit documents on this issue, having recalled the similar discussions that took place when the Group was first established at MEPC 48.

7.7 Having agreed on a path forward, the Committee approved the report in general and, in particular:

- .1 noted that the Group had agreed on the finalized text of the Guidance document on the identification and observation of spilled oil, instructing the Secretariat to carry out any final editing and to submit the document to MEPC 60 for approval;
- .2 endorsed the view of the Group to submit the finalized draft of the revised Manual on oil pollution, Section I – Prevention, for approval at MEPC 60;
- .3 concurred with the Group's recommendation for the addition of the draft oil spill waste management decision support tool, currently under development through REMPEC for use in the Mediterranean region, to the Group's work programme, with a view to its further development as international guidance;
- .4 endorsed the work carried out by the Group in providing a technical review and input to the development of the Mediterranean Guidelines on oiled shoreline assessment, coordinated through REMPEC, and agreed to delete this item from the Group's work programme, having noted that this work was now complete;
- .5 agreed to the Group's recommendation for the addition of the development of an operational guide on the use of sorbents to the Group's work programme, based on recent information produced by France;
- .6 noted the Group's ongoing efforts to address data gaps with respect to reporting of casualties, in particular those resulting in oil and HNS pollution and, correspondingly, continued to urge Member States to report any marine casualties and incidents involving HNS, in accordance with the provisions of the Revised harmonized reporting procedures – Reports under SOLAS regulation I/21 and MARPOL, articles 8 and 12 (MSC-MEPC.3/Circ.1) and the module on maritime casualties and incidents of the Global Integrated Shipping Information System (GISIS);
- .7 noted the outcomes and recommendations of the IMO Fourth R&D Forum on HNS in the marine environment, held in Marseille, France, in May 2009, and concurred with the series of actions proposed by the Group to implement the recommendations, notably to:
 - .1 develop a series of actions and related timelines with regard to implementing these recommendations;
 - .2 establish an inventory of information, research and development and best practices related to HNS preparedness and response;

- .3 prepare a list of the top 20 chemicals likely to be transported/spilled at sea to be used in planning for HNS incidents; and
- .4 invite the International Organization for Standardization (ISO) to consider the development of international standards for certain levels of personal protection equipment (PPE);
- .8 endorsed the Group's recommendation to use the new REMPEC website as a platform for information-sharing to host the inventory of information, research and development and best practices related to HNS preparedness and response, once finalized;
- .9 welcomed the re-election of Mr. Nick Quinn (New Zealand) as the Chairman, and Mr. Woo-Rack Suh (Republic of Korea) as the Vice-Chairman of the OPRC-HNS Technical Group for the year 2010; and
- .10 approved the draft work programme and provisional agenda for the tenth meeting of the OPRC-HNS Technical Group and the scheduling of the tenth session of the Group the week prior to MEPC 60, as set out in annexes 25 and 26, respectively.

Introductory IMO model courses on preparedness for and response to HNS pollution incidents in the marine environment

7.8 The Committee, in considering document MEPC 59/7 (Secretariat), recalled that it had approved the development of introductory IMO model courses on preparedness for and response to HNS pollution incidents in the marine environment at MEPC 50 and had added this item to the work programme of the OPRC-HNS Technical Group.

7.9 The Committee noted that the courses were finalized over a number of sessions and, subsequent to this, distributed to a validation group for an in-depth review. It further noted that based on the feedback received from the validation group and other comments received through the delivery of a pilot course in collaboration with the European Commission, the finalized draft courses were agreed by the OPRC-HNS Technical Group at its eighth session and referred to the Committee for approval at MEPC 59.

7.10 The Committee, having considered the finalized drafts of two introductory IMO model courses on preparedness for and response to HNS pollution incidents in the marine environment, noting that one was aimed at the operational level and the second was aimed at the management level, approved the two courses and referred these to the Secretariat, instructing it to carry out any final editing and to prepare these for publication through the IMO Publishing Service.

Independent Training and Accreditation of Private Oil and HNS Spill Response Contractors

7.11 The Committee, in considering document MEPC 59/7/1 (ISCO), noted that the OPRC-HNS Technical Group, at its eighth session, had taken note of the International Spill Control Organization's (ISCO) plans regarding the development of a scheme for training and accreditation of inland spill response contractors for shoreline clean-up following marine pollution incidents. The Committee further noted that ISCO had indicated its intention to submit an information document on this topic for the consideration of the OPRC-HNS Technical Group at TG 9, however, given the topic's wider implications, decided to first submit the information for consideration by the Committee.

7.12 The Committee considered the information presented by ISCO with regard to its efforts in promoting increased use of land-based spill response contractors for response to maritime-based incidents involving hazardous and noxious substances (HNS).

7.13 One delegation expressed the view that accreditation is a matter for national Administrations and that caution should therefore be exercised in giving any impression of favouring one scheme over another.

7.14 The Committee, having noted ISCO's proposal to develop an international scheme for training and accreditation of inland spill contractors for response to oil and HNS pollution on shorelines through the International Spill Accreditation Association (ISAA), referred the document to the OPRC-HNS Technical Group for further consideration, taking into account the comments raised at MEPC 59.

Oil Pollution Combating Equipment

7.15 The delegation of the Islamic Republic of Iran, in presenting document MEPC 59/7/2, communicated the necessity of ensuring the safe performance of oil containment and recovery equipment and stressed the need for a recommendation or guideline on its safe operation, highlighting in particular the need to establish performance standards for pollution response equipment.

7.16 The Committee, having considered the information and noting that the document contained proposals for a new programme item, requested the Islamic Republic of Iran to submit a document, in accordance with paragraphs 2.21 to 2.23 of the Committees' guidelines (MSC-MEPC.1/Circ.2), to MEPC 60.

Revised OPRC Train-the-Trainer course

7.17 The Committee, in considering document MEPC 59/7/3 (Secretariat), recalled that, having taken into account the completion of the revised OPRC model courses at its fifty-third session, noted that the OPRC Train-the-Trainer course also required updating to bring it in line with the new courses and approved the addition of this item to the work programme of the OPRC-HNS Technical Group.

7.18 The Committee noted that the OPRC-HNS Technical Group, having agreed to the finalized draft training materials at its eighth session and, subject to a review by the validation group, which was carried out and the input duly incorporated in the final courses, referred these to MEPC 59 for approval.

7.19 The Committee, having considered the finalized materials of the OPRC Train-the-Trainer course, which updates the 1995 edition and extends its application to hazardous and noxious substances, as well as oil, approved the finalized draft text of the course. The Committee instructed the Secretariat to carry out final editing and to prepare the course materials for publication through the IMO Publishing Service. In this connection, having noted the overly prescriptive level of detail with respect to course management, recommended that this be avoided for future courses.

National OPRC Exercise in the Caspian Sea, Persian Gulf and Gulf of Oman

7.20 The Committee, in considering document MEPC 59/INF.4 (Islamic Republic of Iran), noted the information submitted on two national-level exercises, combining both oil pollution response and search and rescue scenarios, conducted in 2008/2009; one for the Caspian Sea that was held in Amirabad Port in July 2008 and the second for the Persian Gulf and Gulf of Oman that took place near Bandar Abbas in January 2009.

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

Proposed amendments to the existing Mandatory Ship Reporting System for ships entering the Western European Particularly Sensitive Sea Area – WETREP

8.1 The Committee recalled that, in 2004, MEPC 52 designated the Western European Waters as a Particularly Sensitive Sea Area (WEW-PSSA) with resolution MEPC.121(52). It also recalled that resolution MEPC.121(52) established the new Mandatory Ship Reporting System (WETREP) as an Associated Protective Measure (APM), for ships entering the WEW-PSSA in accordance with the provisions of SOLAS regulation V/11. The mandatory ship-reporting system entered into force at 0000 hours UTC on 1 July 2005. Upon entering the WETREP reporting area, ships must notify the coordination centre of the responsible authority of the Coastal State participating in the system. The vessel traffic services, RCC, coastal radio station or other facilities to whom the reports must be sent to are listed in the appendix to annex 3 of resolution MEPC.121(52).

8.2 The delegation of Portugal, in introducing document MEPC 59/8, proposed to amend annex 2 of resolution MEPC.121(52) as a consequence of changes to new Vessel Traffic Services established along the Portuguese Iberian Coast and the adoption of a new Mandatory Ship Reporting System (COPREP) by resolution MSC.278(85). COPREP entered into force at 0000 hours UTC on 1 June 2009.

8.3 The delegation of Portugal also informed the Committee that it would propose to amend the appendix to annex 3 of resolution MEPC.121(52) at NAV 55. It was noted that annex 3 of resolution MEPC.121(52) contained the Mandatory Ship Reporting System for ships entering the Western European Particularly Sensitive Sea Area – WETREP.

8.4 The Committee, after consideration of the above documents:

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

Outcome of MSC 85 in relation to the Papahānaumokuākea PSSAs

8.5 The Committee noted that MSC 85 had adopted, by resolution MSC.279(85), amendments to the existing mandatory ship reporting systems for “The Papahānaumokuākea Marine National Monument”, “CORAL SHIPREP”, which had been disseminated by means of SN.1/Circ.273. The Committee also noted that the amendments had been implemented on 1 June 2009 at 0000 hours UTC.

9 INADEQUACY OF RECEPTION FACILITIES

9.1 The Committee noted that an update on developments with the Action Plan on tackling the Inadequacy of Port Reception Facilities was contained in the report on the Outcome of FSI 17 (MEPC 59/10/6) and that, accordingly, this would be addressed under the item on the Reports of Sub-Committees (see paragraphs 10.37 to 10.40).

9.2 The Committee further noted that document MEPC 59/9 (BIMCO and INTERCARGO) dealing with “Reception facilities for dry cargo residues and hold washing water in special areas under MARPOL Annex V” submitted under this item had been addressed under item 6 in view of its association to that item (see paragraphs 6.24 to 6.40).

9.3 In document MEPC 59/9/1, FOEI invited the Committee to note the findings of various marine litter monitoring programmes and to take action to harmonize port reception facility schemes and waste management on board worldwide. To facilitate this, it was proposed that improvements to MARPOL Annex V were needed in respect of the following points:

- .1 clear rules, strong and clear compliance;
- .2 clear communication to onboard personnel and passengers: zero discharge;
- .3 phase-out of onboard incineration of waste;
- .4 ships obligated to deliver waste in ports; and
- .5 improved Waste Management as business practice.

9.4 The delegation of Australia recognized that current measures to prevent and reduce marine debris are inadequate but believed that “zero discharge” of all waste from ships is currently not practical or achievable in all parts of the world. Whilst this practice should be encouraged for those ships already adopting a practice of zero or minimal discharge, there was concern that creating an obligation to retain all garbage on board for discharge to a port reception facility might prove to be counterproductive, particularly if combined with the suggested phase-out of onboard incineration. If waste volume cannot be reduced through incineration or by the overboard discharge of biodegradable waste, this may result in a greater likelihood of the illegal disposal of garbage once the total garbage amount exceeds the available storage space.

9.5 Australia further advised that active enforcement and legal proceedings was needed where ships have violated Annex V in order to reinforce the rules to seafarers and passengers. Australia also noted that they supported work to improve the provision of reception facilities and agreed that high charges are a disincentive to use but did not support a mandatory no-special-fee system for charging for waste reception facilities.

9.6 Australia considered that the concerns expressed by Friends of the Earth International would be better addressed through a cultural shift in MARPOL Annex V and its implementation and enforcement. In the context of the Review of MARPOL Annex V, the delegation strongly supported a general prohibition of overboard garbage discharge except in accordance with MARPOL Annex V, and an increased emphasis on waste minimization in the Annex and its Guidelines.

9.7 The IFSMA observer noted that the availability of adequate reception facilities was disappointing and advised that if a prohibition as outlined were to be introduced, there would be

an immediate need to address reception facility availability issues. When inadequacies of port reception facilities are observed, IFSMA encouraged this to be reported in line with the procedures set out in MEPC.1/Circ.469.

9.8 After debating these issues, the Committee decided to refer document MEPC 59/9/1 to the Correspondence Group on the Review of Annex V for further consideration.

10 REPORTS OF SUB-COMMITTEES

OUTCOME OF DSC 13

10.1 The Committee recalled that the thirteenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC 13) had been held from 22 to 26 September 2008 and that its report was issued as DSC 13/20.

10.2 The Committee noted that DSC 13 had considered the issue of marking requirements on tank transport units containing dangerous goods identified as marine pollutants and it was recalled that whilst regulation 3 of MARPOL Annex III requires packages (including tanks) containing marine pollutants to be durably marked with the correct technical name of the product, the IMDG Code only specifies that the proper shipping name should be displayed for the transport of dangerous goods in tanks. Since the IMDG Code should not contain regulations that deviate from MARPOL as this can lead to complications in the transportation of dangerous goods, the Sub-Committee, having considered the issue, had concluded that, for marine pollutants in tanks, the correct technical name need not be shown on the tank as a supplement to the proper shipping name specified by the IMDG Code. In view of this decision, the Sub-Committee recognized that an amendment to MARPOL Annex III would be necessary and, as such, prepared a justification for a new work programme item, as set out in the annex to document MEPC 59/10 (Secretariat).

10.3 The Chairman of the DSC Sub-Committee advised that the DSC E&T Group, when preparing draft amendments to the IMDG Code and SOLAS chapter VII, had identified two difficulties associated to this item. The first related to the definition of marine pollutant as an amendment to MARPOL was needed to bring this into line with changes recently implemented under the Globally Harmonized System (GHS) and the second was concerned with the need to revise documentation requirements in order to align MARPOL with SOLAS chapter VII.

10.4 Accordingly, the Committee was requested to extend the terms of reference of the drafting group to be established at DSC 14 to include these additional items in its review of MARPOL Annex III. After consideration, the Committee approved this approach and agreed to include the expanded work item in the work programme of the DSC Sub-Committee.

OUTCOME OF BLG 13

10.5 The Committee recalled that the thirteenth session of the Sub-Committee on Bulk Liquids and Gases (BLG 13) had been held from 2 to 6 March 2009 and that its report was issued as BLG 13/18.

10.6 The Committee noted that, in line with normal practice, the outcome of BLG 13 on ballast water management issues had been reported separately under agenda item 2 and that, in a similar manner, actions related to MARPOL Annex VI issues (specifically points 4.11 to 4.18 in document MEPC 59/10/3) had been addressed under agenda item 4. In this latter context, documents MEPC 59/10/3/Add.1 (Secretariat) and MEPC 59/10/5 (IMarEST) had also been considered under this item as they were related to that topic.

10.7 With respect to the remaining actions which the BLG Sub-Committee had requested the Committee to address, the Committee approved the report of BLG 13 in general and took action as indicated hereunder on the items reflected in document MEPC 59/10/3 (Secretariat).

Work related to the ESPH Working Group

10.8 The Committee noted BLG 13's agreement that if anomalies are raised by administrations with regard to the assigned carriage requirements and a GESAMP hazard profile, then a document to the ESPH Working Group should be submitted in line with normal procedures.

10.9 The Committee further noted BLG 13's agreement that, whenever changes are made by GESAMP/EHS (as a consequence of new data becoming available or product families being reassessed), the carriage requirements could be reviewed by the ESPH Working Group at meetings where the GESAMP/EHS report is considered.

10.10 Further clarification on this point was provided by the Chairman of the ESPH Working Group who advised that there was no mechanism for the working group to review the impact of amendments to hazard profiles unless an administration or NGO took the initiative to follow up on specific cases. Nevertheless, it was clear that changes to the GESAMP Hazard Profile (GHP) could have an impact on the carriage requirements of the products listed in chapters 17 and 18 of the IBC Code. It was proposed therefore that the ESPH Working Group would review any amendments introduced by GESAMP and produce a report to the BLG Sub-Committee which identifies:

- .1 products where the carriage requirements would not change as a result of amendments to the GHP; and
- .2 products where the carriage requirements are likely to change, as a result of a change in the GHP.

For the latter group, there would then be the option to effect carriage requirement changes using the revised GHP and relevant information available from the IMO database or to invite submissions with an updated completed BLG product data form for review by the working group. Based on this approach, the ESPH Working Group would ask the BLG Sub-Committee to decide accordingly on how to proceed with the revision of such products.

10.11 The delegation of the Netherlands expressed strong support for the need to ensure that there was an adequate follow-up to any changes in GESAMP Hazard profiles for products currently in the IBC Code but proposed that the first preference should be for administrations or NGOs to prepare new submissions in line with normal procedures for new IBC Code entries since the IMO database may not always contain the latest data/information and to lower the burden on the Secretariat.

10.12 The Committee approved the future work programme for the intersessional meeting of the ESPH Working Group from 26 to 30 October 2009 and approved, concurrent with MSC 86's decision, the holding of an intersessional meeting of the ESPH Working Group in 2010.

10.13 With respect to issuing a joint MSC/MEPC circular on the "Prohibition of blending operations on board at sea", the Committee noted that a draft text for consideration had been developed during MSC 86 and that this would be considered under agenda item 11 dealing with the Work of other bodies. In relation to this point, the delegation of Sweden, whilst supporting this circular, also proposed that the BLG Sub-Committee should be tasked to formally prohibit this practice by developing an appropriate regulation.

10.14 The Committee agreed to extend the interim guidelines for the carriage of bio-fuel blends for a further 24 months from the date of expiry to permit the continued carriage of bio-fuel blends on Annex I ships. It also agreed that in view of the concerns noted in relation to Oil Discharge Monitoring Equipment (ODME) functionality, when carrying bio-fuel blends as Annex I cargoes under the extended interim guidelines, then any residues and tank washings should be pumped ashore unless the ODME is approved/certified for the blend being shipped.

10.15 The Committee noted the developments in relation to the three band options for shipping bio-fuel blends and the need for further discussion at ESPH in order to finalize the proposals and endorsed the view of BLG 13 that GESAMP/EHS should be requested to generate appropriate hazard profiles for petroleum fuels leading to List 5 entries in the MEPC.2/Circular (Substances not shipped in pure form but as components in mixtures).

10.16 In relation to the latter point, the Chairman of the ESPH Working Group advised that this action was requested because the multiplication factor for diluent mineral oil is currently being used in bio-fuel blend mixture calculations but, in the opinion of the ESPH Working Group, this is incorrect. The use of the mineral oil factor should therefore no longer be permitted when carrying out a mixture calculation for these products, but rather, bio-fuel blends should be processed as List 4 entries in accordance with MEPC.1/Circ.512. To allow Administrations to carry out mixture calculations on bio-fuel blends in line with MEPC.1/Circ.512 requirements so that such mixtures may be carried under the correct entry in the MEPC.2/Circ., it was necessary for GESAMP/EHS to generate appropriate generic hazard profiles for petrol and diesel. It was further noted that in the case of existing MEPC.2/Circ. List 2 entries where the mineral oil multiplication factor has been utilized in mixture calculations, Administrations have been invited to re-visit their existing tripartite agreements and to take action as appropriate.

10.17 It was agreed that operational aspects of blending on board should not be addressed by the ESPH Working Group but guidance should be developed in respect of the following items for bio-fuel blends:

- .1 documentation and administration, shipping document(s), Procedure and Arrangements Manual, Oil Record Book and Cargo Record Book;
- .2 name of the final product at unloading;
- .3 classification of the final product (pollution category, ship type and carriage requirements); and
- .4 possible wash requirements and residue discharge after unloading, if carried under Annex I requirements.

With respect to point 4, it was stated by the delegation of the Netherlands that there is a possible anomaly with paragraph 10.14 and that amending or modifying current carriage or discharge requirements in either Annex I or II is not under debate. It was confirmed by the Chairman of the ESPH Working Group that it was not the intention to amend MARPOL but that rather the aim was only to clarify the MARPOL requirements which should be applicable.

Use or carriage of oils in the Antarctic area

10.18 In considering the draft amendments to MARPOL Annex I (MEPC 59/10/3, annex) on Special requirements for the use or carriage of oils in the Antarctic area with a view to subsequent adoption, the Committee noted that, in document MEPC 59/10/8, CLIA was of the view that the actual economic impact associated with the draft amendments to ban heavy grade oils in the Antarctic area had not really been recognized or considered.

10.19 To accommodate adjustments to fuel contracts, CLIA proposed that the implementation for the proposed amendments to MARPOL Annex I should be extended to 1 July 2013. Whilst some delegations had support for this approach, the majority were not in favour of any further delay to the amendments to ban the use of HGO as this item had already been debated for a number of years. On the issue of the inclusion of IFO-180 fuel, it was noted by the delegation of New Zealand that the density of this fuel frequently places it within the HGO definition and that also, following the evaporation of its lighter components, the residual material would anyway behave as an HGO substance.

10.20 Having considered the issue fully, including the views of CLIA, the Committee approved the draft amendments to MARPOL Annex I, as set out at annex 28, with a view to adoption at MEPC 60.

Work programme of the BLG Sub-Committee

10.21 The Committee approved, noting MSC 86's concurrent decision, the proposed revised work programme of the Sub-Committee and provisional agenda for BLG 14 (see also paragraph 20.15) and noted the status of the planned output of the High-level Action Plan of the Organization and priorities for 2008-2009 biennium relating to the Sub-Committee's work.

OUTCOME OF DE 52

10.22 The Committee recalled that the fifty-second session of the Sub-Committee on Ship Design and Equipment had been held from 16 to 20 March 2009 and that its report was issued as DE 52/21.

10.23 The Committee approved the report of DE 52 in general and took action as indicated hereunder on the action points arising.

Draft Assembly resolutions

10.24 The Committee, noting MSC's concurrent decision, approved the draft "Assembly resolution on Adoption of the Code on Alerts and Indicators, 2009" and the draft "Assembly resolution on Guidelines for ships operating in polar waters", which would be submitted by the MSC to the twenty-sixth session of the Assembly for adoption.

Proposed phase-out of certain pollution prevention equipment

10.25 The Committee noted the outcome of the discussion on the proposed phase-out of pollution prevention equipment approved under resolutions MEPC.60(33) and A.586(14) and the Sub-Committee's view that further in-depth deliberation of the issue was needed. In this context, it was noted that in document MEPC 59/10/10 (United States) commenting on the outcome of DE 52 on this matter, it was proposed that, in line with the views of DE 52, this could be best accomplished if a dedicated item was introduced into the Sub-Committee's work programme and agenda.

10.26 In considering this point, the delegation of the United Kingdom stated that the important issue in relation to controlling oil discharge was to have effective oil discharge management. Older equipment could still be rendered useful with the aid of an emulsion break-up device and it was preferable, therefore, to let older pollution prevention equipment phase out through natural means. ICS also noted that, in previous debates, a compelling need for the phase-out of this equipment had not been demonstrated.

10.27 Whilst some delegations were in favour of the proposal made by the United States, the Committee was not in a position to support the establishment of a dedicated work programme and agenda item for the DE Sub-Committee.

Guide to diagnosing contaminants in oily bilge water

10.28 The Committee noted the outcome of the discussion on the Guide to diagnosing contaminants in oily bilge water to maintain, operate and troubleshoot bilge water treatment systems and, in particular, noted the Sub-Committee's view that the proposed Guide could be an excellent tool to help engine-room crews to comply with MARPOL requirements. This view was further supported by documents MEPC 59/10/9 (Liberia) and MEPC 59/10/7 (IFAW) where it was proposed that the Guide should be issued immediately as an MEPC circular. In discussing this issue, it was noted that further consideration in order to refine the current text would be beneficial and should be pursued through the DE Sub-Committee but it was agreed to utilize the existing guidelines at this stage, and the Secretariat was requested to issue this as MEPC.1/Circ.677.

Manually operated alternatives in the event of equipment malfunctions

10.29 The Committee noted the outcome of the discussions on manually operated alternatives in the event of equipment malfunctions (resolution MEPC.108(49)) and, in particular, the Sub-Committee's view that further in-depth deliberation of the issue was needed. Two documents related to this item had been submitted under agenda item 6 dealing with "Interpretations of and amendments to MARPOL and related instruments" but it was decided to review these at this point in the agenda. In MEPC 59/6/4 (Denmark), it was proposed to amend resolution MEPC.108(49) by revising paragraph 6.11 (with the deletion of paragraph 6.11.1.1) so as to avoid any uncontrollable discharge of oil, and in order to be in accordance with MARPOL Annex I, regulation 34. In document MEPC 59/6/12 (OCIMF and INTERTANKO), however, it was argued that no amendment was necessary and that the existing regulations are adequate and fit for purpose.

10.30 The delegation of Denmark, in introducing their document, proposed that, if the issue could not be resolved by the Committee, it should be referred to the DE Sub-Committee for consideration. IACS noted that whether to amend resolution MEPC.108(49) was a policy matter for Member States to decide upon but requested that, if this was to be addressed by

the DE Sub-Committee, consideration should be given to the time frame for implementation and also how the revision should be implemented in the many ODMC manuals that would be affected. For the former aspect, IACS proposed that the first IOPP survey carried out on or after six months after the adoption date of any resolution/circular might be used whilst, for the latter point, the surveyor might delete that provision if it is contained in the approved ODMC manual.

10.31 After consideration of the issues involved, the Committee decided to accept the proposal by Denmark to include a new high-priority item on “Manually operated alternatives in the event of pollution prevention equipment malfunctions” in the work programme and agenda of the DE Sub-Committee and to consider the development of appropriate amendments to resolution MEPC.109(49), taking account of the comments from IAC, with a target completion date of two sessions.

Other issues

10.32 The Committee noted the Sub-Committee’s conclusion, concerning the question of identifying an acceptable percentage reduction in the volume of sludge from evaporation, that it was unrealistic to calculate such a percentage reduction since it would largely depend on the amount of water present in the sludge.

OUTCOME OF FP 53

10.33 The Committee recalled that the fifty-third session of the Sub-Committee on Fire Protection was held from 16 to 20 February 2009 and that its report was issued as FP 53/23.

10.34 In relation to the previous point from DE 52 on sludge evaporation, it was noted that document MEPC 59/10/2 (Secretariat) on the “Outcome of FP 53” was also of relevance to this topic as FP 53 had also been asked to review this matter in view of concerns over the safety issues associated with heating oil residue (sludge) to a level likely to be above its flashpoint as a method to reduce water content. A review had accordingly been undertaken by the FP Sub-Committee and the following points had been noted:

- .1 in general, fuel oil used on board ships cannot have a flashpoint below 60°C (SOLAS regulation II-2/4.2.1.1);
- .2 oil residue, and in particular sludge, normally has a flashpoint much higher than the aforementioned limit, due to water and other heavy fuel oil content of the mixture;
- .3 the Revised Guidelines for systems for handling oily wastes in machinery spaces of ships incorporating guidance notes for an integrated bilge water treatment system (IBTS) (MEPC.1/Circ.511) and the 2008 Revised Guidelines (MEPC.1/Circ.642) recommend that the tank heating system should be designed so as to enable heating of the oil sludge up to 60°C (MEPC.1/Circ.511, paragraph 10.1.3 and MEPC.1/Circ.642, paragraph 10.1.2);
- .4 incinerators are protected with a local fixed fire-extinguishing system (SOLAS regulation II-2/10.5.6.3); and
- .5 air piping systems for oil residues tanks are built under the same safety regulations as air piping systems of combustible tanks.

Based on this rationale, FP 53 had agreed that there was no need for additional safety measures in relation to the heating of oil residue (sludge), and this conclusion was duly noted by the Committee.

OUTCOME OF FSI 17

10.35 The Committee recalled that the seventeenth session of the Sub-Committee on Flag State Implementation was held from 20 to 24 April 2009 and that its report was issued as FSI 17/20.

10.36 The Committee approved the report of FSI 17 in general and took action as indicated hereunder on the action points arising. It was noted that there were two actions which related to MARPOL Annex VI but that these had already been considered under agenda item 4 (see paragraphs 4.31 and 4.32).

Action Plan on Tackling the Inadequacy of Port Reception Facilities

10.37 The Committee endorsed the Sub-Committee's agreement to extend the target completion date of work items 2.1, 3.2, 4.1, 4.2 and 6.1 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities to 2010.

10.38 The Committee also endorsed the Sub-Committee's agreement that work items 2.2, 2.3, 3.1 and 5.3 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities are completed.

10.39 The Committee further endorsed the Sub-Committee's agreement that the finalized "Guide to Good Practice for Port Reception Facilities" should be issued as a circular and the Secretariat was requested to issue this as MEPC.1/Circ.671. In addition, the Committee endorsed the further dissemination of the Guide via the following avenues:

- .1 Guide to be linked into the GISIS website, allowing its electronic download;
- .2 Port States to be encouraged to make the Guide available at port reception facilities; and
- .3 Flag States to be encouraged to make the Guide available to shipowners and masters.

10.40 The Committee noted the Sub-Committee's agreement to re-establish the correspondence group to work on the remaining work items of the Action Plan on Tackling the Inadequacy of Port Reception Facilities.

Port State control-related issues

10.41 The Committee approved the Sub-Committee's recommendation for a new item on "Review of the Guidelines for inspection of anti-fouling systems on ships", to be included in the agenda of FSI 18, with a target completion date of 2011.

10.42 The Committee endorsed the Sub-Committee's decision, with regard to the revision of the Procedures for port State control, to continue developing the consolidated draft Assembly resolution intersessionally.

10.43 The Committee concurred with the Sub-Committee's recommendation that the MSC-MEPC.4/Circ.3 on blanking of the bilge discharge piping system in port should be distributed within PSC regimes as soon as possible, if not done so already.

10.44 The Committee noted the Sub-Committee's view that the guidance, contained in MEPC.1/Circ.640 on Interim guidance on the use of the oil record book concerning voluntary declaration of quantities retained on board in oily bilge water holding tanks and heating of oil residue (sludge), is useful in inspecting the Oil Record Book and should be brought to the attention of port State control officers, while recommending that there is no need to modify resolution A.787(19), as amended by resolution A.882(21).

10.45 The Committee also noted the Sub-Committee's agreement to re-establish the Correspondence Group on Port State Control and its instruction, *inter alia*, to continue the development of draft Guidelines on port State control under the 2004 BWM Convention. In relation to this item, the delegation of Croatia urged that the FSI Sub-Committee should finalize the Guidelines as a matter of priority.

10.46 The Committee agreed with the request of the Sub-Committee to invite the BLG Sub-Committee to keep FSI updated on the development of the ballast water sampling and analysis protocols to facilitate the development of the Guidelines on port State control under the 2004 BWM Convention.

Survey Guidelines under the HSSC

10.47 The Committee concurred with the Sub-Committee's recommendation to adopt a regime, in order to try to reduce the volume of paper so that, at every uneven session of the Assembly, the revised Survey Guidelines under the HSSC incorporating all amendments are adopted in a consolidated version but, at every even session of the Assembly, only amendments to the Survey Guidelines are adopted with the proviso that a consolidated working version of the Survey Guidelines is prepared by the Secretariat and posted on IMODOCS.

10.48 The Committee, noting MSC's concurrent decision, approved the draft amendments to the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)), together with the text of the draft Assembly resolution, which would be submitted by the MSC to the Assembly at its twenty-sixth session for adoption.

10.49 The Committee, noting MSC's approval, reviewed the MSC-MEPC.5 circular on General guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments.

10.50 IACS advised that an issue had recently come to light in relation to the second scenario presented in paragraph 3 of the Circular which considers when the ship has to comply with new requirements. The current wording in the guidance reads "in cases where the ship has to comply with new requirements, the certificate (and its supplement, if any) is re-issued at the opportunity of the first survey occurring after the date of entry into force of the amendments". IACS proposed that rather than referring to the "first survey occurring after the date of entry into force of the amendments", the text should refer to the "survey specified with the new requirement occurring after the date of entry into force of the amendments". The modification was proposed since "first survey" has a unique meaning which applies only to SOLAS as per MSC.1/Circ.1290 and also as a new requirement may be retroactively applied at the first periodical or first drydocking survey carried out after the date of entry into force of the amendments, in which case the certificate would be re-issued prior to the compliance date of the new requirement.

10.51 During discussion on the issue, IACS further noted that the proposed amendment would not impact upon either the SOLAS or Load Lines Conventions. In view of this position and noting the benefit of the modification, the Committee agreed to accept the proposed amendment to the Circular, to advise MSC accordingly and instructed the Secretariat to issue this as MSC-MEPC.5/Circ.6.

10.52 The Committee noted the Sub-Committee's agreement to re-establish the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments and its instruction, *inter alia*, to develop amendments to resolution MEPC.102(48) on the Survey Guidelines on the AFS Convention.

Code for the Implementation of Mandatory IMO Instruments

10.53 The Committee concurred with the Sub-Committee's decision to remove the ISPS Code-related proposed amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 and recommend that proposals, by Member States, to expand the scope of the Code should be, first, submitted to the Committees.

10.54 The Committee concurred with the Sub-Committee's recommendation to adopt a regime, in order to try to reduce the volume of paper so that, at every uneven session of the Assembly, the revised Code for the Implementation of Mandatory IMO Instruments incorporating all amendments is adopted in a consolidated version but, at every even session of the Assembly, only amendments to the Code are adopted with the proviso that a consolidated working version of the Code is prepared by the Secretariat and posted on IMODOCS.

10.55 The Committee, noting MSC's concurrent decision, approved a draft Assembly resolution on draft amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 (resolution A.996(25)), including a new annex 7, which would be submitted by the MSC to the Assembly at its twenty-sixth session for adoption.

10.56 The Committee approved, subject to MSC's concurrent decision, the MSC-MEPC.2 circular on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs.

Other issues

10.57 The Committee endorsed the Sub-Committee's decision, with regard to the development of a Code for recognized organizations, to request the Secretariat to prepare, as soon as possible, a consolidated document containing all existing requirements and recommendations of IMO instruments regarding recognized organizations, and to invite Member States and international organizations to consider the above document by the Secretariat; to carry out a gap analysis to identify areas that are not adequately covered by the existing requirements and recommendations; and to submit the results of their considerations to FSI 18.

10.58 The Committee approved the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 18 (see paragraph 20.17) and endorsed the report on the status of the Sub-Committee's planned outputs in the High-level Action Plan for the current biennium.

OUTCOME OF STW 40

10.59 The Committee recalled that the fortieth session of the Sub-Committee on Standards of Training and Watchkeeping (STW 40) was held from 2 to 6 February 2009 and that its report was issued as STW 40/14.

10.60 The Committee noted that the outcome of STW 40 was considered under item 16 of the agenda on “Role of the Human Element”.

11 WORK OF OTHER BODIES

11.1 Under this agenda item the Committee had before it four documents by the Secretariat and agreed to deal with them in the following order:

- .1 Outcome of the one hundredth and first session of the Council: document MEPC 59/11;
- .2 Outcome of MSC 85: document MEPC 59/11/1;
- .3 Status of activities of GESAMP/Progress with the “UN Regular Process”: document MEPC 59/11/2; and
- .4 Outcome of MSC 86: document MEPC 59/11/3.

OUTCOME OF C 101

11.2 The Committee noted that the one hundredth and first session of the Council (C 101) was held from 10 to 14 November 2008 and its summary of decisions was issued under the symbol C 101/D. The matters of interest to the Committee had been summarized in document MEPC 59/11, including the Council’s action concerning the report of MEPC 58.

11.3 The Committee noted further that C 101 also considered issues associated with Strategy and planning; Organizational reforms; Voluntary IMO Member State Audit Scheme; Straits of Malacca and Singapore; Relations with intergovernmental and non-governmental organizations; Report on the status of conventions and other multilateral instruments; and Capacity-building for the implementation of new measures, all of which are relevant to the work of the Committee.

11.4 Regarding the consideration of the report of MEPC 58 (MEPC 59/11, paragraph 8), the Committee noted that the Council had noted the information contained in document C 101/7, as well as that provided orally by the Chairman of the Committee, and, in particular, endorsed, subject to MSC 85’s concurrent decision, the Committee’s proposals on activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies for the biennium 2010-2011 and the approval of intersessional meetings for working/technical groups in 2009; and decided to transmit the report of MEPC 58 to the twenty-sixth session of the Assembly with its comments and recommendations, in accordance with Article 21(b) of the IMO Convention.

OUTCOME OF MSC 85

11.5 The Committee noted that the eighty-fifth session of the Maritime Safety Committee (MSC 85) was held from 26 November to 5 December 2008 and its report was circulated under the symbol MSC 85/26 and Add.1 and 2. The outcome of MSC 85 relevant to the work of this Committee had been summarized in document MEPC 59/11/1 (Secretariat).

11.6 The Committee noted also that the outcome of MSC 85 on the Human Element would be considered under agenda item 16.

11.7 In considering document MEPC 59/11/1, the Committee agreed to note, in general, the outcomes of MSC 85 on all issues of relevance to its work and take MSC 85's action into account, as appropriate, under the relevant items of its agenda.

11.8 The Committee noted, in particular, that MSC 85 had taken action on the following matters of interest to its work, as reported hereunder:

- .1 adoption of amendments to the ISM Code (resolution MSC.273(85)) which had been developed by the Joint MSC/MEPC Working Group on Human Element;
- .2 approval, taking into account MEPC 58's concurrent decision, of MSC-MEPC.4/Circ.3 on Blanking of discharge piping systems in port;
- .3 approval, having noted MEPC 58's concurrent decision, of MSC-MEPC.5/Circ.4 on Unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and MARPOL Conventions;
- .4 agreement to include, in the work programme of the DE Sub-Committee, a high-priority item on "Interpretation on application of SOLAS, MARPOL and Load Line requirements for major conversions of oil tankers", with two sessions needed to complete the item;
- .5 approval, noting MEPC 58's concurrent decision, of the proposed plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2010-2011, including two sessions for the DE Sub-Committee in 2010, for inclusion in the Secretary-General's relevant budget proposals; and
- .6 in the context of the WMO Voluntary Observing Ship (VOS) Scheme, MSC 85, recalling that the Organization and, in particular, this Committee, were giving high priority to the work relating to the issue of climate change, requested Member States and non-governmental organizations to urge shipowners, ship operators, shipmasters and other parties concerned to increase their participation in the Scheme and provide their reports regularly and, in this respect, approved MSC.1/Circ.1293 on Participation in the WMO's VOS Scheme.

11.9 The Committee noted that the approval of an MSC-MEPC circular with a unified interpretation on measurement of distances (MEPC 59/11/1, paragraph 38 and annex) had been considered under agenda item 6 (see paragraphs 6.6 and 6.7).

STATUS OF ACTIVITIES OF GESAMP/PROGRESS WITH THE "UN REGULAR PROCESS"

11.10 The Committee noted the information provided by the Secretariat (MEPC 59/11/2) reporting on the recent activities and achievements of GESAMP; the progress towards establishing the UN Regular Process; and the offer which GESAMP had made for a contribution to that Process, if established.

11.11 The Committee noted, in particular, that:

- .1 the 36th session of GESAMP was held in Geneva, Switzerland, from 28 April to 1 May 2009, hosted by the WMO. GESAMP reviewed the activities of six of its working groups that bear a relationship with IMO's remit and which address the following matters: "Evaluation of hazards of harmful substances carried by ships"; "Review of proposals for approval of ballast water management systems that make use of active substances"; "Development of an ecosystem approach to mariculture with emphasis on off-shore farming"; "Expanded scientific review of mercury and its compounds and threats to the marine environment"; "Atmospheric inputs of chemicals to the ocean"; and "Global trends in pollution of coastal ecosystems: retrospective ecosystem assessment";
- .2 the proposed institutional elements of the Regular Process consisted of a Management and Review Body (MRB), with 18 to 36 country representatives, 13 representatives of intergovernmental organizations, including IMO, and five further members, its main functions being to oversee the UN Regular Process, approve programmes and budgets and approve selected members of the Experts Panel; an Expert Panel, consisting of ± 20 members, serving in an individual capacity and to be selected through a dedicated Pool of Experts; a Secretariat, consisting of eight to ten professional staff and eight to ten support staff, with as main function to support the work of the MRB and the Expert Panel; and additional expert advice and support structures; and
- .3 GESAMP, having discussed how it may best contribute to the UN Regular Process, agreed that its participation could be addressed at conducting thematic assessments on request; having some shared membership with the Expert Panel to foster cooperation and coordination; providing the GESAMP Pool of Experts as a resource; and participating in peer reviews.

11.12 The Committee noted also that, in the view of GESAMP, the GESAMP Office would provide an appropriate focal point for interactions between GESAMP and the UN Regular Process Secretariat and that, in preparing this offer, GESAMP had to strike a balance between any future role in the UN Regular Process and its commitment to providing good science in support of the sectoral/thematic interests of its existing Sponsoring Organizations, such as IMO, who collectively and individually had used and continued to use GESAMP's advice on a regular basis.

11.13 The Committee, having discussed the above issues, agreed to express its appreciation to the Government of Sweden for the support it has provided for the activities of GESAMP since 2006 and endorsed, from IMO's perspective, GESAMP's offer to contribute to the UN Regular Process.

OUTCOME OF MSC 86

11.14 The Committee noted that the eighty-sixth session of the Maritime Safety Committee (MSC) was held from 27 May to 5 June 2009 and its report had been circulated under the symbol MSC 86/26 and Add.1 and 2. The outcome of MSC 86 which is relevant to the work of this Committee had been summarized in document MEPC 59/11/3 (Secretariat).

11.15 The Committee noted also that the outcome of MSC 86 on the Human Element would be considered under agenda item 16 and that on Formal Safety Assessment under item 17.

11.16 The Committee agreed to note, in general, the outcomes of MSC 86 on all matters of relevance to the Committee and take MSC's action into account, as appropriate, under the relevant items of its agenda.

11.17 The Committee noted further that the outcome of MSC 86, concerning the Report of the Chairmen's meeting that took place on 30 May 2009 (MEPC 59/11/3, paragraphs 15 to 17), would be taken into account together with the consideration of the outcome of that meeting under agenda item 21 (MEPC 59/21/1) and that the work programmes of the BLG, FSI and DE Sub-Committees, as approved by MSC 86 (MEPC 59/11/3, paragraphs 18 to 20), would be addressed under agenda item 20.

11.18 In considering the action the Committee was invited to take (MEPC 59/11/3, paragraph 21), the Committee recognized that those action points set out in subparagraphs .2, .3, .4, .5, .6 and .7 had already been addressed under agenda item 10 (paragraphs 10.8 to 10.58). The decisions made by the Committee on the remaining two action points under subparagraphs .1 and .8 are summarized in the ensuing paragraphs.

Prohibition of blending operations on board during the sea voyage

11.19 The Committee noted that MSC 86, having considered the outcome of BLG 13 regarding the issues surrounding blending on board at sea, agreed that such practice should be prohibited and that mandatory provisions should be developed. In the meantime, the Committee, having considered BLG 13's recommendation that the MSC and the MEPC should consider issuing an MSC-MEPC circular concerning prohibition on blending operations on board at sea, considered the proposal of an informal group and, having agreed to place in square brackets the words ["during the sea voyage"] and add the words "[at sea]", approved, subject to MEPC's concurrent decision, a draft MSC-MEPC circular concerning prohibition of blending operations on board at sea (MSC 86/26, paragraph 11.2 and annex 10).

11.20 In discussing this issue, the Committee considered a proposal by the Netherlands to amend the expressions "MARPOL cargoes" and "MARPOL regulated cargoes", in the title and paragraph 1 of the draft circular, to read "MARPOL Annex I oils with bio-fuels" in both cases, since the justification requested at MEPC 58 and provided for BLG 13 was explicit on blending of oils, as defined in MARPOL Annex I, and bio-fuels. Following a debate in which many delegations expressed their views, the Committee could not agree to the proposal and decided to keep the expressions as contained in the draft circular.

11.21 Having considered the two options ["during the sea voyage"] and ["at sea"], the Committee agreed to retain the words "during the sea voyage" and delete the expression ["at sea"] and, subsequently, approved MSC-MEPC.2/Circ.8, and requested the Secretariat to issue it at the earliest opportunity.

Capacity-building for the implementation of new measures

11.22 The Committee noted that MSC 86 had approved the Procedures for the assessment of implications of capacity-building requirements when developing new or amending existing mandatory instruments, subject to MEPC 59 concurrent decision, and also approved amendments to the Guidelines on the organization and method of work incorporating new paragraph 2.11-1 and aforementioned Procedures (MSC 86/26, paragraph 15.11 and annex 22).

11.23 Having discussed the issue, the Committee, in endorsing MSC 86's decision, approved amendments to the Guidelines on the organization and method of work of the MSC and the

MEPC and their subsidiary bodies, incorporating new paragraph 2.11-1 and aforementioned procedures, set out in annex 29.

OUTCOME OF TC 59

11.24 The Committee noted that the fifty-ninth session of the Technical Co-operation Committee was held from 23 to 25 June 2009 and its report had been circulated as document TC 59/16. The Committee noted also that the outcome of TC 59 would be considered under agenda item 15 – Technical Co-operation Sub-programme for the Protection of the Marine Environment.

OUTCOME OF C 102

11.25 The Committee noted that the one hundredth and second session of the Council (C 102) was held from 29 June to 3 July 2009 and its summary of decisions had been issued under the symbol C 102/D.

11.26 The Committee noted information provided by the Director, Marine Environment Division, on the main matters of interest to the Committee considered by C 102, as reported in the ensuing paragraphs.

.1 Strategy and planning

The Council, *inter alia*:

- .1 approved, in principle, the draft Assembly resolution and draft guidelines on the application of the Strategic Plan and High-level Action Plan;
- .2 noted views of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan on the need for a "migration plan" and its intention to elaborate it at its tenth session, and requested the Working Group to submit any proposed changes to the aforementioned draft resolution and draft guidelines, together with its proposed "migration plan", to C/ES.25, for consideration, approval and, where appropriate, submission to A 26 for adoption; and
- .3 approved the Working Group's recommendations on identified options for a long-term strategy for the reduction of costs of international meetings.

.2 Risk management

The Council, *inter alia*:

- .1 approved the risk management Context Document and decided to transmit it to A 26 for endorsement;
- .2 noted the consideration by the Council Risk Review, Management and Reporting Working Group of the report on the Secretariat's risk management exercise 2009 and, in this regard, invited the Secretary-General to make adequate provision of resources to support the delivery of future iterations of the risk management process; and

- .3 endorsed the recommendation that, before any substantive changes are made to the Risk Management Framework, the Secretariat should undertake a second iteration of the risk management process, the scope of which should cover the Strategic Directions and High-level Actions falling under the Secretary-General's responsibility, as well as the Secretariat's related key objectives for the 2010-2011 biennium.

.3 Voluntary IMO Member State Audit Scheme

The Council agreed to a phased-in introduction of the Organization's Audit Scheme through institutionalization which should proceed through the introduction of appropriate requirements in the relevant mandatory IMO instruments and requested the Secretary-General to prepare a draft Assembly resolution delineating the way forward, together with a proposed time frame and schedule for the further development of the Scheme, for consideration and approval by C/ES.25, for submission to A 26 for adoption.

.4 Meeting weeks for the 2010-2011 biennium

The Council noted MSC 86's recommendation, concurring with that of the Committee, that 26.5 meeting weeks should be allocated to both Committees and their subsidiary bodies for the 2010-2011 biennium.

.5 Report on the Ship Recycling Conference

The Council noted that the International Conference on the Safe and Environmentally Friendly Recycling of Ships was held in Hong Kong, China, from 11 to 15 May 2009 and, *inter alia*:

- .1 expressed appreciation for the invitation of the Government of the People's Republic of China to hold the International Conference in Hong Kong, China, and to the Government of the Hong Kong Special Administrative Region of the People's Republic of China for its generous support and cooperation; and
- .2 authorized the Secretary-General to perform the depositary and other functions required of him under the Final Act of the Conference and the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, as set forth in documents SR/CONF/45 and SR/CONF/46.

.6 World Maritime Day 2010

The Council endorsed the Secretary-General's proposal that the theme for World Maritime Day 2010 should be:

“2010: Year of the Seafarer”

.7 Status of Conventions

The Council, as far as environment-related conventions are concerned, reiterated its plea to all Member Governments, which have not done so, to ratify the 2004 Water Ballast Management Convention and urged them also to ratify MARPOL Annex VI.

.8 MEPC Chairman's statement on greenhouse gas (GHG) emissions

The Council noted a statement by the MEPC Chairman and endorsed the desirability of the MEPC, at its fifty-ninth and sixtieth sessions, finalizing its technical work on GHG emissions and also progressing the debate on market-based mechanisms, as provided in the Committee's action plan.

12 STATUS OF CONVENTIONS

12.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection (MEPC 59/12) as follows:

- .1 Annex 1 shows the status, as at 31 March 2009, of the IMO conventions and other instruments relating to marine environment protection;
- .2 Annex 2 shows the status, as at 31 March 2009, of MARPOL;
- .3 Annex 3 shows the status, as at 31 March 2009, of the amendments to MARPOL;
- .4 Annex 4 shows the status, as at 31 March 2009, of 1990 OPRC Convention;
- .5 Annex 5 shows the status, as at 31 March 2009, of 2000 OPRC-HNS Protocol;
- .6 Annex 6 shows the status, as at 31 March 2009, of 2001 AFS Convention; and
- .7 Annex 7 shows the status, as at 31 March 2009, of 2004 BWM Convention.

12.2 The Committee also noted the following information provided by the Secretariat since document MEPC 59/12 was issued on 2 April 2009.

- .1 With regard to annex 2 on the status of MARPOL:
 - .1 The Islamic Republic of Iran deposited its instrument of accession to MARPOL Annexes III, IV and VI on 29 May 2009; and
 - .2 Ireland deposited its instrument of accession to MARPOL Annex VI on 30 June 2009.
- .2 With regard to annex 5 on the status of 2000 OPRC-HNS Protocol:
 - .1 Germany deposited its instrument of ratification on 2 June 2009.

- .3 With regard to annex 6 on the status of 2001 AFS Convention:
 - .1 Belgium deposited its instrument of accession on 15 April 2009; and
 - .2 The Syrian Arab Republic deposited its instrument of accession on 24 April 2009.

12.3 The Committee further noted the following information:

- .1 the delegation of Canada stated that their Government was in the final stages of the ratification process for the AFS Convention, the BWM Convention and MARPOL Annexes IV, V and VI; and
- .2 the delegation of Barbados stated that their Government would soon deposit their instrument of accession to the Bunkers Convention.

13 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS

13.1 The Committee recalled that it had invited Members to develop guidance on the environmentally sound management of wastes from the application or removal of harmful anti-fouling systems. The Committee further recalled that MEPC 58, having noted the “Draft Guidance on best management practices for removal of anti-fouling systems from ships, including TBT hull paints” (MEPC 58/INF.3), developed by the Scientific Groups under the London Convention and Protocol, had invited the governing bodies of the London Convention and Protocol to provide the final version of the Guidance to MEPC 59, taking into consideration the comments on the environmental risk posed by in-water cleaning.

13.2 In examining the final version of the Guidance (MEPC 59/13), developed by the governing bodies of the London Convention and Protocol in October 2008, the Committee, having considered the views expressed by the delegations of the United States and New Zealand, agreed that, while the Guidance provided useful recommendations regarding removal of harmful anti-fouling systems, those parts related to in-water hull cleaning seemed to be incomplete. The Committee also agreed that further work was needed in this respect, taking into account aspects related to prevention of transfer of harmful aquatic species, the need for the reduction of GHG emissions, operational efficiency issues, and the management of anti-fouling system waste, as well as associated safety aspects. The Committee further agreed that the issue of in-water hull cleaning was within the scope of the work being undertaken by the BLG Sub-Committee under its agenda item on biofouling.

13.3 Having requested and received clarification on the relationship between in-water hull cleaning and GHG emissions, the delegation of Saudi Arabia maintained its concern regarding the inclusion of GHG implications in this particular matter.

13.4 Following a suggestion by New Zealand, the Committee agreed that the Guidance in question should be limited to the subject of removal of harmful anti-fouling systems and instructed the Secretariat to remove the text and other references related to hull cleaning from the Guidance. Subject to the modifications mentioned above, the Committee approved the Guidance and instructed the Secretariat to disseminate it through AFS.3/Circ.3.

13.5 The Committee expressed its appreciation for the governing bodies of the London Convention and Protocol for their valuable contribution on this matter.

14 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS

14.1 The Committee considered a proposal by WWF (MEPC 59/14) to encourage voluntary actions to decrease nutrient emissions caused by large amounts of sewage produced by passenger ships. In the view of the submitters, the eutrophication process of semi-closed and closed sea areas of the world, such as the Baltic Sea, is one of the greatest threats to the marine environment, taking into account that the present IMO regulations in MARPOL Annex IV do not sufficiently protect the sensitivity of those sea areas against nutrient emissions from international shipping.

14.2 The Committee noted that WWF proposed that (a) all passenger vessels trafficking in semi-closed and closed sea areas, which are threatened by eutrophication, should immediately voluntarily cease to discharge their waste water into the sea, and instead dispose their waste water only in harbour port facilities, and (b) to initiate discussions about the importance of strengthening the present IMO regulations to decrease nutrient emissions from passenger ships.

14.3 The Committee considered document MEPC 59/14/1 (CLIA) commenting on the above proposal. The Committee noted that, in the view of CLIA, and concerning passenger ships in the Baltic Sea, it was premature to consider or submit to a voluntary scheme that would essentially halt cruise operations in the region as there are very few port reception facilities in the Baltic Sea capable of receiving sewage from cruise ships. It was also noted that CLIA member cruise ships do not discharge untreated/unscreened sewage and that, in accordance with relevant research, and applying actual cruise ship voyage, passenger and crew numbers, the European Cruise Council (ECC) found that cruise ships contribute approximately .0064% of the Nitrogen and .0455% of the Phosphorous total loading of the Baltic Sea. The agreement by the European Cruise Council regarding discharges in the Baltic Sea and committing to measures to mitigate these types of environmental impact, was noted and welcomed.

14.4 The delegation of Finland, in expressing support for the proposal by WWF, stressed that Finland, as a Baltic country, had serious concerns for the unique environment of the Baltic Sea which, as a semi-closed sea with an average depth of 50 metres and harsh icy winters, was very vulnerable to the impact of sewage from passenger ships. The delegation underlined that joint efforts would be needed to improve current conditions, including cooperation with port authorities in respect of the provision of adequate reception facilities for ship-source sewage, and announced its intent, with other Baltic States, to submit to a future session of the Committee proposed amendments to MARPOL Annex IV concerning the establishment of Special Areas where more stringent requirements on discharge of sewage from ships would apply.

14.5 Those delegations who took the floor thanked WWF for its proposal and supported the views of Finland, while some of them also expressed the views that other semi-closed seas, islands and archipelagic countries could also benefit from the Baltic example through approval of more stringent discharge criteria in their sea areas.

14.6 In concluding the debate, the Committee:

- .1 noted the announcement by Finland that the Baltic States working through HELCOM would submit proposed amendments to MARPOL Annex IV to a future session of the Committee; and

- .2 agreed to encourage all passenger vessels trafficking in semi-closed and closed sea areas, which are threatened by eutrophication, to refrain from discharging their waste water into the sea, and to dispose of their waste water only in port reception facilities, if available.

The Committee requested the Secretariat to disseminate the above understanding as MEPC.1/Circ.685.

14.7 The Committee noted with appreciation document MEPC 14/INF.18 (ROPME/MEMAC) with the outcome of ROPME's 7th Regional Steering Committee meeting on Administration and Implementation of the MARPOL and OPRC Conventions, which was held in Bahrain, on 2 and 3 November 2008. The Committee noted also the following results of the meeting, *inter alia*: (a) to undertake the Regional Audit Scheme for the year 2009 with the assistance of regional experts in cooperation with the Organization; (b) to evaluate the possible establishment of an Emissions Control Area (ECA) in the ROPME sea area; (c) to initiate studies for a possible PSSA in the same area; and (d) to encourage Members to ratify the OPRC-HNS Protocol.

14.8 The Committee noted further the information provided on the successful conduction of Third Regional Oil Spill Exercise, held in Damman Port, Saudi Arabia, from 4 to 6 May 2009.

14.9 The Committee congratulated the ROPME Sea Area countries for their achievements in providing adequate protection for the marine environment of the ROPME Sea Area, particularly after the taking effect of the Special Area status under MARPOL Annexes I and V.

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

15.1 The Committee recalled that, given the importance of technical co-operation in the work of the Organization, updates on TC activities are prepared for the attention of the Committee at each session, with comprehensive status report at MEPC spring sessions in non-Assembly years.

15.2 The Committee noted the status report on the activities under the 2008-2009 ITCP related to the protection of the marine environment and undertaken during the period from 1 January to 30 April 2009, including major projects, which are under the direct supervision of the Marine Environment Division (MED) of the Organization (MEPC 59/15, annexes 1 and 2; MEPC 59/15/Add.1, annex).

15.3 Due to time constraints, the Director, MED, in his brief presentation of the documents under the agenda item, requested the Committee's indulgence for not being able to go into more detail on the considerable work carried out and the significant results achieved under the IMO's Integrated Technical Co-operation Programme (ITCP), including the major projects funded by external sources. He further suggested, and the Committee agreed, that a succinct account of these achievements would be reflected in the report, as follows:

- .1 the principal achievements under the ITCP pertain to the training of officials through seminar/workshops/training courses on marine environment protection, in particular OPRC and MARPOL, promotion and enhancement of regional cooperation through the development of regional actions such as strategic action plans for the implementation of OPRC and MARPOL, regional contingency plans for combating accidental marine pollution, environmental waste management guidelines for port operation, regional ballast water management strategies and plans, among others;

- .2 with respect to the OPRC Convention 1990, the Organization continued its fruitful cooperation with the oil and shipping industries, in particular the IMO/Oil Industry Global Initiative (GI) such as the IMO-Industry funded GI Project for the West and Central Africa;
- .3 document MEPC 59/15/3 provided additional information on the implementation of the Protocol to the Barcelona Convention concerning cooperation in Preventing Pollution from Ships and, in cases of emergency, combating pollution of the Mediterranean Sea;
- .4 the Marine Environment Division continued to be responsible for the implementation of major projects, namely the Marine Electronic Highway (MEH) Project, the SAFEMED Project and the GloBallast Partnerships Project, which are financed through outside sources (MEPC 59/15, annex 2);
- .5 under the GEF/IBRD-funded MEH Project, a hydrographic survey of a portion of the Traffic Separation Scheme (TSS) in the Straits of Malacca and Singapore covering approximately 621.3 square kilometres (14.38% of the total TSS area) will be carried out. Mobilization of survey requirements is currently underway following the signing of the survey contract between IMO and a private contractor on 27 May 2009 whilst implementation of other activities such as the development of the Project website, the Environment Marine Information Overlays (E-MIOs) and the baseline information survey will take place after the survey mobilization phase in the 3rd quarter 2009;
- .6 the EU-funded regional MEDA project entitled “EUROMED Co-operation on Maritime Safety and Prevention of Pollution from Ships” or SAFEMED I and implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC), which commenced on 1 January 2006 for a period of three years, was concluded on 30 June 2009 following an extension of six months. The project is under the supervision of IMO and implemented in ten EUROMED Mediterranean partners. The project’s main objective was to mitigate the existing imbalance in the application of maritime legislation in the region between the EU and non-EU Mediterranean partners (MEPC 59/15/2);
- .7 following the success of SAFEMED I, a second EU-financed SAFEMED project (SAFEMED II), also a three-year project, will be implemented by REMPEC between 2009 and 2011 and builds upon the work carried out through SAFEMED I, introducing new elements such as cooperation on PSC and procurement of VTMIS equipment;
- .8 the GEF/UNDP-funded GloBallast Partnerships Project, building on the successful antecedent GloBallast Pilot Project, was commissioned in January 2008 and made significant progress in implementing activities that included regional level training programmes, formation of national and regional task forces and development of regional strategies, in addition to specific activities by some countries such as port specific risk assessments and drafting national regulations. The various tools developed by the GloBallast Project, such as training packages, risk assessment methodologies and port baseline survey procedures, are proving to be very useful and the Member States are encouraged to make further use of such tools developed by the Project (MEPC 59/INF.22). In addition, the GloBallast Project is also implementing a GloBallast Country Profile Database and the

GloBallast Research & Development Directory to provide information on Ballast Water Management activities in various countries including existing projects worldwide on Ballast Water Management and technology development (MEPC 59/INF.23). A significant GloBallast achievement has been the formation of the “Global Industry Alliance (GIA) for Marine Biosecurity” within the GloBallast Project framework, a groundbreaking public-private sector partnership, which includes shipowners and shipbuilders cooperating and it is expected that this pioneering global partnership will accelerate innovative solutions to help address ballast water issues; and

- .9 with regard to the proposed contribution of the MEPC to IMO’s ITCP for 2010-2011 biennium set out in document MEPC 59/15/1 the Council, at its 102nd session, endorsed the proposal put forward by TCC 59 for the ITCP 2010-2011 taking into account the recommendations of TCC 59. In this connection, the Council approved the use of the TC Fund for the proposed activities under the Programme, which consists of seven regional and seven global programmes as well as a biennial allocation of US\$ 14 million from the TC Fund for core elements under the Programme.

15.4 A number of delegations expressed gratitude to the IMO Secretariat for the continued support of the Organization through the ITCP and through the major projects. One delegation stressed the need for IMO to develop technical cooperation activities in the field of GHG emissions from ships.

15.5 The EC observer delegation recalled the financing of both SAFEMED I and II projects, which amounted to approximately €10 million for both projects making this one of the largest contributions to IMO’s technical co-operation programme. The delegation further expressed its appreciation for the good co-operation with the IMO Secretariat in facilitating such financing and thanked REMPEC, as the implementing body, for the positive results achieved. In this connection, a number of delegations emphasized the key role of REMPEC in facilitating the implementation of both projects. The EC observer delegation indicated that the EU had made and is continuing to make available altogether almost €10 million for SAFEMED I and II.

15.6 With regard to the issue of greenhouse gas (GHG) emissions from ships, the EC observer delegation indicated that it had a fund specially set up to support the development and implementation of sustainable development policies in developing countries. This programme was managed by the EC and a capacity-building project related to GHG would be eligible under the fund. It was further suggested that developing countries interested in participating in such a project should express their interest either by directly approaching the EC delegation or the IMO’s Marine Environment Division.

15.7 In summing up, the Chairman recalled that the constituent programmes of the IMO 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 financial and in-kind contributions to the ITCP and invited Member States and international organizations to continue and, if possible, increase their appreciable support for IMO’s technical co-operation activities so that successful delivery of the programme can be achieved.

16 ROLE OF THE HUMAN ELEMENT

16.1 The Committee decided, when considering, under agenda item 1, the working arrangements for the session, to release without considering the various submissions under this agenda item in plenary, the Joint MSC/MEPC Working Group on Human Element (the Group) to:

- .1 consider information provided in documents:
 - .1 MEPC 59/16 and advise the Committee as appropriate;
 - .2 MEPC 59/16/1, MEPC 59/16/2 and MEPC 59/16/6 related to the proposed Joint IMO/ILO Working Group on areas of common interest and advise the Committee as appropriate;
 - .3 MEPC 59/16/3 related to inclusion of requirements for seafarers' safety representative and, if considered appropriate, prepare the amendments to the ISM Code;
 - .4 MEPC 59/16/4 and MEPC 59/10/1 related to training for seafarers' safety representative and advise the Committee as appropriate; and
 - .5 MEPC 59/16/5 and MSC 84/WP.6, annex 2 related to amendments to the Revised Guidelines on implementation of the International Safety Management (ISM) Code by Administrations and finalize the revised Assembly resolution with a view to submission to A 26 for adoption; and
- .2 submit a report to plenary on Thursday, 16 July 2009.

16.2 In the meantime, the Committee agreed that, if there was any issue of principle to be considered in plenary, the Group would be recalled back to plenary for decisions as appropriate.

REPORT OF THE WORKING GROUP

16.3 Upon receipt of the report of the Working Group (MEPC 59/WP.11), the Committee approved it in general and took action as outlined in the following paragraphs.

Investigation report into the casualty of the "MSC Napoli"

16.4 The Committee noted the decision of MSC 85 (MEPC 59/16) to refer the report on investigation into the casualty of the **MSC Napoli** to the Joint MSC/MEPC Working Group on Human Element for review and reporting on its recommendations for further action to the Maritime Safety Committee and that the FSI Working Group on Casualty Statistics and Investigations had identified the following main issues to be further considered stemming from that casualty: the misdeclaration and loading of containers; the human element; the structural strength of containerships and the ICS Code of Good Practice for the Container Shipping Industry (FSI 16/WP.1), and that the ship had sailed with the engine-room manned, despite the ship's manning level being based on an "Unmanned Machinery Space" notification. The difficulties involved in wearing immersion suits in confined lifeboats were also noted with concern.

16.5 In this context, the Committee noted that the report had emphasized that, while the ship was carrying an UMS notification, it had sailed with the engine-room manned and agreed that the report did not provide sufficient information for any particular conclusion to be reached.

16.6 With regard to the safety management system (SMS), the Committee expressed the view that a vessel's operation outside of what could be considered "normal" operations should be addressed under the Company's SMS in compliance with the ISM Code.

16.7 With regard to the use of immersion suits in confined lifeboats, the Committee noted that the Maritime Safety Committee had already addressed this issue in MSC.1/Circ.1278 (Guidance on wearing of immersion suits inside totally enclosed lifeboats), and that no further guidance is required at this time.

16.8 In light of the foregoing, the Committee agreed that no further guidance was necessary.

Joint IMO/ILO Working Group on areas of common interest

16.9 The Committee noted that MSC 85 had considered a request from ILO (MEPC 59/16/1) that the Secretariats of IMO and ILO should hold inter-secretariat consultations on possible common areas relating to the human element which could be discussed by the two Organizations and on a possible mechanism for such discussions, and agreed that it would be advisable for both Secretariats to meet and identify the common areas/issues of concern with a view to seeking the Committees' advice on the way forward, bearing in mind their earlier decision, at MEPC 56 and MSC 83, not to establish a joint ILO/IMO working group with wide and open-ended terms of reference.

16.10 The Committee further noted (MEPC 59/16/2) that, based on the decision of MSC 85, representatives of the ILO and IMO Secretariats had met at IMO Headquarters on 21 and 22 January 2009 and identified areas of common interest to both Organizations and prepared a proposal to address them, for consideration by the two Committees and the ILO Governing Body, as set out in the annex to document MEPC 59/16/2.

16.11 The Committee also noted (MEPC 59/16/6) that MSC 86 had agreed that:

- .1 whilst there was general support for the establishment of the Joint IMO/ILO working group to discuss issues of common interest for both Organizations, it should not be a standing group, but should be established on an *ad hoc* basis with specific terms of reference; and
- .2 the Joint MSC/MEPC Working Group on Human Element should consider the proposal to establish a Joint IMO/ILO Working Group and advise the Committees on the composition of members of the proposed joint ILO/IMO working group, priorities to be assigned to the issues identified, terms of reference and the frequency of meetings.

16.12 The Committee noted that, after further discussions and noting the decisions of MSC 86, the group had agreed that the Joint IMO/ILO Working Group should not be a standing group, but should be established on an *ad hoc* basis only, as and when an issue for consideration and advice to the respective parent bodies of the two organizations would arise.

16.13 The Committee further noted that the group had noted that MSC 86 had clarified that, notwithstanding the composition of the proposed joint working group, representatives from all Governments and international organizations could attend its meetings as observers and that its report would be submitted to the relevant Committees for consideration and appropriate action.

16.14 The Committee also noted that the group had reiterated that the work of the Joint IMO/ILO *Ad Hoc* Working Group, if established, should be based on those principles set forth in paragraphs 5.2, 5.3 and 5.4 of the annex to document MEPC 59/16/2, namely, *inter alia*:

- .1 the joint working group should:
 - .1 have an advisory capacity only; and
 - .2 provide advice on matters of common interest referred to it by the two Organizations;
- .2 the mandate given to the joint working group should not conflict or overlap as regards any regulatory function with that currently exercised by any of the bodies of either of the two Organizations or existing interagency mechanism; and
- .3 any new work items that might be recommended by the joint working group for any of the two Organizations were subject to compliance with their rules of procedures and their budgetary and financial procedures and considerations.

16.15 The Committee noted that, following consideration of areas of common interest, as set out in paragraph 5.7 of the annex to document MEPC 59/16/2, the group had noted that medical standards were included in MLC, 2006 and the proposed revised STCW Convention and Joint IMO/ILO guidelines on this issue would ensure a common approach and facilitate implementation. Accordingly, the group had agreed that at present the following issues should be considered:

- .1 guidelines for medical examination of seafarers leading to the issue of medical certificates, pursuant to the requirements of MLC, 2006 and STCW 78, as amended; and
- .2 revision of existing Recommendation No.105 (1958) relating to ships' medicine chests, with a view to harmonizing it with the latest edition of the International Medical Guide for Ships.

16.16 The Committee also noted that the group, recalling the ongoing work associated with the revised WHO/ILO/IMO Ship's Medical Guide, had recommended that WHO should also be invited to participate in the aforementioned working group.

16.17 The Committee noted that some delegations of the group were of the opinion that the title of the Joint IMO/ILO *Ad Hoc* Working Group should be "Joint IMO/ILO *Ad Hoc* Working Group on issues of common interest". Other delegations of the group were of the opinion that the title should only refer to the specific issues to be considered, namely "seafarers' medical examination and ships' medical chest".

16.18 The Committee noted that the Chairman of the Working Group, having consulted the Chairman of the Committee, advised the group that MSC 86 had agreed that such a group, if required, should be established only on an *ad hoc* basis with specific terms of reference for defined subjects. Accordingly, the title of the proposed Joint IMO/ILO *Ad Hoc* Working Group should refer only to “seafarers’ medical examination and ships’ medical chest”.

16.19 In this context, the Committee also noted that the group had agreed that, as and when an urgent need was identified by either ILO or IMO Members on any other issue of common interest, it should be brought to the attention of the appropriate body within the ILO or IMO for consideration with a view to establishing another joint *ad hoc* working group with specific terms of reference.

16.20 In light of the foregoing, the Committee noted that the group had prepared draft terms of reference for the Joint IMO/ILO *Ad Hoc* Working Group, as set out in annex 1 of document MEPC 59/WP.11 and that the composition of the Joint IMO/ILO *Ad Hoc* Working Group, in accordance with past practice, should consist of eight Government representatives nominated by IMO and eight social partner (four shipowners and four seafarers) representatives nominated by ILO.

16.21 The Committee also noted that the group had invited the Maritime Safety Committee to note the discussions of the group relating to the establishment of a Joint IMO/ILO *Ad Hoc* Working Group and approve the convening of a Joint IMO/ILO *Ad Hoc* Working Group and the draft terms of reference, and nominate the IMO participants.

MATTERS RELATED TO THE ISM CODE

Promoting safe behaviour in a safety culture and Duties and Training for Seafarer Safety Representative

16.22 The Committee recalled that, at MSC 84, several delegations had expressed the view that, although there might be a need to amend the ISM Code to include provisions for a seafarers’ safety representative, they had concerns relating to:

- .1 small ships with small crews;
- .2 ships with multi-ethnic crews;
- .3 training;
- .4 relationship with the role of shipboard safety officer; and
- .5 relationship with the master.

MSC 84, in noting these concerns, had agreed that the proposal should be reconsidered at the next session of the Joint MSC/MEPC Working Group on Human Element.

16.23 ITF (MEPC 59/16/3) proposed amendments to the ISM Code to enable full involvement of seafarers in health and safety initiatives.

16.24 Whilst there was a consensus on the importance of, and the need for, a seafarer safety representative (SSR), the Committee did not support the inclusion of requirements for SSR in the ISM Code.

16.25 In this context, the Committee agreed that the following existing guidelines should be amended to include consideration of the SSR:

- .1 Guidelines on the basic elements of a shipboard occupational health and safety programme (MSC-MEPC.2/Circ.3);
- .2 Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies (MSC-MEPC.7/Circ.5); and
- .3 Guidance on the qualifications, training and experience necessary for undertaking the role of the designated person under the provisions of the International Safety Management (ISM) Code (MSC-MEPC.7/Circ.6).

16.26 In light of the foregoing, the Committee agreed that there is no need to include the requirements for SSR in the ISM Code and invited Member Governments and international organizations to submit comments and proposals relating to revision of the above-mentioned existing guidelines to include consideration of the SSR to the next session of the group scheduled to be convened during MSC 87.

16.27 ITF (MEPC 59/16/4) proposed a draft outline of the duties and responsibilities of a seafarer safety representative and the Knowledge, Understanding and Proficiency requirements for a Seafarer Safety Representative to successfully perform in that capacity.

16.28 In this context, the Committee noted STW 40's ongoing discussions regarding training for seafarers' safety representative (SSR) and that the Sub-Committee had agreed to await the outcome of the Joint MSC/MEPC Working Group on the Human Element relating to inclusion of provisions for SSR in the ISM Code with a view to the Committee referring the outcome of that group on this matter and its own decision thereon directly to STW 41 to enable consideration of relevant training requirements for SSR, if required (paragraphs 5.4 to 5.14 of document STW 40/14).

16.29 After an in-depth discussion, the Committee, subject to the concurrent decision of MSC 87, agreed to develop guidance to address the training requirements of SSR and disseminate it by means of an MSC-MEPC.7 circular.

16.30 Accordingly, the Committee prepared a preliminary draft MSC-MEPC.7 circular relating to Guidance on seafarer safety representative training, as set out in annex 2 of document MEPC 59/WP.11, and invited Member Governments and international organizations to submit comments and proposals for consideration by the group at its next session scheduled to be convened during MSC 87. Furthermore, the Committee also instructed STW 41 that, in light of the Committee's decision to disseminate guidance relating to training requirements for seafarers' safety representative by means of an MSC-MEPC.7 circular, there was no need for the Sub-Committee to consider this issue further.

Amendments to the Revised Guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22))

16.31 The Committee recalled that MSC 84, noting that the amendments to the Revised Guidelines on implementation of the International Safety Management (ISM) Code by Administrations would only be adopted at the twenty-sixth session of the Assembly in November/December 2009, had agreed that it would be more appropriate to prepare preliminary text with a view to finalizing it at the next session of the Joint MSC/MEPC Human Element

Working Group to be convened at MEPC 59. Accordingly, MSC 84 had prepared the preliminary draft text of amendments to the Revised Guidelines on implementation of the International Safety Management (ISM) Code by Administrations (MSC 84/WP.6, annex 2) and had invited Member Governments and international organizations to submit comments and proposals for consideration at the session of the Joint MSC/MEPC Working Group on Human Element for finalization with a view to adoption at A 26.

16.32 The Republic of Korea (MEPC 59/16/5) proposed amendments to the revised guidelines on Implementation of the ISM Code by Administrations (resolution A.913(22)) to improve the effectiveness of implementation of the International Safety Management (ISM) Code.

16.33 After an in-depth discussion, the Committee expressed the view that the amendments proposed in document MEPC 59/16/5 could cause confusion in the conceptual application of the revised guidelines and did not agree to the inclusion of the proposed amendments.

16.34 Accordingly, the Committee reviewed and approved the draft text of Guidelines on Implementation of the ISM Code by Administrations (annex 2 of document MSC 84/WP.6) and the associated draft Assembly resolution to supersede Assembly resolution A.913(22), finalized by the group (MEPC 59/WP.11, annex 3), as set out in annex 30, with a view to adoption at A 26.

OTHER ISSUES

ICS/ISF guidelines on the application of the International Safety Management (ISM) Code

16.35 The Committee noted with appreciation the information provided by ICS (MEPC 59/INF.8) relating to the revision of the ICS/ISF Guidelines on the application of the ISM Code.

16.36 In this context, ICS invited interested Member Governments and international organizations to submit comments and proposals directly to ICS for consideration during the revision of the ICS/ISF Guidelines on the application of the ISM Code.

Leadership qualities

16.37 The Committee noted with appreciation the information provided by the United Kingdom (MEPC 59/INF.12) on procedures relating to the identification of core leadership qualities in a safety critical environment.

17 FORMAL SAFETY ASSESSMENT

17.1 The Committee recalled that MEPC 56 had noted that the one matter that needed consideration within the context of the Formal Safety Assessment Guidelines relevant to its work was the draft Environmental Risk Evaluation Criteria. In this connection, the need was recognized to carry out a more in-depth analysis of the proposed environmental risk evaluation criteria for the purpose of the Formal Safety Assessment (FSA) before inclusion of such criteria in the IMO FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392, as consolidated in MSC 83/INF.2).

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

17.3 The Committee also recalled that, while progress had been made on this subject since MEPC 56 through work carried out by the correspondence group, MEPC 58, recognizing that divergent views still remained on some key issues had agreed to retain this agenda item for MEPC 59, and for this purpose, had re-established the correspondence group under the coordination of Greece.

17.4 The Committee noted that MSC 85 had agreed, in principle, to establish an FSA Experts Group at MSC 86 and had invited Member Governments and international organizations to submit, to MSC 86, comments on the FSA studies for review and proposals regarding the terms of reference of the FSA Experts Group.

17.5 The Committee considered the following four documents: MEPC 59/17 (Greece) which contained the work carried out in the intersessional period by the correspondence group; MEPC 59/17/1 (Japan), which provided comments on the draft report of the Correspondence Group and updated its earlier study presented at MEPC 58 (MEPC 58/17/1); MEPC 59/17/2 (Secretariat) which provided information on the progress made at MSC 86 within the context of Formal Safety Assessment which is relevant to the work of the Committee; and MEPC 59/INF.21 (Norway) which contained an analysis of various environmental risk evaluation criteria currently in use or proposed to be used in the future based on an analysis of the available oil spill costs and a comparison made between the existing cost estimation models.

17.6 The chairman of the correspondence group when reporting on the work undertaken in the intersessional period underlined that further progress had been made. Within the context of the CATS criterion, he pointed out that the group was able to reach an agreement in favour of criteria that are expressed on a cost-per volume of spilled oil. The group also agreed that a volume-dependent non-linear scale of a CATS threshold would be preferable to a single CATS threshold. He noted that apparent agreement had also been reached on the frequency matrix in the Hazid step, as well as on the issue of how to handle the issue of collection and reporting of relevant data. However, divergent views still remain on issues such as the severity matrix and the specific non-linear CATS scale, and more time is required to reach convergence on the key issues that are open. As a result, no single set of recommendations can be proposed at this time which will address all the key TORs of the group and to which all the group members subscribe. There is general recognition among members of the correspondence group that more time is needed to discuss the various proposals with some members suggesting that the establishment of a Working Group during MEPC would be beneficial.

17.7 Taking into account the Committee's need to complete this work as early as possible in 2010, the Committee agreed to establish a Working Group on Environmental Risk Evaluation Criteria at MEPC 60.

17.8 The Committee noted that more time was needed to discuss the issues which seemed more complex than originally thought and so as to pave the way for the work of the Working Group at MEPC 60, also agreed to re-establish the correspondence group to prepare a basic

document under the coordination of Professor Harilaos N. Psaraftis (Greece)*, with the following Terms of Reference:

Using documents MEPC 59/17, MEPC 59/17/1 and MEPC 59/INF.21 as a basis, as well as taking into account the comments received at MEPC 59, the correspondence group is instructed to:

- .1 recommend in Step 4 of the FSA an appropriate volume-dependent CATS global threshold scale or function for ascertaining if a specific Risk Control Option (RCO) is cost-effective, including its integration within the FSA methodology;
- .2 recommend a way of combining environmental and safety criteria for those RCOs that effect both environmental and fatality risk;
- .3 conclude on an appropriate risk matrix or index for environmental criteria;
- .4 recommend an appropriate ALARP region and F-N diagram, including an appropriate value for the slope of the F-N curve;
- .5 address the issue of collection and reporting of relevant data;
- .6 prepare draft terms of reference for a working group at MEPC 60; and
- .7 submit a written report to MEPC 60.

17.9 The Committee invited Member States and other interested parties, in particular members of the FSA Expert Group established at MSC 86, to participate in the work of the correspondence group so that a report with concrete recommendations can be prepared for MEPC 60 with a view to reaching well-founded conclusions.

18 DEVELOPMENT OF A GUIDANCE DOCUMENT FOR MINIMIZING THE RISK OF SHIP STRIKES WITH CETACEANS

18.1 The Committee recalled that it and the MSC had partially addressed the ship strikes with the cetaceans issue through the adoption of a mandatory reporting system and routing of ships for the protection of the North Atlantic right whale. The issue was also addressed through revisions to the High-Speed Craft Code, in accordance with SOLAS chapter V (regulation 34) and the guidelines for voyage planning (resolution A.893(21)).

18.2 The Committee also recalled that the matter of the role it should play in the work on ship strikes was first raised at MEPC 55 (9 to 13 October 2006) and the Committee agreed that IMO is the competent body to address ship strikes with cetaceans, and that, at MEPC 57, on the basis of a submission by Australia, Belgium, Italy, IUCN, IFAW and the UNEP/CMS/ASCOBANS Joint Secretariat (MEPC 57/18/2), the Committee agreed to the inclusion of a new high-priority

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item on “Development of a guidance document for minimizing the risk of ship strikes with cetaceans” in the agenda of MEPC 58 (October 2008) with a target completion date of 2010 (three sessions).

Guidance document for minimizing the risk of ship strikes with cetaceans

18.3 The Committee further recalled that at its last session (October 2008), on the basis of a submission by the United States (MEPC 58/18) which provided a draft guidance document in the annex to the document; a submission by Australia and Belgium (MEPC 58/18/1) on information and statistics on ships strikes incidents; and a submission by Spain on national measures enhancing the conservation of cetaceans, it recognized that further work was needed to fully develop the draft guidance document and agreed to invite delegations to provide comments on the draft Guidance document, as submitted by the United States in document MEPC 58/18, with a view to approval at MEPC 59 for circulation as an MEPC circular (MEPC 58/23, paragraph 18.7).

18.4 The Committee noted that no written comments on document MEPC 58/18 had been received. In this connection, the observer of IFAW informed the Committee about further mitigation measures to reduce the occurrence of ship strikes. IFAW suggested the development of an annex on measures aimed at minimizing ships strikes during offshore recreational boating events to be added to the Guidance document on minimizing risk of collision with cetaceans.

18.5 The Committee, having considered the comments provided by IFAW, tasked an informal group to take into account IFAW’s comments as well as any other comments with a view to finalizing the Guidance document. The Committee subsequently approved the document as finalized by the informal group and requested the Secretariat to disseminate it as MEPC.1/Circ.674.

18.6 The Committee, noting that the work for the issue had been completed, decided to delete the item from its agenda.

Measures for minimizing the risks of collisions with cetaceans

18.7 The Committee considered document MEPC 58/19 (Italy, Spain, France and Monaco) concerning “Measures for minimizing the risks of collisions with cetaceans”. The document provided information on the work being undertaken in line with the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) in order to assess the impact of ship strikes affecting large cetaceans, and to identify conservation and mitigation measures that would address this issue, with a view to promoting effective regional coordination.

18.8 The Committee noted the information contained in document MEPC 59/18 and thanked the co-sponsoring delegations (Italy, Spain, France and Monaco) for this submission.

18.9 The Committee also noted the information provided by the delegation of Belgium concerning progress made in collecting ship strikes data through an IWC database as well as a forthcoming regional meeting for the Mediterranean Sea organized by ACCOBOMAS to be held in Monaco in September 2010. The Committee further noted the information provided by the delegation of Argentina on implementation of national measures aimed at minimizing ship strikes in its coastal waters.

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

19.1 The Committee recalled that MEPC 58, having considered a proposal by the United States (MEPC 58/19) on minimizing the introduction of incidental noise from commercial shipping operations into the marine environment to reduce potential adverse impacts on marine life, approved the inclusion of a high-priority item in the agenda of the Committee on “Noise from commercial shipping and its adverse impacts on marine life” with a target completion date of three or four sessions. The Committee also invited Member Governments to submit appropriate documents to this session for consideration.

19.2 The Committee also recalled that it had approved the establishment of an intersessional Correspondence Group, coordinated by the United States, with the following terms of reference:

- .1 identify and address ways to minimize the introduction of incidental noise into the marine environment from commercial shipping to reduce the potential adverse impact on marine life, in particular develop voluntary technical guidelines for ship-quieting technologies as well as potential navigation and operational practices; and
- .2 provide a written report to this session.

19.3 The Chairman of the Correspondence Group, Ms Lindy Johnson (United States), informed the Committee that the bulk of the work conducted during the intersessional period had been focused on responding to a series of technical questions raised by the Correspondence Group Chairman and had also developed a scope of work and basic assumptions. The list of questions, together with the responses received from Correspondence Group members, was contained in annex 1 to document MEPC 59/19.

19.4 The Committee noted that, in discussing basic assumptions, the issue of the interplay between the impact on marine life and incidental noise from commercial ships had generated interest. The Committee acknowledged how noise can impact marine life was highly dependent on the context of exposure and the species in question; and that there is, and will remain, some degree of scientific uncertainty regarding the exact nature, magnitude, and significance of shipping noise impacts on various marine animals. It was also noted that this uncertainty should not preclude working on the issue of quieting technologies for commercial ships. Rather, this should remain an active area of research proceeding in parallel with and informing efforts to reduce the acoustic footprint of commercial vessels.

19.5 The Committee recognized that there may eventually need to be links between specific types of adverse impacts to specific marine animals and specific types of incidental noise from commercial ships. This issue will undoubtedly come to the fore when the Correspondence Group focuses on evaluating the effectiveness and cost of a particular quieting technology or technological solution; an important part of that evaluation will be the potential for effectively alleviating adverse impacts to marine species.

19.6 The Committee also recognized that there is a need for more research in this area; however, any such work should be done simultaneously with the work of the Correspondence Group and it should not stand in the way of moving forward with efforts of the Group.

19.7 The observer of IFAW, on behalf of the co-sponsor (FOEI), informed the Committee (MEPC 59/19/1) about a review, conducted by Renilson Marine Consulting Pty Ltd., of technologies that may be used to reduce underwater noise output from the loudest commercial vessels, the scope of which was guided by discussions of the Correspondence Group established at MEPC 58. He highlighted that, since cavitation noise dominates the underwater noise signature of large commercial vessels, those that suffer from excessive cavitation will be the noisiest. Cavitation may be reduced by improving propeller design and wake flow into the propeller and a variety of technologies exist to do this. Some of these can be retrofitted as well as incorporated into new build. The review identified scope to quieten the noisiest ships using existing technology without reducing their propulsive efficiency. Some technologies that improve efficiency may also reduce noise and operating costs over the lifetime of the vessel. The observer also stressed the need for additional research.

19.8 The delegation of Japan agreed that cavitation noise dominates the underwater noise of large commercial vessels and emphasized that IMO's efforts to reduce GHG emissions, through improvements in energy efficiency, would result in the reduction of underwater noise. The design of new ships will incorporate improvements in propeller and appendages to improve wake flow into the propeller thereby reducing propeller cavitation. Similarly, the reduction in vessel speed, which it viewed as the most effective operational measure to improve the energy efficiency for existing ships, would certainly reduce the cavitation and therefore underwater noise.

19.9 The Secretariat reminded the Committee that, in 2001, the Maritime Safety Committee had considered the revision of the Code on Noise Levels on Board Ships (resolution A.468(XII)), which addressed the adverse impact of noise on the crew and passengers and had adopted a Circular on Guidance on fatigue mitigation and management (MSC/Circ.1014), which recognized that mariner stress and fatigue may be caused by noise on board ships. Any additional guidance taken to address sources of underwater noise from commercial shipping (considered to some extent as wasted energy) could therefore also benefit onboard crew and passengers.

19.10 Having considered the above-mentioned submissions and comments thereon, the Committee:

- .1 noted the information provided by the Chairman of the Correspondence Group and by IFAW and FOEI;
- .2 agreed to re-establish the Correspondence Group under the coordination of the United States^{*}, instructed it to continue its work along the lines of its terms of reference agreed at MEPC 58 (MEPC 58/23, paragraph 19.6), taking into account the relevant work done by MSC (MSC/Circ.1014) which addresses the adverse impact of noise on the crew and passengers, and to provide a written report to MEPC 60;

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- .3 in the context of additional research needs identified by IFAW and FOEI, instructed the Correspondence Group to take into account the issues presented by IFAW and FOEI in its deliberations; and
- .4 invited Member Governments to encourage a review of their merchant fleets in order to identify vessels that would benefit most from efficiency improving technologies that are also likely to reduce underwater noise output and to report the outcome of their reviews to the Correspondence Group for their deliberations.

19.11 The Committee thanked the delegation of the United States for their report and, in particular, Ms Johnson for her effective leadership in this regard.

20 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Application of SOLAS, MARPOL and Load Line requirements to major conversions of oil tankers

20.1 The Committee noted the proposal by the Republic of Korea and IACS (MEPC 59/20) to develop unified interpretations on the extent of the application of the SOLAS, MARPOL Annex I and Load Line Conventions to major conversions of oil tankers in a holistic manner and its inclusion as a new work programme in the DE Sub-Committee.

20.2 The Committee also noted that the proposal by the Republic of Korea and IACS was submitted to MSC 85 and was approved as a new work programme item of the DE Sub-Committee (MSC 85/26, paragraph 23.28 and MEPC 59/WP.4, annex).

20.3 The Committee concurred with the decision of MSC 85 to include a high-priority item on “Interpretation on application of SOLAS, MARPOL and Load Line requirements for major conversion of oil tankers” in the work programme of the DE Sub-Committee with a target completion date of two sessions (MSC 85/26, paragraph 23.28).

Mandatory application of the Polar guidelines

20.4 The Committee noted the proposal by Denmark, Norway and the United States (MEPC 59/20/1) to develop mandatory requirements for application in the Polar Regions to be coordinated by the DE Sub-Committee with a target completion date of 2012.

20.5 The Committee also noted that the submissions by Friends of the Earth International (FOEI), Greenpeace International, IFAW and WWF (MEPC 59/20/5) and WWF (MEPC 59/20/7) supported the proposal by Denmark, Norway and the United States to develop mandatory requirements for the Polar Regions, underscoring the need to improve the management of shipping activities in the Antarctic waters.

20.6 The Committee noted further that MSC 79 was informed of the decisions taken by the XXVIIth Antarctic Treaty Consultative Meeting (ATCM) and a request to IMO to revise MSC/Circ.1056-MEPC/Circ.399 on the Guidelines for ships operating in Arctic ice-covered waters to, among other things, make it applicable to the Antarctic.

20.7 The Committee recalled that, under Agenda Item 11 on the Outcome of MSC 86, the Committee concurred with the decision of MSC 86 and approved the draft Assembly resolution on Adoption of the Guidelines for ships operating in polar waters for submission to the

twenty-sixth session of the Assembly for adoption (MSC 86/26, paragraph 12.22 and annex 18 or MEPC 59/11/3, paragraph 9).

20.8 The Committee noted further that the proposal by Denmark, Norway and the United States was also submitted to MSC 86 and was approved as a new work programme item of the DE Sub-Committee (MSC 86/26, paragraph 23.32 and MEPC 59/WP.4, annex).

20.9 In conclusion, the Committee concurred with the decision of MSC 86 to include a high-priority item on “Development of a mandatory Code for ships operating in polar waters” in the work programme of the DE Sub-Committee with a target completion date of 2012 (MSC 86/26, paragraph 23.32).

Proposed guidelines for a shipboard oil waste pollution prevention plan

20.10 The Committee noted the proposal by the United States (MEPC 59/20/2) to develop guidelines for a shipboard oil waste pollution prevention plan and its inclusion as a new item in the work programme of the DE Sub-Committee.

20.11 The Committee also noted that the submission by IFAW (MEPC 59/20/6) supported, in principle, the proposal of the United States, which would assist vessel owners and crews to fully meet the ISM Code requirements as well as to comply with MARPOL Annex I.

20.12 In accordance with paragraph 2.20 of the Committees’ Guidelines (MSC-MEPC.1/Circ.2), the Chairman made a preliminary assessment (MEPC 59/WP.5, annex 3) on the proposed new work programme by the United States. The Chairman’s assessment showed that the criteria for general acceptance provided in paragraph 2.10 of the Committees’ Guidelines had been met.

20.13 The Committee, having considered the proposal by the United States, approved the inclusion of a high-priority item in the work programme and agenda of the DE Sub-Committee on “Development of guidelines for a shipboard oil waste pollution prevention plan”, with a target completion date of two sessions, including the need for an intersessional correspondence group to facilitate the work.

Work programme and provisional agenda of the BLG Sub-Committee

20.14 The Committee noted that MSC 86 revised and approved the work programme of the BLG Sub-Committee and the provisional agenda for BLG 14, and requested the Secretariat to inform MEPC accordingly (MSC 86/26, paragraphs 23.4 and 23.5, annexes 24 and 25).

20.15 The Committee approved the work programme of the BLG Sub-Committee and the provisional agenda for BLG 14 and requested the Secretariat to inform MSC accordingly. The work programme of the BLG Sub-Committee and provisional agenda for BLG 14 are set out in annex 31 (see also paragraph 10.21).

Work programme and provisional agenda of the FSI Sub-Committee

20.16 The Committee noted that MSC 86 revised and approved the work programme of the FSI Sub-Committee and the provisional agenda for FSI 18, and requested the Secretariat to inform MEPC accordingly (MSC 86/26, paragraphs 23.17 and 23.18, annexes 24 and 25).

20.17 The Committee approved the work programme of the FSI Sub-Committee and the provisional agenda for FSI 18 and requested the Secretariat to inform MSC accordingly. The work programme of the FSI Sub-Committee and provisional agenda for FSI 18 are set out in annex 32.

Work programmes of the DSC, NAV and DE Sub-Committees, which relate to environmental issues

20.18 The Committee noted that MSC 86 revised and approved the work programme of the DSC, NAV and DE Sub-Committees (MSC 86/26, paragraphs 23.7, 23.8, 23.29, 23.30, 23.40 and 23.41, annexes 24 and 25).

20.19 The Committee concurred with the decision of MSC 86 to include, in the work programme of the DE Sub-Committee and provisional agenda of DE 53, a high-priority item on “Development of a mandatory Code for ships operating in polar waters”, with a target completion date of 2012, while noting that MSC 86 noted the views expressed by some delegations that the measures to be applied in Antarctic waters need not necessarily be required in Arctic waters and *vice versa* and should be taken into account during the development of the Code (MSC 86/26, paragraphs 23.32 and 23.33).

20.20 The Committee noted that DE 52, having considered a simplified test procedure for add-on equipment capable of breaking up emulsions that could supplement existing resolution MEPC.60(33)-compliant equipment as well as promotion of Integrated Bilge Water Treatment System (IBTS) as a holistic approach to address the perceived illegal oil discharges related to engine-room management and work, suggested the inclusion of a dedicated item in the DE Sub-Committee’s work programme to deal with the relevant issues (DE 52/21, paragraph 20.25 and MEPC 59/10/4, paragraph 2.3). After an exchange of views, the Committee approved to include a new high-priority item on “Improvement of existing pollution prevention equipment: .1 Development of test standards for type approval of add-on equipment; and .2 Promotion of IBTS” in the work programme and agenda of the DE Sub-Committee with a target completion date of two sessions.

20.21 The Committee then considered document MEPC 59/6/4 (Denmark) on amendments to resolution MEPC.108(49). After an exchange of views, the Committee agreed with the proposal of Denmark to include “Manually operated alternatives in the event of pollution prevention equipment malfunctions” as a high-priority new item in the work programme and agenda of the DE Sub-Committee to address the issue.

20.22 The Committee approved as amended the work programme of the DSC, NAV and DE Sub-Committees as revised and approved by MSC 86 and the inclusion of a new work programme on “Development of guidelines for a shipboard oil waste pollution prevention plan” in the DE Sub-Committee, which relate to environmental issues and requested the Secretariat to inform MSC accordingly. The amended work programmes of the DSC, NAV and DE Sub-Committees, which relate to environmental issues, are set out in annex 33.

Status of planned outputs for the 2008-2009 biennium and proposals for the High-level Action Plan of the Organization and priorities for planned outputs of the Committee for the 2010-2011 biennium

20.23 The Committee recalled that MEPC 58, in preparing the activities and priorities of the Committees, the Chairmen of the Committees and sub-committees noted that the Assembly, at its twenty-fifth session, had adopted resolution A.990(25) on the High-level Action Plan of the

Organization and priorities for the 2008-2009 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 2008-2013 (resolution A.989(25)).

20.24 Having considered document MEPC 59/20/3 and its annex on the status of the planned outputs for the 2008-2009 biennium, as listed in resolution A.990(25) and updated by C 101, the Committee endorsed the status of planned outputs for the current biennium, which included updates by the Secretariat as authorized by the Committee, taking into account the outcome of MEPC 59 and to report to C/ES.25 for action as appropriate.

20.25 The Committee, having considered document MEPC 59/20/4 on proposals for High-level Action Plan of the Organization and priorities for planned outputs of the Committee for 2010-2011 biennium, approved the proposals for the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium relating to the work of the Committee, which included updates by the Secretariat as authorized by the Committee, taking into account the outcome of MEPC 59 and to report to C/ES.25 for action as appropriate.

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

20.26 The Committee approved as amended the items to be included in the agendas for MEPC 60, MEPC 61 and MEPC 62, which are set out in annex 34.

Dates for MEPC 60, MEPC 61 and MEPC 62

20.27 The Committee noted that MEPC 60 would be held from 22 to 26 March 2010 and that MEPC 61 is tentatively scheduled in October 2010 and MEPC 62 in July 2011.

Working/review/drafting groups at MEPC 60

20.28 The Committee agreed, in principle, to establish the following working and drafting groups at MEPC 60:

- .1 Working Group on GHG Issues;
- .2 Working group on Guidelines for Ship Recycling;
- .3 Working Group on Environmental Risk Evaluation Criteria; and
- .4 Drafting Group on Amendments to Mandatory Instruments.

Correspondence Groups

20.29 The Committee agreed to establish the following intersessional correspondence groups, which should report to MEPC 60:

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

Intersessional meetings

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

- .1 OPRC/HNS Technical Group to be held in the week before MEPC 60 in March 2010, which should report to MEPC 60; and
- .2 ESPH Working Group to be held in 2010.

21 APPLICATION OF THE COMMITTEES' GUIDELINES

21.1 The Committee recalled that C/ES.24 had established a correspondence group to develop the Guidelines on the application of the Strategic Plan and the High-level Action Plan, which was reviewed by an *Ad Hoc* Council Working Group on the Organization's Strategic Plan (CWGSP) and considered by C 101 in November 2008.

21.2 The Committee recalled further that C 101 had noted the progress made in developing the Guidelines on the application of the Strategic Plan and High-level Action Plan (C 101/3, paragraphs 5 and 6 and annex 1); and had:

- .1 endorsed the decision of the working group to re-establish the correspondence group;
- .2 approved the holding of an additional session of the working group in 2009 to finalize the guidelines, along with its scheduled session for that year;
- .3 agreed that the finalized guidelines should be adopted through an Assembly resolution; and
- .4 urged Member States and the Chairmen of the Committees and sub-committees to participate actively in the deliberations of both the re-established correspondence group and the working group's next session.

Outcome of the 2009 Chairmen's Meeting

21.3 The Committee noted that the Chairmen of the MSC, MEPC and sub-committees met on 30 May 2009 during MSC 86 to review the draft Guidelines on the application of the Strategic Plan and the High-level Action Plan and prepare draft amendments to the Committees' Guidelines for consideration by the Committees.

Guidelines on the application of the Strategic Plan and the High-level Action Plan

21.4 The Committee noted that the 2009 Chairmen's Meeting, having received a presentation on the draft Guidelines on the application of the Strategic Plan and the High-level Action Plan finalized by the Council Working Group (CWGSP 9) and submitted to C 102 for consideration (C 102/3(a), annex), noted that the Guidelines were intended to strengthen existing working practices through the provision of enhanced procedures for the planning, resourcing and delivery of, as well as reporting on, the Organization's work, in line with the Strategic and High-level Action Plan.

21.5 The Committee noted the following views expressed at the 2009 Chairmen's Meeting on the draft Guidelines, which MSC 86 agreed to forward to C 102 for action as appropriate with a view to approval and subsequent adoption by A 26:

- .1 with regard to the endorsement of the unplanned outputs by the Council, the responsibility of the Committees of taking actions under various Conventions should be addressed;
- .2 the unique working methods of the Legal Committee and the Technical Co-operation Committee should be taken into consideration, bearing in mind the principled nature of their work;
- .3 the issue of the resource and financial implications of both planned and unplanned outputs for both the Organization and Member Governments should be considered within the mechanism;
- .4 the Committees and the sub-committees should apply the Guidelines as far as reasonably practicable after adoption by A 26, taking into account that full implementation thereof would not be possible unless the Committees have aligned their own Guidelines with the new Guidelines;
- .5 the current practice for approving new work programme items under the current Committees' Guidelines should continue until the Committees are ready to implement the new Guidelines;
- .6 views of the Chairmen of the MSC, MEPC and sub-committees should be taken into account in the development of the migration plan by CWGSP detailing the practical steps required to support the effective transition from current arrangements to full implementation of the Guidelines throughout the Organization; and
- .7 the new responsibilities envisaged for the Chairmen of the Committees and sub-committees should be described in the Council's migration plan.

21.6 The Committee noted that C 102 (29 June to 3 July 2009) considered and approved, in principle, the draft Guidelines on the application of the Strategic Plan and High-level Action Plan, which would be submitted to the Assembly for adoption (C 102/WP.2, paragraph 3(a).2).

Amendments to the Committees' Guidelines

21.7 The Committee noted that MSC 86, in discussing draft amendments to the Guidelines on the Organization and Method of Work of the MSC and MEPC and their Subsidiary Bodies (MSC-MEPC.1/Circ.2), highlighted the following principles to serve as the basis for further consideration of the issue:

- .1 the consideration of the need and compelling need for new work programme items remains entirely with the Committees and should not be reopened by sub-committees, as such;
- .2 the Committees filter the proposals and decide on the inclusion of new items in the work programmes and agenda of the sub-committees, without pre-deciding on the outcome of the technical or operational consideration, which may bring the sub-committees to recommend that the work cannot be completed;

- .3 sub-committees should carry out the work on substance and should not deviate from the instructions received from Committees; and
- .4 as much information as possible should be gathered by the proponent(s) when putting forward proposals for new work programme items but it should not be assumed that sufficient information is always available at the time of the proposals.

21.8 On the draft amendments to the Guidelines (MEPC 59/21/1, annex 3), the Committee noted that MSC 86 agreed to re-visit the matter at MSC 87 (May 2010) concerning how the text of the draft amendments could be improved to address the issue about new work programme, in particular for the sub-committees (MEPC 59/11/3, paragraph 16).

21.9 The Committee agreed to consider the matter further at MEPC 61 (October 2010), taking into account the decision of MSC 87 as appropriate.

21.10 The delegation of the Bahamas concurred with the final conclusion of the Chairman to consider the draft amendments to the Committee's Guidelines regarding new work programme items, in particular for the sub-committees at MEPC 61 after MSC 87.

21.11 The observer of INTERTANKO sought procedural clarification regarding its document MEPC 59/6/13 submitted within the 7-week deadline (in accordance to paragraph 4.10.5 of the Committees' Guidelines) commenting on document MEPC 59/6/9 (submitted by the Republic of Korea within the 9-week deadline in accordance with paragraph 4.10.4 of the Committees' Guidelines), which was accepted by the Secretariat even though paragraph 4.10.5 refers to documents commenting on those submitted under paragraphs 4.10.2 and 4.10.3 of the Committees' Guidelines (within the 13-week deadline).

21.12 The Committee was informed that the Chairman authorized the Secretariat to accept the submission by INTERTANKO (MEPC 59/6/13) and that the documents submitted under a similar situation would be accepted by the Secretariat. The Committee was further informed that, in the ongoing process to revise the Committees' Guidelines, consequential amendments would be considered at MEPC 61 to address any inconsistencies.

22 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2010

22.1 In accordance with rule 17 of the Rules of Procedure, the Committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman for 2010, and elected Captain Manuel Nogueira (Spain) as Vice-Chairman for the rest of 2009 and for 2010.

23 ANY OTHER BUSINESS

Clean Shipping Project: A choice for sustainable transportation

23.1 The observer of FOEI introduced the Clean Shipping Project: A choice for sustainable transportation (MEPC 59/23). While noting that the environmental performance of the maritime industry had improved gradually, thanks to developments in IMO, the observer stressed that turning shipping into a real sustainable industry needed additional instruments, such as the Swedish Clean Shipping Project.

23.2 Several delegations expressed agreement that the Clean Shipping Project delivered tangible environmental benefits.

23.3 In the ensuing discussion the Committee invited Member States and observers to consider the use of similar systems.

Cooperation between the Basel Convention and IMO

23.4 The Committee recalled that MEPC 56 had considered a submission by the Netherlands (MEPC 56/22/2) which informed the Committee about the incident in Côte d'Ivoire related to the disposal of slops from the Probo Koala in 2006. The Committee also recalled that it had invited Member States and non-governmental organizations to submit details of any relevant industrial production processes on board ships to the Netherlands, so as to assist the Netherlands in its consideration over whether a new work programme item on this matter should be proposed for consideration by the Committee at a later stage. No such feedback has been received to date.

23.5 The representative of the Secretariat of the Basel Convention informed the Committee (MEPC 59/23/1) about Decision IX/12, adopted by the ninth meeting of the Conference of the Parties to the Basel Convention, on cooperation between the Basel Convention and the International Maritime Organization.

23.6 The Committee noted that the decision reiterated an earlier invitation to Parties to the Basel Convention and others to continue to provide information and views on the respective competencies of the Basel Convention and the MARPOL Convention and any gaps between those instruments. The decision also requested the Secretariat of the Basel Convention, *inter alia*, to keep IMO informed, as appropriate, of any developments on the subject of the decision arising in the context of the Basel Convention and to monitor any consideration by the MEPC on industrial production processes on board ships at sea, or any consideration of the respective competencies of the Basel Convention and MARPOL. The Committee also noted that the seventh session of the Open-ended Working Group of the Basel Convention, which is scheduled to be held in May 2010, will consider the information identified.

23.7 The Committee invited the Basel Convention Secretariat to provide updated information, when available, to a future session of the Committee.

Restructuring of the ISO Committee on Ships and Marine Technology

23.8 The Committee noted, with appreciation, the information provided by the International Standards Organization (ISO) on the recent restructuring of its ISO/TC8 Committee on Ships and Marine Technology (MEPC 59/INF.16). This new structure was agreed by the TC 8 Committee to ensure economic, effective and efficient support to their stakeholder's current and future market needs.

World Maritime Day 2009 Climate Action Plan

23.9 In considering document MEPC 59/INF.30 (Secretariat), which reported on the World Maritime Day 2009 Climate Action Plan, the Committee noted that, following the decision of the 100th session of the Council in June 2008 to nominate the World Maritime Day theme for 2009 as "**CLIMATE CHANGE: A challenge for IMO too!**", the Secretariat had developed a Climate Action Plan that seeks to implement a range of outreach and awareness activities to reinforce the theme's important message.

23.10 The Committee also noted that, while the main celebrations of World Maritime Day 2009 are observed during the week of 21 to 25 September 2009 at IMO Headquarters, the IMO Climate Action Plan targeted a broad range of outreach and awareness activities to

reinforce the important message on climate change throughout 2009 and beyond. It was further noted that IMO's Climate Action Plan aims to focus, not only on its key constituency, but on all stakeholders, including: other UN agencies; regional and other intergovernmental Organizations; IMO Member Governments, shipping and ancillary industries, IMO staff and the public at large.

23.11 The Committee invited Member Governments to develop and implement similar initiatives to reduce GHG emissions from shipping and mitigate climate change.

The Secretary-General's closing remarks

23.12 At the end of the session, the Secretary-General delivered his closing remarks, which are contained in annex 35.

(The annexes will be issued as an addendum to this document.)
