



MARINE ENVIRONMENT PROTECTION
COMMITTEE
45th session
Agenda item 20

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**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE
ON ITS FORTY-FIFTH SESSION**

Section	Paragraph Nos.	Page No.
1 INTRODUCTION	1.1 - 1.21	4 - 10
2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER	2.1 - 2.24	10 - 14
3 IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC-HNS PROTOCOL AND RELEVANT CONFERENCE RESOLUTIONS	3.1 - 3.12	14 - 16
4 HARMFUL EFFECTS OF THE USE OF ANTI-FOULING PAINTS FOR SHIPS	4.1 - 4.76	16 - 26
5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	5.1 - 5.14	26 - 28
6 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS	6.1 - 6.11	28 - 31
7 INTERPRETATION AND AMENDMENTS OF MARPOL 73/78 AND RELATED CODES	7.1 - 7.107	32 - 53
8 PREVENTION OF AIR POLLUTION FROM SHIPS	8.1 - 8.25	53 - 56
9 REPORTS OF SUB-COMMITTEES	9.1 - 9.8	56 - 62
10 WORK OF OTHER BODIES	10.1 - 10.19	63 - 65

Section	Paragraph Nos.	Page No.
11 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL 73/78 AND RELATED CODES	11.1 - 11.15	65 - 68
12 INF CODE RELATED MATTERS	12.1 - 12.6	68
13 FORMAL SAFETY ASSESSMENT INCLUDING ENVIRONMENTAL INDEXING OF SHIPS	13.1 - 13.7	69 - 70
14 MATTERS RELATED TO THE 1973 INTERVENTION PROTOCOL	14.1 - 14.7	70 - 71
15 TECHNICAL CO-OPERATION PROGRAMME	15.1 - 15.9	71 - 73
16 APPLICATION OF THE COMMITTEES' GUIDELINES	16.1 - 16.8	73 - 75
17 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES	17.1 - 17.14	75 - 77
18 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2001	18.1 - 18.4	77
19 ANY OTHER BUSINESS	19.1 - 19.17	77 - 79

ANNEXES

ANNEX 1	AGENDA FOR THE FORTY-FIFTH SESSION INCLUDING LIST OF DOCUMENTS
ANNEX 2	DRAFT TEXT OF THE INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS
ANNEX 3	RESOLUTION MEPC.89(45) – AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973
ANNEX 4	RESOLUTION MEPC.90(45) – AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (IBC CODE)
ANNEX 5	RESOLUTION MEPC.91(45) – AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (BCH CODE)

- ANNEX 6 CHANGES TO THE GUIDELINES FOR THE DESIGNATION OF SPECIAL AREAS UNDER MARPOL 73/78 AND GUIDELINES FOR THE IDENTIFICATION OF PARTICULARLY SENSITIVE SEA AREAS
- ANNEX 7 RESOLUTION MEPC.92(45) - AMENDMENTS TO THE REVISED GUIDELINES FOR THE IMPLEMENTATION OF ANNEX V OF MARPOL 73/78 (RESOLUTION MEPC.59(33))
- ANNEX 8 DRAFT AMENDMENTS TO MARPOL ANNEXES I, II, IV AND VI ON THE USE OF SPANISH
- ANNEX 9 DRAFT TEXT OF REVISED REGULATION 13G OF MARPOL ANNEX I
- ANNEX 10 RESOLUTION MEPC.93(45) – AMENDMENTS TO THE STANDARD SPECIFICATION FOR SHIPBOARD INCINERATORS
- ANNEX 11 WORK PROGRAMMES OF THE FSI AND BLG SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS
- ANNEX 12 INSTRUCTIONS TO THE DE SUB-COMMITTEE
- ANNEX 13 SUBSTANTIVE ITEMS TO BE INCLUDED IN THE AGENDAS FOR MEPC 46, MEPC 47 AND MEPC 48
- ANNEX 14 STATEMENT BY THE DELEGATION OF GABON

1 INTRODUCTION

1.1 The forty-fifth session of the Marine Environment Protection Committee was held at IMO Headquarters from 2 to 6 October 2000 under the chairmanship of Mr. Michael Julian (Australia).

1.2 The session was attended by delegations from:

ALGERIA	JAPAN
ANGOLA	KUWAIT
ANTIGUA AND BARBUDA	LATVIA
ARGENTINA	LIBERIA
AUSTRALIA	LITHUANIA
BAHAMAS	LUXEMBURG
BANGLADESH	MALAYSIA
BARBADOS	MALTA
BELGIUM	MARSHALL ISLANDS
BOLIVIA	MEXICO
BRAZIL	NAMIBIA
BULGARIA	NETHERLANDS
CANADA	NEW ZEALAND
CHILE	NORWAY
CHINA	PANAMA
COLOMBIA	PERU
COSTA RICA	PHILIPPINES
CROATIA	POLAND
CUBA	PORTUGAL
CYPRUS	REPUBLIC OF KOREA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	ROMANIA
DENMARK	RUSSIAN FEDERATION
DOMINICA	SAINT VINCENT AND THE GRENADINES
ECUADOR	SAUDI ARABIA
EGYPT	SINGAPORE
ESTONIA	SOUTH AFRICA
FINLAND	SPAIN
FRANCE	SWEDEN
GABON	SYRIA
GERMANY	THAILAND
GHANA	TRINIDAD AND TOBAGO
GREECE	TUNISIA
HONDURAS	TURKEY
INDIA	UKRAINE
INDONESIA	UNITED KINGDOM
IRELAND	UNITED STATES
ISRAEL	URUGUAY
ITALY	VANUATU
JAMAICA	VENEZUELA

by representatives from the following associate Member of IMO:

HONG KONG, CHINA

by representatives from the following United Nations and Specialized Agencies:

UNITED NATIONS (UN)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUNDS)
BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION
(HELSINKI COMMISSION)
ARAB FEDERATION OF SHIPPING (AFS)
LEAGUE OF ARAB STATES
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE
ENVIRONMENT (ROPME)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL SHIPPING FEDERATION LIMITED (ISF)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL NAVIGATION ASSOCIATION (PIANC)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
INTERNATIONAL CARGO HANDLING CO-ORDINATION ASSOCIATION (ICHCA)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL ASSOCIATION OF THE INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)
ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED
(ITOPF)
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL
RESOURCES (IUCN)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS
LTD (SIGTTO)
GREENPEACE INTERNATIONAL
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)

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 ENGINEERS (IME)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)

The Chairman of the Maritime Safety Committee (MSC), Mr. T. Allan (United Kingdom), the Chairman of the Technical Co-operation Committee (TCC), Captain M.U. Ahmed (Bangladesh), the Chairman of the Facilitation Committee (FAL), Mr. L. Barchue, Sr. (Liberia), the Chairman of the Sub-Committee of the Ship Design and Equipment (DE), Mr. A. Chrysostomou (Cyprus), the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. M. Böckenhauer (Germany) and the Chairman of the Sub-Committee on Stability and Load Lines and Fishing Vessels Safety (SLF), Commander (HCG) A. Carcantzos (Greece) were also present.

1.3 The Secretary-General welcomed participants and stated that the importance of this meeting could not be over-emphasized. The Committee would consider issues stemming from the sinking of the **Erika** and the measures proposed to accelerate the phase-out of single-hull oil tankers. The draft Convention for Anti-fouling Paints should be approved during this session and substantive headway had to be made towards developing the new instrument on ballast water management. There were also a number of other important agenda items.

1.4 The Secretary-General referred to the accident last week when the entire maritime community was shocked by the tragic sinking of the passenger ferry **Express Samina** off the Greek island of Paros with the loss of precious human lives. Once again, that accident came as a grim reminder of the perils associated with maritime ventures. The Secretary-General stated that IMO owe it to those who lost their lives in the stormy waters of the Aegean Sea to redouble IMO's efforts and determination to work even harder to improve safety at sea and environmental protection.

1.5 Turning to the **Erika**, the Secretary-General stated that, since January of this year, he had repeated his remarks at almost all the meetings of the sub-committees, the MEPC, the MSC and the Council which had taken place, suggesting that it would be wise to refrain from acting hastily. He added that prudence would suggest that the investigation into the cause of the accident should be accelerated and the results made known as soon as possible so that, if any action was needed to be taken **at the regulatory level**, it could be introduced into IMO where decisions could be made rapidly after all aspects had been carefully considered. In the meantime, he appreciated receiving the preliminary report on the accident prepared by the French authorities as well as the recent information that the final report would be submitted to the Organization shortly. He also appreciated receiving a draft report on the accident sent to him by the Maltese Maritime Authority.

1.6 Taking into account statements made in Europe that action might be taken regionally or unilaterally, the Secretary-General stated that he considered it necessary to reiterate the firm

position he had expressed on various occasions in the past, namely that IMO should, always and without exception, be regarded as the **only** forum where safety and pollution prevention standards affecting international shipping should be considered and adopted. Regional, let alone unilateral, application of national requirements to foreign flag ships which go beyond IMO standards would be detrimental to international shipping, to the international regulatory regime and to the functioning of IMO itself and should, therefore, be avoided. At the same time the Secretary-General expressed the hope that Governments would realize the benefits of bringing all safety and environmental issues to this Organization. For his part, the Secretary-General pledged that IMO's reaction to any proposals to improve the situation would, within the procedures laid down in the relevant IMO instruments, be decisive and rapid. With his associates and following consultations with the Chairmen of the MEPC and MSC, the Secretary-General worked out a timeframe in which the matter could be taken forward in the most expeditious manner, including advancing the date of MEPC 46 to bring it as close as possible to the present session of MEPC. Against this background, the Secretary-General welcomed a communication from the Ministers of Foreign Affairs and of Transport of France, recognizing IMO as the natural forum for the discussion of maritime transport safety and environmental issues, and all the other proposals subsequently submitted for discussion by the MEPC.

1.7 The Secretary-General stated that, once the submissions had been made, the true significance of this session became apparent and he was then concerned with two things:

- first, that if the Committee were not satisfied that it had an unbiased analysis of the implications of the proposed amendments to MARPOL accompanied by all the information required by the Guidelines on the organization and method of work, the Committee might request that the matter be deferred to a future session until such information could be made available. This would certainly leave IMO open to criticism for not showing sufficient sensitivity regarding a matter of grave concern to the maritime and environmental communities and for not being able to react and respond, in a timely and appropriate manner; and
- secondly, that if the background information before the Committee was insufficient, the Committee might make inappropriate decisions on matters of the utmost importance.

1.8 The Secretary-General stated that, to deal with these concerns, he decided to commission, at no cost to the Organization, a study on the impact of the proposed amendments to MARPOL 73/78, which he entrusted to an informal group of industry experts and the Secretariat. He personally instructed the group to prepare an objective study containing facts and data only, to refrain from making comments which might jeopardize the impartial character of the exercise and to aim at assisting the Committee to make well-informed decisions. The outcome of this concerted effort is contained in document MEPC 45/7/6/Add.1 and MEPC 45/INF.29. The Secretary-General thanked the experts for their hard work to prepare the study in a very short period of time over the course of the summer and also thanked their organizations for making them available.

1.9 The Secretary-General stated further that, it is against considerations such as these that the Committee is invited, following deep and thorough consideration and examination of the proposals which have been submitted, to strike the right balance between the various technical, environmental, commercial and political considerations involved. The task would not be easy but he is confident that the renowned IMO spirit of co-operation and the wish to succeed through compromise would help the Committee to reach the correct decisions which the industry and the environment need and the world maritime community expects. These are testing times and it is in the interests of all parties concerned to help the Organization to summon all the support and

co-operation needed so that it will be able to continue to serve an industry as international in character as shipping.

1.10 Turning to other items on the agenda, the Secretary-General noted that the Committee would review the draft International Convention on the Control of Harmful Anti-fouling Systems on an article-by-article basis with a view to approval for its circulation in time for the diplomatic conference planned in next year. Noting that the paint industry had realized the importance of supplying replacement paints in time for the implementation of the Convention, the Secretary-General stated that the Committee should take into account the latest developments when considering the draft Convention.

1.11 With regard to the introduction of non-indigenous organisms and their harmful effects on the marine environment, the Secretary-General noted that, since a diplomatic conference was planned in the next biennium, it was important for the Committee to reach a common basic understanding at this session on key issues, such as the application provisions, area concepts, standards for evaluating ballast water management options and a benchmark which new treatment technologies would have to meet, so as to finalize the legal instrument in time for the planned conference.

1.12 The Secretary-General stated that follow-up action to the OPRC-HNS Protocol was necessary and the Committee should consider how to respond to pollution incidents of heavy fuel oils, the difficulty of which was highlighted by the **Erika** incident. Although measures for prevention of such accidents were of prime concern at this session, the Committee should also pay attention on how to improve the response to such incidents, including research and developments for future pollution combat techniques.

1.13 The delegation of Greece thanked the Secretary-General for his remarks concerning the tragic sinking of the passenger ferry **Express Samina** off the Greek island of Paros with the loss of precious human lives. The cause of the accident is being investigated, however, it may be noted that, according to some indications, human error is not in absence for this accident. Therefore the matter of human element should continue to be an important issue for IMO in the search for safer shipping and more protection of the marine environment.

1.14 The delegation of France expressed sympathy to Greece for the tragic loss of **Express Samina**. Turning to **Erika**, the delegation of France thanked the Secretary-General for the efforts made particularly by advancing the timing of MEPC 46 so that any proposed amendments to MARPOL approved at this session of the Committee may be adopted in the shortest timeframe possible. France called for prompt and strong action to draw lessons from **Erika**, that is why in February France sent memoranda to IMO, the IOPC Funds and the European Commission requesting action within their competence. The French Government perceives that deficiencies in the current MARPOL requirements should be corrected with a view to tightening the “safety-net” for ships. For this week the proposed amendments to MARPOL to speed up the gradual phase-out of single-hull tankers are now before the Committee in document MEPC 45/7/3. France thanked the Secretary-General for commissioning the study on the impact of the proposals which will definitely help the Committee to make well-informed decisions. During the summer time, France participated in the consultations working on an acceptable compromise. The French delegation stressed that France has had more than its share of oil tanker accidents off its coast and that the French Government have to act and will act. However, the French delegation recalled that the French Government favoured an international approach, believing IMO is able to find a solution.

1.15 The delegation of Malta also expressed sympathy to Greece for the tragic loss of lives in the **Express Semina** casualty. Malta said that the Greek authorities were undoubtedly investigating the casualty in a very serious manner and that third parties should refrain from rushing into conclusions.

The delegation of Malta said that the Malta Maritime Authority, as the flag State Administration, had concluded its investigation into the loss of **Erika** on the basis of the information and evidence available to date,. The investigation aimed to determine the circumstances relevant to the casualty and the causal factors to help prevent similar accidents. The report, which in its draft form had been forwarded to the interested parties for their substantiated comments, has now been finalized. The hard copy of the report has been sent to the interested parties and is also generally available in electronic format on CD. The Maltese representative gave a brief description of the report quoting that corrosion and quality of repairs and surveys were at the heart of the **Erika** problem and that the single-hull or double-hull issue is not relevant to the casualty. The report also contained a number of recommendations some of which were directed to IMO. The Maltese delegation said that the investigation had been conducted in a highly professional manner and the report reflected the serious approach taken by Malta. Thanks were expressed to all those who had assisted in the investigation including the Salvage Association. Malta, however, expressed its concern about the lack of co-operation from certain parties and that access to certain evidence and information had been blocked, adding that if further evidence became available to the Maltese authorities, this would be circulated to all members of the investigating team and if necessary a supplementary report will be issued.

1.16 The delegation of Germany fully supported the statement by France. Many accidents in the past have shown that maritime safety has a price, bearing in mind that any coastal country might be a victim of ecological catastrophes comparable to the one caused by **Erika**. Therefore the Committee should take concerted and appropriate action in response to the **Erika** disaster. In the view of Germany, single-hull tankers pose unnecessary risks to the marine environment and their phase-out should be accelerated, recognizing that earlier phase-out of these tankers is not the one and only solution. To find a compromise acceptable to all delegations will not be an easy task for the Committee since other factors, including economic impacts, have to be taken into account. The delegation of Germany expressed its willingness to work with all delegations to prepare draft amendments to regulation 13G this week so as to allow the shipping industry the maximum period for preparation.

1.17 The delegation of Gabon referred to a collision accident of a timber carrier with a container ship in June 2000 off its coast, which resulted in leakage of fuel oil, causing serious pollution to its coast. One of the collided vessels went aground later on, posing danger to navigation. The delegation of Gabon expressed its gratitude to the European Union for helping them to conduct the accident investigation, and called on IMO to offer assistance to prevent future accidents. At the express request of the delegation of Gabon, a full text of the statement is set out in annex 14.

1.18 The delegation of Italy stressed the importance of protecting the environment of enclosed seas like the Mediterranean from pollution by ships transporting oil and other toxic cargoes, and stated that new and revised regulations are needed.

1.19 The Chairman, in response to the Secretary-General's opening address regarding the significance of the work of the Committee in protecting the marine environment particularly in dealing with the **Erika** incident and the proposals to speed up the phase-out of single-hull oil tankers at this session, stressed strongly the importance of this meeting of the Committee and the need to obtain the best outcome for the marine environment and the Committee.

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

1.21 The agenda for the session, as adopted by the Committee, together with the list of documents considered under each item, is shown at annex 1.

2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Introduction

2.1 The Committee recalled discussions on the issue of harmful aquatic organisms and pathogens in ballast water since 1990 and, in particular, that MEPC 44 had agreed to further consider the draft legal instrument with a view to its adoption at a Diplomatic Conference on Ballast Water Management to be held during the biennium 2002 – 2003. The Committee noted that this deadline should not give room for complacency, as that Conference would be only three MEPC sessions away (including this session) and all the time available would be needed to finalize the text of a legal instrument on this very complex subject.

2.2 The Committee further noted that, at MEPC 44, many ballast water issues had been considered. On the basis of detailed instructions by the Committee, the Ballast Water Working Group had produced a new outline for the draft “Convention for the control and management of ship’s ballast water and sediments”, which is appended in annex 3 to its report (MEPC 45/2). This draft Convention was based on a two-tiered approach as follows:

- .1 tier one would require all ships to meet certain baseline requirements for ballast water management at all times throughout the world; and
- .2 tier two would enable ballast water control areas to be designated by contracting parties where additional measures could be required.

2.3 The Committee further noted that the Working Group had also discussed several issues in detail as described in its report including:

- .1 application of the arrangements including the elaboration of a two-tiered approach;
- .2 development of standards for ballast water management and control options;
- .3 setting of standards;
- .4 technical evaluation of treatment options;
- .5 equivalency of treatment methods;
- .6 standardization of sampling techniques;
- .7 responsibility of the Organization;
- .8 contents of the Ballast Water Management Plan and the Ballast Water Record Book; and

.9 phasing in of existing vessels and the application of provisions to new vessels.

2.4 The Chairman stressed the importance of reaching agreement at this session on the recommendation of the Working Group to apply the two-tiered approach, so that the Working Group could continue its work on this basis.

Report of the Ballast Water Working Group at MEPC 44

2.5 The Committee approved, in general, the report of the Ballast Water Working Group at MEPC 44 (MEPC 45/2) as a basis for further discussion and agreed that the Working Group should continue the development of a legal instrument based on the draft text appended in annex 3 to document MEPC 45/2, taking into account the discussion on key issues, as well as other points raised in plenary.

2.6 Furthermore, the Committee agreed, in principle, to consider the development of a joint MEPC/MSC circular emphasizing the need for ballast water and sediment management options to be taken into account when developing and building new ships but deferred a final decision on this matter until the contents of the circular had been resolved by the Working Group.

Consideration of documents submitted to the Committee on this agenda item

2.7 The Committee considered document MEPC 45/2/9 submitted by the United States, which provided its view on how the two-tier approach might operate. In the view of that delegation, tier one would contain requirements for all ships, both new and existing, while tier two would provide contacting parties with the ability to designate areas where further measures to those set out in tier one could be required.

2.8 The Committee also considered document MEPC 45/2/1 submitted by IACS, which gives a detailed hazard identification and assessment for a selected bulk carrier and focuses on ballast water exchange applying the sequential method, i.e., emptying and refilling of tanks/holds.

2.9 The Committee noted all other documents submitted under this agenda item and referred these and the abovementioned documents for detailed consideration by the Working Group.

2.10 The observer from IUCN informed the Committee of its recent publication entitled: "A Guide to Designing Legal and Institutional Frameworks on Alien Invasive Species".

Instructions to the Ballast Water Working Group

2.11 The Ballast Water Working Group was instructed to:

- .1 further develop a draft instrument based on the annex to document MEPC 45/2 taking into account the general comments on this document contained in documents MEPC 45/2/9 (United States), MEPC 45/2/12 (Australia) and MEPC 45/2/16 (Brazil);
- .2 consider the development of a joint MEPC/MSC circular emphasizing the need for ballast water and sediment management options to be taken into account when developing and building new ships;

- .3 further consider the six unresolved key issues listed in chapter 8 of document MEPC 45/2:
 - .1 the standardization of sampling techniques taking into account document MEPC 45/2/7 by Germany;
 - .2 the responsibilities of port, flag and coastal States;
 - .3 the responsibility of the Organization, i.e. in identifying a body for scientific advice to evaluate existing and new methods and elaborate a protocol or guidance for setting standards, taking into account document MEPC 45/2/8 by Germany;
 - .4 the contents of the Ballast Water Management Plan and the Ballast Water Record Book;
 - .5 the phasing in of existing vessels; and
 - .6 the entry into force of provisions;
- .4 consider the specific questions raised regarding ballast water exchange at sea (documents MEPC 45/2/1 (IACS), MEPC 45/2/4 and MEPC 45/2/5 (Spain), MEPC 45/2/15 (Israel), and MEPC 45/2/10 and MEPC 45/INF.26 (Canada));
- .5 consider the regulations regarding reception facilities for ballast water in light of documents MEPC 45/2/3 and MEPC 45/2/6 (Spain);
- .6 consider the role of co-regulation in minimizing risks based on document MEPC 45/2/14 (Australia);
- .7 take note of the information in documents MEPC 45/2/13 (Australia), MEPC 45/INF.13 (Secretariat) and MEPC 45/INF.21 (INTERTANKO) and comment as appropriate; and
- .8 give an oral report to Plenary on Thursday afternoon and a full report of the Working Group to the next session of MEPC.

2.12 In finalizing the instructions to the Ballast Water Working Group, the Chairman of the Committee stressed the urgency to move forward in completing the draft instrument to reach agreement on the outstanding issues mentioned in paragraph 2.11.3 above. He also pointed out that the Working Group should not go over old ground and reiterate earlier discussions.

Oral report of the Ballast Water Working Group

2.13 The Committee received an oral report from the Chairman of the Ballast Water Working Group, Mr. M. Hunter (United Kingdom), reflecting the status of work carried out by the Group during this session as reflected in the following paragraphs:

2.14 In line with the direction from Plenary, the Working Group further developed text for the draft instrument focusing first on the “Two-Tier” approach to the application of ballast management requirements.

2.15 The Group developed text for Tier 1 concerning requirements which would apply to all ships, mandatory requirements of a Ballast Water and Sediments Management Plan, a Ballast Water Record Book and a requirement that new ships shall carry out ballast water and sediment management procedures to a given standard or a range of standards. The Working Group further agreed that existing ships should also be required to carry out ballast water management procedures after a phase-in period, but recognized that these procedures may differ from those to be applied to new ships.

2.16 With regard to Tier 2, the Group considered text for the Special Requirements, which may apply in Certain Areas, including procedures and criteria for the designation of such areas in which additional controls may be applied to the discharge and/or uptake of ballast water. The Group recognized that this needs further consideration.

2.17 Further consideration of the ballast water exchange technique and the documents which were submitted to this session commenting on aspects of the technique, led the Working Group to a number of conclusions:

- .1 it was recognized that ballast water exchange is of variable efficiency in removing organisms so that the percentage removal depends on the type of organism. Furthermore the discharged water quality depends on the original quality of the water taken up;
- .2 ballast water exchange is limited in the geographical areas within which ballast water may be exchanged; and
- .3 whilst existing ships are limited in terms of the operational constraint within which ballast may be exchanged, new ships may be designed to accommodate ballast exchange in a much wider range of circumstances.

2.18 The Working Group confirmed its view that whilst ballast exchange is the only widely used technique which is available at present, and its use should continue to be accepted, nevertheless the limitations which have been identified led the Group to the opinion that development of alternative treatment technologies may produce substantially more reliable techniques and that exchange is an interim solution, although the Group has yet to consider the question of “grandfather clauses” in relation to existing ships. The Group believed that it is important to acknowledge that ballast water exchange is an interim solution.

2.19 With regard to future work, the Working Group considered that the finalized text of the draft instrument will not be available until MEPC 47 and agreed that the principal issue left outstanding and to be resolved is the development of the standards that will be required.

2.20 The Group identified this as being a two-step process. Initially it will have to be agreed whether Standards will be required for the process or equipment, or whether they will be required for the ballast water being discharged from ships, or a combination of these two. Once this decision has been made, the details of the Standards can be developed. Delegations are invited to give this issue special consideration inter-sessionally, so that requirements can be substantively agreed at MEPC 46.

2.21 The delegation of India expressed its reservations regarding application of more than baseline requirements to existing ships. India would present its views on this issue to MEPC 46.

2.22 The delegation of France noted that the definition of zones for the discharge and/or uptake of ballast water should be given careful consideration in light of the provisions of the UN Convention on the Law of the Sea and undertook to present a document to MEPC 46 in this issue.

2.23 The Committee acknowledged the importance of developing standards for ballast water management and invited Member States to submit specific proposals to MEPC 46.

2.24 The Committee agreed to consider a full written report of the Working Group in detail at MEPC 46 with a view to making further progress in preparation of the draft legal instrument for consideration by the Diplomatic Conference on Ballast Water Management to be held during the next biennium 2002-2003.

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

Report on the Conference on International Co-operation on Preparedness and Response to Pollution Incidents by Hazardous and Noxious Substances

3.1 The Committee considered document MEPC 45/3/1 on the "Report of the Conference on International Co-operation on Preparedness and Response to Pollution Incidents by Hazardous and Noxious Substances" held in conjunction with MEPC 44 and recalled that :

- .1 resolution 6 on early implementation of the provisions of article 10 of the OPRC-HNS Protocol requests the Secretary-General to present to the Organization, within one year of the Conference, a programme that indicates the way in which the Organization contemplates carrying out the duties mentioned in the OPRC-HNS Protocol as well as invites the Organization to review periodically progress made in implementing article 10 of the OPRC-HNS Protocol and article 12 of the OPRC Convention within the framework of a specific body; and
- .2 resolution 4 invites the Secretary-General in co-operation with interested governments, relevant international and regional organizations and in particular, chemical and shipping industries to take appropriate action to ensure that a comprehensive training programme is developed for preparedness and response to pollution incidents by HNS.

3.2 The Committee also recalled that the eighty-fourth session of the Council requested MEPC 45 to consider the outcome of the HNS-OPRC Conference, in particular Resolution 4 and Resolution 6 (MEPC 45/10/1).

3.3 The Committee took note of the Report on the HNS-OPRC Conference and instructed the OPRC Working Group to provide guidance and support to the Secretariat to carry out the development of work programme to implement resolutions 4 and 6 of the HNS-OPRC Conference and report to the Committee.

3.4 In view of the time constraints and the importance of the OPRC Working Group commencing work as soon as possible, only document MEPC 45/3/5 (Secretariat – Response to spills of high-density oil) was discussed in plenary.

Response to spills of high-density oil

3.5 The Committee recalled that, at MEPC 44, it requested the Chairman of the OPRC Working Group in consultation with members of the group to address issues and concerns related to spill response to heavy fuel oils in the aftermath of the "ERIKA" and give consideration to a future work plan on this as well as the organization of an Oil Spill Research and Development Forum (paragraph 2.14, MEPC 44/20).

3.6 The Secretariat, referring to the report of the informal meeting of members of the OPRC Working Group (MEPC 44/WP.9), invited Member States and organizations to submit relevant reports on their experience regarding response to high-density fuel oils which will be needed by the OPRC Working Group in developing response programmes to such type of oils. With regard to the suggested R&D Forum which will focus on response to heavy fuel oils, the Secretariat also invited Member States and organizations to support the holding of such a Forum.

3.7 The delegate of the European Commission stated that an expert committee had in the past done some work on high-density oils and their report will be made available to the OPRC Working Group. He also indicated the European Commission's support in the holding of an R&D Forum.

3.8 ITOPF, France, Germany, ITOPF and WNTI also indicated their support for an R&D Forum. ITOPF stated further that it would co-operate with the Secretariat in any future R&D Forum whilst France indicated that it would assist in the organization of such a forum as well as providing expert assistance through CEDRE.

3.9 The following documents were referred to the OPRC Working Group for consideration: MEPC 45/3/2 (ITOPF), MEPC 45/3/3 (FAO), MEPC 45/3/4 (Secretariat), MEPC 45/3/6 (ITOPF), MEPC 45/3/7 (Netherlands), MEPC 45/3/8 (Norway), MEPC 45/3/9 (INTERTANKO), MEPC 45/3/10 (Canada), MEPC 45/3/11 (Brazil), MEPC 45/3/12 (Canada), MEPC 45/INF.9 (Australia), MEPC 45/INF.23 (Brazil) and MEPC 45/INF.24 (Brazil).

3.10 The Committee instructed the OPRC Working Group to carry out its work according to its work programme and its agenda as outlined in MEPC 45/3, including consideration of all documents submitted under this agenda item and to report to the Committee at this session on the following items:

- .1 implementation of resolution 6 of the OPRC-HNS Conference on the early implementation of article 10 of the OPRC-HNS Protocol and of resolution 4 for a training programme;
- .2 work of the Correspondence Group for the revision of Section IV of the Manual on Oil Pollution;
- .3 guidance on managing seafood resources; and
- .4 workplan on issues related to response to spills of high-density oil, including the organization and support of an R&D Forum.

3.11 One additional item was referred to the OPRC Working Group under agenda item 14 with regard to the Directory of Relevant Centres of Expertise on Oil and Hazardous Substance (MEPC 45/14/1 and MEPC 45/INF.11).

Interim Report of the OPRC Working Group

3.12 Having received the interim report of the OPRC Working Group (MEPC 45/WP.7) the Committee:

- .1 agreed with the action proposed by the OPRC Working Group, as indicated in paragraph 11 of MEPC 45/WP.7 in progressing the revision of Section IV - Manual on Oil Pollution and the preparation of documents on bioremediation and response to emulsified fuels and high-density oils;
- .2 noted that the OPRC Working Group has finalized the document "Guidance on Managing Seafood Safety during and after Oil Spills" and requested the Secretariat to seek agreement with FAO for a joint FAO/IMO publication to be submitted for approval at MEPC 46;
- .3 approved, in principle, the holding of the third R&D Forum addressing responses to spills of high-density oils and accepted the offer made by the delegation of France to host this event in March 2002;
- .4 requested the Secretariat, in conjunction with other governments and organizations to form a Steering Committee for fund-raising and preparing a programme, work plan and timetable for the third R&D Forum;
- .5 invited Member Governments and organizations to support, and where possible, sponsor the organization of the third R&D Forum; and
- .6 took note of the work of the OPRC Working Group regarding the preparation of an outline of a programme indicating the way in which the Organization can carry out its duties, as mentioned in the OPRC-HNS Protocol, and requested the Secretariat, based on this outline of a programme, to prepare a comprehensive programme for submission to MEPC 46.

4 HARMFUL EFFECTS OF THE USE OF ANTI-FOULING PAINTS FOR SHIPS

Report of the Working Group on Anti-fouling Systems at MEPC 44

4.1 The Committee approved, in general, the report of the Working Group on Anti-fouling Systems which met at MEPC 44 (MEPC 45/4), annexed to which is the draft legal instrument.

General comments

4.2 Prior to reviewing the draft legal instrument, on an article-by-article basis, the Committee considered general comments under this agenda item.

4.3 The Committee noted the information provided by WWF (MEPC 45/4/7) concerning:

- .1 recent testing of non-toxic anti-fouling paints on ships operating in coastal waters along the East Frisian coast in Germany, which showed that, of the 18 coatings tested, six were shown to be applicable, practical and effective and were available on the world market; and

- .2 the WWF follow-up project which was currently underway to test non-toxic anti-fouling coatings on deep-sea going vessels, including tropical and polar regions.

4.4 The Committee noted the information provided by OSPAR which stressed the importance of the anti-fouling instrument entering into force as soon as possible, and that the ban dates in resolution A.895(21) should be regarded as fixed.

4.5 The Committee also noted the support of the Contracting Parties to the OSPAR Convention for the work being done by MEPC with regard to prohibiting/restricting the use of other anti-fouling systems that pose a threat to the marine environment and the promotion of scientific and technical research on the effects of anti-fouling systems.

4.6 Before commencing the article-by-article review of the draft legal instrument the Chairman of the Committee expressed his appreciation for the good work undertaken by the Working Group and emphasized the important fact that the draft was almost free of square brackets.

Article-by-article review of the draft legal instrument

4.7 The Committee considered the draft legal instrument on an article-by-article basis, and established a Drafting Group to prepare a revised text of the draft instrument. The main discussions of the Committee under each article and the Committee's instructions to the Drafting Group are reflected hereunder.

Preamble

4.8 The Committee noted the proposal by Greenpeace International (MEPC 45/4/9) to include, in the preamble, additional text to reflect the substitution mechanism referenced in Articles 5 and 6 and in Annex 2, whereby less harmful, or ideally harmless, anti-fouling systems should replace harmful ones.

4.9 The Committee agreed, in principle, to reflect the proposal by Greenpeace International in the preamble, but instructed the Drafting Group to develop more appropriate text to accommodate the principle being proposed.

Article 1, General Obligations

4.10 The Committee generally accepted the draft texts of Article 1 subject to further consideration for preparation of the Conference.

4.11 However, whilst one delegation proposed the addition of a new article to define the objectives of the instrument, it was agreed that this could be accommodated with minor modifications in paragraph 1 of Article 1, and the Drafting Group was instructed to take into account the proposed editorial corrections to paragraph 1 of Article 1.

Article 2, Application

4.12 The Committee, in accepting the draft text of Article 2 subject to further consideration for preparation of the Conference, agreed that the draft text exempted FPSOs and FSUs from the 2008 ban date but included them in the overall scope of the instrument.

Article 3, Definitions

4.13 The Committee requested the Drafting Group to check references to the Committee, to consider whether a definition for gross tonnage was necessary and to explicitly include FSUs and FPSO's in the definitions section.

Article 4 and Annex 1, Controls on Anti-fouling systems

Interpretation of complete ban:

4.14 The Chairman recalled that the issue of the interpretation of the complete ban of organotin compounds which act as biocides in anti-fouling systems still needed clarification, and that Annex 1 of the draft instrument reflected the two possible options that were identified by the Working Group meeting at MEPC 44, namely:

- .1 Option A: to require that ships shall not bear such compounds on their hulls or external surfaces, i.e., that the organotin-based coatings are removed; and
- .2 Option B: to require ships not to bear such compounds as an active anti-fouling substance on their hulls or external parts, i.e., that a sealer coating is applied over the organotin coating or that a compliant anti-fouling system is applied directly over the organotin coating.

4.15 The Committee noted that both Japan and Brazil in their documents (MEPC 45/4/4 and MEPC 45/4/6, respectively) expressed their preference for option B.

4.16 The Committee considered the various arguments in support of both options and agreed not to take a decision on this issue at this time.

4.17 In view of this, the Committee decided to retain both options A and B in square brackets in Annex 1 at this stage for the Diplomatic Conference to decide upon.

Effective date for control measures applicable to organotin compounds acting as biocides

4.18 The Chairman recalled that, some delegations attending the Working Group at MEPC 44 were of the opinion that it would be important to maintain a minimum five-year interval between the ban on the application and the total prohibition on the presence of organotin compounds should the Convention not enter into force in 2003. Other delegations stated that they did not want to delay the 2008 date in any way as this was identified in the Assembly resolution. The Committee, at its last session, decided that this issue should be discussed further.

4.19 The Committee noted that OSPAR, through their document (MEPC 45/4/8), expressed the view that they regard the 2003 and 2008 dates in the draft treaty as fixed.

4.20 The Committee also noted the proposal by FOEI in their document (MEPC 45/4/5) for the effective dates in Annex 1 to remain unqualified in respect of entry into force, and for the ban date to be fixed at 1 January 2003, as this is the agreed date at which the application of organotin-based anti-fouling systems will be prohibited.

4.21 In discussing the proposal by FOEI, the Committee agreed to instruct the Drafting Group to place the text after the effective date in Annex 1, column 4 in square brackets for the Committee and Conference to discuss this further at a later date.

4.22 One delegation proposed that language should be added to Article 4 that would effectively prohibit the application of harmful anti-fouling systems to non-party ships that may be painted or repainted in the territory of a State party to the Agreement. The Drafting Group was instructed to address this matter and prepare text for further consideration by the Committee.

Article 5, Process for Proposing Amendments to Controls on Anti-Fouling Systems / Annex 2, Required elements For An Initial Proposal / Annex 3, Required Elements for a Comprehensive Proposal

4.23 The Committee considered a proposal by Denmark to include text in paragraph 5 of Article 5 to reflect the concept that the lack of scientific certainty should not prevent the MEPC from taking a decision to list anti-fouling systems in Annex 1.

4.24 Based on this proposal, the Committee decided to include this text in square brackets for further consideration by the Committee.

4.25 In the absence of a representative from OECD, the Chairman of the Drafting Group, Mr. Bryan Wood-Thomas informed the Committee of the work underway at the OECD on harmonization of data requirements and registration processes applicable to marine anti-fouling systems.

4.26 The Committee noted that the 4th OECD Biocides Steering Committee, following their review of Annex 3 of the instrument, concluded that the information contained in this Annex was consistent with the type of data that would be required for the assessment of environmental risk of an anti-fouling paint.

4.27 The OECD also commented favourably that the wording of Annex 3 is such that it generally describes the type of data that would be required without being prescriptive as to the study that would need to be conducted. In summary, the OECD Biocides Steering Committee did not object to any of the requirements contained in the current draft of Annex 3.

4.28 In view of the above, the Committee generally accepted the draft text of Article 5 as well as that of annexes 2 and 3, subject to further consideration for preparation of the Convention.

Article 6, Expert Groups

4.29 The Committee noted that Brazil, in their document MEPC 45/4/6, expressed their support for retaining the following two topics in Article 6:

- .1 in case of having no uniformity on the decision of the expert group, disagreements should be recorded; and
- .2 proposals should be formulated and submitted to the MEPC by the Parties to the Convention and the expert groups should be responsible for analysing and providing a technical opinion to assist the Committee in reaching a final decision.

4.30 The Committee agreed that the intent of this proposal was to ensure that any comprehensive proposal would go to the expert group prior to consideration by the Committee and instructed the Drafting Group to ensure that this concept was reflected in the text.

4.31 In addition to this, the Committee agreed to proposals that Article 6 should include references to experts on human health and international shipping issues and instructed the Drafting Group to amend the text accordingly.

Article 7, Scientific and Technical Research and Monitoring and Article 8, Communication of Information

4.32 The Committee generally accepted the draft text of Articles 7 and 8 subject to further consideration for preparation of the Conference.

Article 9, Surveys

Category of ships subject to surveys

4.33 The Chairman recalled that one of the issues needing discussion when reviewing this article is which vessel size should serve as the threshold for survey and certification requirements.

4.34 The Committee noted that ISAF, in their document MEPC 45/4/1, expressed concern regarding the increase in administrative burden that will be placed on both port State authorities and on the owners and operators of small ships, especially those operating in limited geographical areas within jurisdictions in which organotin anti-fouling paints are already prohibited.

4.35 The Committee also noted that ISAF does not believe that the exclusion of small ships from the administrative requirements in Articles 9 and 10 will prejudice the success of the ban and that the limit of 24 metres in length would exclude the majority of recreational craft and would be acceptable to ISAF, whereas, a limit based on the gross tonnage would exclude almost all recreational craft.

4.36 The Committee noted that Japan (MEPC 45/4/4) proposed that ships of 500 gross tonnage and above, excluding fixed and floating platforms, FSUs, FPSOs, engaged in international voyages shall be subject to surveys. This would ensure that surveys relating to anti-fouling systems, would be carried out in line with the dry-docking requirements in the 1988 Protocol to SOLAS 74 which requires ships of 500 gross tonnage and above engaged in international voyages to be subject to dry-docking surveys, and that application of anti-fouling system is usually carried out in connection with dry-docking surveys.

4.37 To assist with the decision on which size ships should be subject to surveys, the delegate representing BIMCO informed the Committee of the number of vessels in the various size categories as follows: below 150GT - 9,300; between 150 and 300 GT - 16,500; between 300 and 400 GT - 48,900; and, above 400 GT - 43,000. The BIMCO delegate stressed that these figures were based on those vessels appearing in the Lloyds Register, and that in view of this, it could safely be said that the figures in the lower categories were underestimated.

4.38 Having considered the various proposals, the Committee instructed the Drafting Group to retain the gross tonnage of 300, 400 and 500 for further consideration by the Committee.

Editorial changes to the Article

4.39 The Committee agreed to the editorial change proposed by Japan (MEPC 45/4/4) to paragraph 1(b) in order to better reflect the situation where the same anti-fouling system is reapplied (i.e. to replace the word "changed" in paragraph 1(b) with the word "replaced") and instructed the Drafting Group to address this issue.

Guidelines for surveys

4.40 The Committee recalled that paragraph 4(a) of Article 9 states that surveys shall be conducted based on the Guidelines for surveys which are to be developed before the Convention enters into force.

4.41 The Committee noted that the preliminary draft text for the Guidelines on Surveys of Anti-fouling Systems prepared by Japan (annexed to document MEPC 45/4/3) have been drafted based on the assumption that option B of Annex 1 in the draft Convention will be adopted. The Committee also noted that these guidelines had been drafted so as to include minimum requirements for surveys to ensure that the requirements for such surveys are carried out uniformly worldwide. The Guidelines also require anti-fouling systems to be verified in advance by the Administrator to ensure that the system does not contain TBT, and contains provisions for surveys to be carried out in connection with the dry-docking surveys.

4.42 The Committee agreed to instruct the FSI Sub-Committee to review these Guidelines and report back to the Committee.

Article 10, Placards and Issue or Endorsement of International Anti-fouling Certificates

4.43 The Chairman recalled that one of the issues needing discussion under this article is whether to require smaller vessels to carry placards or have in place some alternative mechanisms for facilitating compliance and enforcement.

4.44 The Committee noted that ISAF, in its document MEPC 45/4/1, indicated that few recreational craft have any storage space for paints, coatings or other equipment relating to anti-fouling systems and it is not common for recreational craft to carry anti-fouling paint. The Committee also noted the proposal by ISAF that, if it is believed that a placard or sticker is required, then all that is needed is a statement in the following terms: "It is forbidden to use any anti-fouling paint containing organotin compounds on the hull of this ship."

4.45 The Committee noted Japan's proposal (MEPC 45/4/4) that paragraph 1 of Article 10 should be deleted as ships of less than 500 gross tons do not need to display placards as it is unreasonable to require shipowners to display placards when the use of TBT-based anti-fouling systems on board is prohibited.

4.46 The Committee considered various proposals for placards on small ships and whilst the majority agreed to delete the need for placards, it was decided to defer this discussion until considering Article 15.

4.47 The Committee, noting Japan's proposal in MEPC 45/4/4 for an editorial amendment to paragraph 2 of the Convention, instructed the Drafting Group to review the need for editorial changes suggested by Japan.

Article 11, Issue or Endorsement of an International Anti-fouling Certificate by another Party

4.48 The Committee recalled that this Article requires that only a Party to the Convention is entitled to issue an International Anti-fouling Certificate and that the Administration shall issue such certificates. However, at the request of an Administration another Party may cause a ship to be surveyed and, if satisfied, shall authorize the issuance or endorse or authorize the endorsement of such a certificate.

4.49 The Committee noted that one delegation considered that the text of paragraph 4 may not achieve the effect of minimizing pollution from anti-fouling systems, however, that another delegation considered that to change this would not encourage administrations to become Parties to the Convention. As a result, the Committee instructed the Drafting Group to consider the text of paragraph 4 in relation to paragraph 3 of Article 2 and to develop appropriate text for further consideration by the Committee.

Article 12 and Annex 4, Form of International Anti-fouling Certificate

4.50 The Committee instructed the Drafting Group to consider the language used in Article 12. In addition, the Drafting Group was instructed to review Annex 4 and to:

- .1 consider removing the text "This certificate replaces the certificate dated"; and
- .2 provide an indication as to whether the TBT had been removed or sealed.

Article 13, Validity of International Anti-fouling Certificate

4.51 The Committee recalled that, when reviewing Article 9, it had agreed to modify Article 9 to better reflect the situation where an anti-fouling system is replaced by the same system. In view of this, the Drafting Group was instructed to consider incorporating the editorial changes to paragraph (a) of Article 13 as reflected in paragraph 4.39.

In addition to these points, the Drafting Group was instructed to reflect in paragraph 6 that no obligation is placed on the receiving flag State to accept the certificate forwarded by the previous flag State.

Article 14, Violations

4.52 The Committee noted the changes to paragraph 3 of this Article by Japan (MEPC 45/4/4) in order to harmonize this with paragraph 4 of Article 4 of MARPOL 73/78 which prescribes similar requirements, namely that paragraph 3 be changed to "The penalties provided for by the laws of a Party pursuant to the present Article shall be adequate in severity to discourage violations of this Convention whenever they occur".

4.53 The Drafting Group was instructed to further develop this article based on the proposal by Japan.

Article 15, Inspections of Ships and Detection of Violations

4.54 The Committee noted the view put forward by Japan (MEPC 45/4/4) that, the requirement to verifying a valid placard should be deleted as it is not necessary to display placards onboard

and that only ships required to hold certificates should be subject to port State control. However, recognizing the need for provisions for enforcement of the Convention for small ships, Japan, while still believing that the placard is not necessary, decided to withdraw its proposal to limit the port State control only ships required to hold certificates.

4.55 The Committee discussed the proposal by Brazil (MEPC 45/4/6) addressing Article 15 and decided to leave the text unchanged, but instructed the Drafting Group to consider what connective clause (and, or, and/or) is appropriate between paragraphs 1(a) and (b) in this Article.

4.56 The Committee also instructed the Drafting Group to prepare a text addressing situations where an administrator has damaged the integrity of the anti-fouling system through intrusive sampling. In such circumstances, the administrator should be obliged to ensure that the integrity of the system is restored.

4.57 On this matter, the Drafting Group was further instructed to place the draft text in square brackets for later consideration by the Committee.

4.58 Concern was raised about the following words in paragraph 3: “warn, detain, dismiss or exclude”. However, having considered this, the Committee agreed to leave the text in paragraph 3 unchanged and invited delegations to submit documents on this issue should they consider a change to this paragraph necessary.

Article 16, Undue Delay to Ships

4.59 The Committee accepted the draft text of Article 16, subject to further consideration for preparation of the Conference.

Article 17 on Dispute Settlement

4.60 The Committee in noting that the text for Article 17 needed further development, instructed the Drafting Group to develop text for this Article taking into account the proposal to include text in line with that contained in Article 10 of MARPOL 73/78.

Article 18, Duties of the Organization

4.61 The Committee in reviewing the necessity of retaining Article 18, noted that such provisions are not included in MARPOL 73/78 and agreed to delete Article 18.

Article 19, Amendments

4.62 The Committee, in noting that the text for Article 19 is related to decisions taken under Article 22, instructed the Drafting Group to consider what text may be appropriate at this juncture.

Article 20, Signature, Ratification, Acceptance, Approval, and Accession and Article 21, States with more than one system of law

4.63 The Committee accepted the draft text of Article 20, subject to further consideration for preparation of the Conference.

Article 21, States with more than one system of law

4.64 The Committee accepted the draft text of Article 21 but requested the Drafting Group to ensure that the text was consistent with that of the OPRC Protocol.

Article 22, Entry Into Force

4.65 The Chairman informed that the Committee, at this session, will not be expected to come to a final agreement on which entry into force condition should be selected as this will be left to the decision of the Diplomatic Conference and hence the aim at this stage is to discuss the possible entry into force options for the Conference to decide upon.

4.66 The Committee noted the following possible options for the entry into force of the Convention as outlined in MEPC 45/4/2 (the Netherlands):

- .1 in conformity with Article 15 of the MARPOL Convention (i.e., that an annex to the Convention shall enter into force 12 months after the date on which not less than 15 States, the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping, have become parties to it);
- .2 as the previous, however with other numbers, e.g., 25 States and 25% of tonnage;
- .3 as the previous with the additional requirement that of these 25 States at least 10 have a tonnage of more than 1% of the world tonnage (basically States within the "top 25" of world tonnage);
- .4 sliding scales of number of States vs. tonnage (i.e., the more States ratify the less accumulated tonnage is required);
- .5 as the previous, but combined with reduction of these requirements as time passes;
- .6 number of States in combination with tonnage turnover of ports over a certain size;
- .7 number of States, e.g., 15 (example: OPRC);
- .8 tacit amendment, by incorporating the regulations of the instrument into an already existing instrument; and
- .9 none: automatic entry into force by 1 January 2003.

4.67 The Committee also noted that the Netherlands, out of these four options, had selected four, i.e. options 4, 5, 6 and 7 and expressed the opinion that the last of these options is probably the best one to secure expeditious entry into force.

4.68 In the course of consideration of this Article, the majority of delegations who spoke expressed their strong wish for rapid entry into force of the proposed instrument and for keeping the ban dates of 2003 and 2008, and expressed support for option 7 in paragraph 4.66. Other delegations, referring to resolution A.895(21), were of the view that the policy statement in the resolution on ban dates is for guidance and not binding.

4.69 Whilst the majority indicated support for a free-standing instrument, others expressed an interest that the instrument should be a new annex to MARPOL 73/78. However, the Committee agreed to leave this matter for later consideration and agreed that the drafting of the instrument would continue as a free-standing instrument.

Article 23, Denunciation, Article 24, Depository, and Article 26, Languages

4.70 The Committee generally accepted the draft text of Articles 23, 24 and 26, subject to further consideration for preparation of the Conference.

Article 25, Relationship to international laws and agreements

4.71 The delegation of Denmark proposed to delete this Article and to include a reference to UNCLOS in the preamble in view of the difficulties of having such an article could have on national legislation. Having discussed this extensively, the Committee agreed that this Article should be put in square brackets and that legal advice on this matter would be made available.

Instructions to the Drafting Group

4.72 The Drafting Group was instructed to:

- .1 review the text of Articles and prepare a revised text in accordance with the plenary decisions reflected above; and
- .2 submit the text for the revised Articles and provide an oral report on the Drafting Group's deliberations to plenary on Thursday, 5 October.

Report of the Drafting Group

4.73 The Chairman of the Drafting Group, Mr. Bryan Wood-Thomas (United States), in providing an oral report of the Group's deliberations on Friday, 6 October 2000, informed the Committee of the following:

- .1 the Group addressed each of the issues as instructed by plenary as well as considering other drafting issues;
- .2 agreement was reached on the preambular language, including modified language on the proposal made by Greenpeace International;
- .3 agreement was reached on some additions to Article 1, however, it was necessary to place the direct reference to the precautionary principle proposed by Denmark in square brackets as well as the language in Article 5 concerning scientific uncertainty;
- .4 in considering Article 3, the Group added definitions for "Committee", "Member State", and "Gross Tonnage";
- .5 language addressing application to non-Party ships was added under Article 4 as well as language under Article 13 clarifying the discretion of the receiving administration when transferring the ship to the flag of another State;

- .6 language was added in square brackets under Article 15 addressing the liability of an administration for any damages or delay that may be associated with hull sampling;
- .7 a short provision concerning dispute settlement was added under Article 17, while Articles 20 and 21 were merged into a single article;
- .8 the Group agreed to leave Article 19 open at this stage in light of the relationship with conditions for entry into force and the need to discuss what elements of the agreement should be subject to explicit and tacit amendment procedures, and taking into account the decision of the plenary to leave the entry into force article open for further discussion;
- .9 in considering Annex 1, the Group attempted to clarify the effect of option B under the belief that no delegations wished to consider further the option of simple over-coating without the use of a sealer coat. However, recognizing that some interest was later expressed in leaving this option open, it was seen appropriate to maintain the original text under column 2 of Annex 1, as reflected in MEPC 45/WP.9/Corr.1.

4.74 The Committee, having considered the report of the Drafting Group (MEPC 45/WP.9 and MEPC 45/WP.9/Corr.1), agreed to delete the text in square brackets in Article 1, paragraph 1 as well as in Article 5, paragraph 5 of document MEPC 45/WP.9 referencing the precautionary principle. Denmark, supported by Finland, emphasized the importance of maintaining the text in Article 1, paragraph 1 as well as in Article 5, paragraph 5 of the document MEPC 45/WP.9 in square brackets, as the delegation believes that the precautionary principle is an important issue that should be discussed at a later stage, i.e. MEPC 46.

4.75 The Committee, approved in principle, the revised draft instrument as set out in annex 2 and invited the Secretary-General to circulate this text by the end of 2000 for it to be considered by the Diplomatic Conference in the latter half of 2001.*

4.76 The Committee noted that further discussion on the draft instrument will occur at MEPC 46 as well as at the diplomatic Conference.

5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Introduction

5.1 Under this agenda item, the Committee considered the proposed amendments to Annex V of MARPOL 73/78, the IBC Code and BCH Code which were circulated by the Secretary-General of the Organization in accordance with article 16(2)(a) of MARPOL 73/78 under cover of Circular letter No.2211 of 20 March 2000.

* The week from 1 to 5 October 2001 is tentatively kept for the TBT Conference.

Amendments to Annex V of MARPOL 73/78

5.2 The Committee considered the proposed amendments to Annex V of MARPOL 73/78 in relation to the discharge of incinerator ashes from plastic products and the draft MEPC resolution on their adoption (MEPC 45/5, annex).

5.3 With regard to the use of Spanish under MARPOL Annex V, the Committee noted that there were minor editorial differences between the text in MEPC 45/5 and the proposed text in MEPC 45/7/4, because MEPC 45/7/4 sought to harmonize the amendments with other MARPOL Annexes and also to accommodate the proposal by Cyprus and other States. After a brief discussion, the Committee agreed to use the text in MEPC 45/7/4.

5.4 In the course of consideration, the Committee recalled its approval at MEPC 37 with regard to the updated definition of “nearest land” to be included in Annex V proposed by Australia, but the Committee then decided to include the updated definition when the Committee next reviewed Annex V (MEPC 37/22, paragraph 12.3). Since the updated definition of “nearest land” was approved by the Committee at its thirty-seventh session, the Committee agreed to incorporate the updated definition of “nearest land” in the text of amendments to be adopted at this session.

5.5 Having considered the above two issues, the Committee agreed, in principle, with the proposed amendments to Annex V, including the proposed text in MEPC 45/7/4 with regard to the use of Spanish, and referred them to an informal drafting group for editorial corrections, if any, before formal adoption.

5.6 Having received the report of the informal drafting group (MEPC 45/WP.4), the Committee adopted the amendments to Annex V under cover of resolution MEPC.89(45) as contained in annex 3.

Amendments to the IBC Code

5.7 The Committee considered the proposed amendments to the IBC Code and the draft MEPC resolution on their adoption (MEPC 45/5/1, annex).

5.8 The Committee agreed on the dates in operative paragraphs 2 and 3 of the draft MEPC resolution, which were same with the dates in the amendments to be adopted by MSC 73 under the SOLAS Convention.

5.9 After a brief discussion, the Committee agreed, in principle, on the proposed amendments and the draft MEPC resolution on their adoption, and referred them to the informal drafting group for editorial corrections, if any, before formal adoption.

5.10 Having received the report of the informal drafting group (MEPC 45/WP.4), the Committee adopted the amendments to the IBC Code under cover of resolution MEPC.90(45) as contained in annex 4.

Amendments to the BCH Code

5.11 The Committee considered the proposed amendments to the BCH Code and the draft MEPC resolution on their adoption (MEPC 45/5/2, annex).

5.12 The Committee agreed on the dates in operative paragraphs 2 and 3 of the draft MEPC resolution, which were the same as for the amendments to the IBC Code as agreed by this Committee and the MSC.

5.13 After a brief discussion, the Committee agreed, in principle, on the proposed amendments to the BCH Code and the draft MEPC resolution on their adoption, and referred them to the informal drafting group for editorial corrections, if any, before formal adoption.

5.14 Having received the report of the informal drafting group (MEPC 45/WP.4), the Committee adopted the amendments to the BCH Code under cover of resolution MEPC.91(45) as contained in annex 5.

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

Introduction

6.1 The Committee recalled that, in 1991, the Guidelines for the Designation of PSSAs were adopted by resolution A.720(17). Since then several amendments have been developed and adopted by resolution A.885(21) which included:

- .1 new procedures for the identification of PSSAs and the adoption of associated protective measures which supersede the procedures contained in paragraphs 3.2 and 3.5 of the annex to resolution A.720(17); and
- .2 amendments to the Guidelines contained in resolution A.720(17) for the purpose of adding the description of the new PSSA (Sabana-Camagüey Archipelago, Cuba).

6.2 The Committee recalled that, at its last session, terms of reference were agreed for the Correspondence Group to review resolution A.720(17) and revise the Guidelines for the Designation of Special Areas and Particularly Sensitive Sea Areas, as shown in annex 14 to MEPC 44/20.

Documents

6.3 The Committee noted the following two documents that had been submitted under this agenda item:

- .1 MEPC 45/6; the report of the Correspondence Group; and
- .2 MEPC 45/6/1; a response from Israel to Egypt's proposal, in MEPC 43/6/1, to create areas to be avoided and PSSAs in the Gulf of Aqaba and the Straits of Tiran.

Consideration of the report of the Correspondence Group on the revision of resolution A.720(17)

6.4 The Committee noted the report of the Correspondence Group on the revision of resolution A.720(17) which was submitted as MEPC 45/6 and considered the following six issues which the Group could not reach agreement on:

- .1 Is it necessary to define the relationship between MARPOL Special Areas and the measures States can take under article 211, paragraph 6 of UNCLOS and, if so, should such an explanation be put into a separate document?**
 - .1.1 The Committee noted that the majority of the Correspondence Group members opposed the inclusion in the Guidelines as being unnecessary, confusing and potentially misleading.
 - .1.2 Having noted this point, the Committee agreed that no change to the current text was needed.
- .2 Should the relationship between *Marine Protected Areas* and *PSSAs* be set out or should the document be restricted to describing *PSSAs* only?**
 - .2.1 The Committee noted that several members of the Correspondence Group agreed that it is important to set out the relationship between MPAs and PSSAs but that a shorter reference to this would be more appropriate. However, other members of the Group considered that the focus should be solely on PSSAs as, if it were accepted, then other explanatory information would be needed on other measures.
 - .2.2 Recognizing that a decision on this question would reflect the choice of text offered in paragraph 1.3 of annex 3, the Committee agreed that the document should be restricted to describing PSSAs only.
- .3 Should the criterion of *Historical value* be kept or should it be deleted?**
 - .3.1 The Committee noted that several members of the Correspondence Group considered that this criterion should be deleted due to unresolved issues in the UNESCO Convention on the Protection of Underwater Cultural Heritage, whilst others said that it should remain. The Committee also noted that Article 303 of UNCLOS already provides authority for the establishment of PSSAs for historical purposes so there is no need to wait for the decision of UNESCO on this issue.
 - .3.2 Having noted these points, the Committee agreed that the criterion of historical value should be deleted whilst recognizing that, if necessary, it could be reinstated at a later date.
- .4 Should the bio-geographic criterion be included as one of the factors to be taken into account under the *ecological criteria*, or should it be included in a revised *uniqueness or rarity* criterion or is it already covered under *vulnerability*?**
 - .4.1 The Committee noted that, whilst most of the Correspondence Group members agreed that it should be included, two others did not.
 - .4.2 Having noted this point, it was agreed that the bio-geographic criterion should be kept but instructed the Drafting Group to develop more appropriate text for further consideration by the Committee.

- .5 Where should the information included in paragraph 5, relating to vessel traffic, be located?**
- .5.1 In considering this question, the Committee noted that the majority of the Group had considered that this information should be placed with, or close to, the criteria for establishing significance whilst others considered that it should be put back to its original location in section 7, as originally intended in resolution A.885(21).
- .5.2 As a result the Committee agreed that this information should be kept where it is but that it should also include a cross-reference to paragraph 4.4 of the Guidelines.
- .6 Should the information that has been deleted from the Guidelines be annexed to the Guidelines, to assist States in identifying measures that are available from IMO to protect PSSAs, or should such information be included in a separate document?**
- .6.1 The Committee agreed that some guidance on how to go about selecting the most appropriate regime for a given area of sea to be protected could be included in a separate document and should include details on Marine Protected Areas as currently shown in resolution A.720(17) and a decision tree to assist Administrations in selecting appropriate protection scheme whether a PSSA, Special Area or MPA. In this context, the Committee recalled document MEPC 44/7/3 (WWF) which included additional useful information which the Drafting Group was instructed to take into account when developing such a document.
- .6.2 The Committee agreed that it was important to develop and issue this document as soon as possible and instructed the Drafting Group to identify all of the items that should be included in it for consideration at the next meeting.
- .6.3 The Committee also noted the concerns of some delegations that navigational charts may be adversely affected by the inclusion of the proposed symbols related to PSSAs. Whilst recognizing that this issue had been discussed previously, when it was agreed to include such symbols, the Committee instructed the Drafting Group to consider this issue and report its conclusion to the Committee.
- .6.4 In addition, the Committee instructed the Drafting Group to ensure that the provisions of paragraph 7.5.1 (a) were consistent with the sovereign rights of coastal States as defined in UNCLOS.
- .6.5 Furthermore, the Drafting Group was instructed to include a description of the protective measures defined for the Archipelago of Sabana-Camaguey (Cuba) in the appendix to the Guidelines.

Instructions to the Drafting Group

6.5 The Committee instructed the Drafting Group take these decisions into account when finalizing the revision of resolution A.720(17) which it was instructed to submit, along with its report, to the next session of the Committee.

Consideration of Israel's reaction to Egypt's proposal to create areas to be avoided in the Gulf of Aquaba and the Straits of Tiran.

6.6 With regard to the document by Israel, MEPC 45/6/1, the Chairman advised the Committee that he had spoken to the delegations of Israel and Egypt and that it had been made clear to him that Egypt is in the process of reviewing its original proposal MEPC 43/6/1.

Accordingly it is not necessary for the Committee to discuss this matter at this stage.

The Committee appreciated this development and urged Israel and Egypt to look to providing a joint submission as outlined in the PSSA Guidelines, prior to any further discussion on this matter.

Report of the Drafting Group

6.7 Having received the report of the Drafting Group (MEPC 45/WP.6), the Committee noted the proposed changes to the draft guidelines and the outcome of a paragraph-by-paragraph review, leading to further drafting changes as necessary.

6.8 The Committee was informed that the Drafting Group had developed an outline of the additional information document as requested by the Committee, and that it had proposed that the Secretariat be requested to produce a draft document for the next session of the Committee. The additional information should include a flow chart to assist Member States in deciding the most appropriate method of providing additional protection for a sensitive sea area.

6.9 The Committee also noted that the Drafting Group recognized the need to produce a draft Assembly resolution revoking resolutions A.720(17) and A.885(21). The Drafting Group was, however, not charged with that task by the Committee, and suggested that the Secretariat be asked to produce a draft Assembly resolution to replace the two aforementioned Assembly resolutions for discussion and approval at its next session.

6.10 The Committee:

- .1 noted the draft text of changes to the Guidelines for the Designation of Special Areas under MARPOL 73/78 and the Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas, as set out in annex 6;
- .2 requested the Secretariat to produce a document containing additional information as described in paragraph 6.8 above, based on the content set out in annex 2 of MEPC 45/WP.6; and
- .3 requested the Secretariat to produce a draft Assembly resolution together with a clean text of the revised Guidelines for discussion and approval at its next session;

6.11 Since this matter is also related to the work of MSC and the NAV Sub-Committee, the Secretariat was requested to inform MSC of the developments above for future co-operation in dealing with this matter.

7 INTERPRETATION AND AMENDMENTS OF MARPOL 73/78 AND RELATED CODES

INTRODUCTION

7.1 The Committee recalled that, at its last session, it approved the proposed amendments to the Guidelines for the Implementation of MARPOL Annex V and adopted resolution MEPC.87 (44) on the use of Spanish under IMO conventions relating to pollution prevention. At this session, the Committee would be invited to take follow-up action on these two issues.

7.2 The Committee noted that, at this session, it would also be invited to consider a number of issues arising out of the sinking of the **Erika**, the majority of which related to proposed amendments to regulation 13G of MARPOL Annex I with regard to the phase-out of single-hull oil tankers.

7.3 In view of the importance and complexity of the proposed amendments to regulation 13G, the Committee decided to first discuss the more straight forward issues under this agenda item, relating to Annex V and use of Spanish and then concentrate on the more complex issues relating to the proposed amendments to regulation 13G.

OTHER MATTERS UNDER ITEM 7

Amendments to the Guidelines for the Implementation of MARPOL Annex V

7.4 The Committee recalled that, at MEPC 26 (September 1988), it approved the Guidelines for the Implementation of MARPOL Annex V. In light of experience gained, the Committee, at MEPC 33 (October 1992), adopted Revised Guidelines for the Implementation of MARPOL Annex V by resolution MEPC.59(33).

7.5 The Committee recalled further that, at MEPC 44 (March 2000), it considered and approved proposed amendments to the Revised Guidelines for the Implementation of MARPOL Annex V (resolution MEPC.59(33)) with a view to adoption at this session (MEPC 44/20, paragraph 12.42.2 and MEPC 44/WP.7/Add.1, annex 8). The text of the proposed amendments, which dealt with concerns associated with the discharge of cargo bilge water and incinerator ash, together with the draft MEPC resolution on their adoption is set out at annex to MEPC 45/7.

7.6 After a brief discussion, the Committee agreed, in principle, with the proposed amendments and referred them to an informal drafting group to check the text editorially and to prepare the final text for adoption by the Committee.

7.7 Having received the report of the informal drafting group (MEPC 45/WP.4), the Committee decided to adopt the amendments to the Revised Guidelines for the Implementation of MARPOL Annex V under cover of resolution MEPC.92(45), which is set out at annex 7.

Use of Spanish under MARPOL 73/78

7.8 The Committee recalled that, at MEPC 42, it considered the problem of entries in the Oil Record Book, and at MEPC 43 and MEPC 44, it also considered the matter of the use of Spanish under MARPOL 73/78. Document MEPC 45/7/4 provided the background to the matter and draft amendments to MARPOL Annexes I, II, IV, V and VI for consideration and action by the Committee.

7.9 The Committee recalled further that the draft amendments to MARPOL 73/78 on the use of Spanish were proposed by the delegations of Venezuela and Spain at MEPC 44 and were agreed in principle by the Committee.

7.10 The Committee recalled also that, at MEPC 44, the delegation of Cyprus, supported by some other delegations, expressed the view that MARPOL certificates may not necessarily be written in the official language of the State whose flag the ship is entitled to fly, but the State must be able to waive this requirement and allow the certificate to be written in one of the three languages, i.e. English, French or Spanish (MEPC 44/20, paragraph 12.22).

7.11 The Committee noted that the Secretariat, as requested by the Committee at MEPC 44, had prepared draft amendments to all relevant regulations of the MARPOL Annexes which were set out at annex to MEPC 45/7/4, aiming to provide Spanish the same status as is provided for English and French and, also allows the flag State to waive the requirement for MARPOL certificates to be written in the official language of the flag State. At the same time, the status of the official language of the flag State, if also used, is maintained.

7.12 The Committee noted that the action part of document MEPC 45/7/4 stated that, in accordance with resolution MEPC.87 (44), the Committee would “take necessary formal action to each relevant MARPOL Annex when opportunities for review arrive”, and the following action was suggested for consideration by the Committee:

- .1 draft amendments to Annexes I and II may be included in the revised text of Annexes I and II currently being considered by the BLG Sub-Committee;
- .2 draft amendments to Annex IV may be included in the revised text of Annex IV to be adopted by the Committee upon the entry into force of Annex IV;
- .3 draft amendments to Annex V may be included in the proposed amendments to be adopted by this session of the Committee (MEPC 45/5); and
- .4 draft amendments to Annex VI may be included in any future amendments to be adopted by the Committee upon the entry into force of Annex VI.

7.13 After a brief discussion, the Committee decided to take action as recommended and referred the draft amendments to an informal drafting group to check the text editorially and to prepare the final text for approval by the Committee.

7.14 Having received the report of the informal drafting group, the Committee approved the draft amendments to MARPOL Annexes I, II, III, IV and VI on the use of Spanish, which is set out at annex 8 to the report of the Committee, for future use.

A possible interpretation for regulation 16 of MARPOL Annex I

7.15 India, in its document MEPC 45/7/10, pointed out that since there are no guidelines for the selection of capacities of oil filtering equipment required to be fitted on individual ships, shipbuilders are generally left on their own to select the capacities based on their judgement. It has been found that such selections of capacities are not always adequate for practical use, making the discharge of engine room bilge oily water a time consuming process in day-to-day operation. Under such circumstances, it is reported that ship staff sometimes pump bilge water over board directly.

7.16 In order to solve such a problem, India believed that the establishment of an unified interpretation for calculating capacities of oil filtering equipment for individual ships would help shipboard staff comply with MARPOL requirements.

7.17 The Committee saw merit in the Indian proposal and requested India to prepare a draft interpretation of regulation 16 of MARPOL Annex I and submit it to DE 44 for consideration.

PROPOSALS FOR IMO TO TAKE APPROPRIATE ACTION ARISING OUT OF THE SINKING OF THE ERIKA

Introduction

7.18 The Committee recalled that, at its last session, it had a general exchange of views on the role of IMO in the wake of the **Erika** incident. There was overwhelming support by the Committee for the Statement by the Secretary-General that IMO should always and without exception, be regarded as the only forum where safety and pollution prevention standards affecting international shipping should be considered and adopted. Regional, let alone unilateral, application to foreign flag ships of national requirements, which go beyond IMO standards will be detrimental to international shipping and to the functioning of IMO itself and should, therefore, be avoided.

7.19 The Committee recognized that this item is extremely important and that the shipping world including the shipping media is watching very closely how the Committee would handle this issue.

7.20 The Chairman expressed appreciation that wide consultations had taken place by a large number of delegations both from Member Governments and NGOs in the weeks prior to this meeting. This clearly demonstrated a willingness and sense of urgency that the Committee must achieve a positive outcome from this meeting week.

7.21 On behalf of the Committee, the Chairman thanked the Secretary General for his initiative in setting up the informal expert group which put together the report (MEPC 45/7/6/Add.1 and MEPC 45/INF.29) on the impact of the proposals by France, Belgium and Germany and by Spain. The Chairman also thanked the group for their good work.

7.22 The Chairman stated that it was clear from the submissions on this item that there is general acceptance of the need to bring forward the phase-out date of single hulled tankers, provided it is done in a systematic way and over an acceptable period of time, taking into consideration the economic impact on a range of factors. In addition it was equally important to recognize that a large number of other measures must also be considered either as new items or the enhancement of existing measures, for example a review of resolution A.744 (18) – Guidelines on the Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil Tankers.

7.23 The Chairman stated that objective of this meeting should be a draft amendment to regulation 13G of MARPOL Annex I with sufficient agreement for it to be circulated by the Secretary General for adoption at the Committee's April meeting in 2001. What was equally important for the Committee was to identify and prioritize those additional measures that need to be taken.

7.24 The Chairman noted that there was a large number of submissions under this item proposing various means of dealing with this issue, the majority contained proposals to amend regulation 13G. Since it would be very difficult to assess each of the different proposals in detail in plenary under the time constraints, the Committee agreed with the Chairman's suggestion that, in order to give this item proper and orderly consideration in plenary, the Committee go through the submissions in the following groups:

- .1 Basic proposals: MEPC 45/7/3 and Corr.1 by Belgium, France & Germany and MEPC 45/7/5 by Spain
- .2 Basic information: MEPC 45/7/2, MEPC 45/7/6, MEPC 45/7/6/Add.1 and MEPC/INF 29 by the Secretariat
- .3 General comments: MEPC 45/7/1 by Greece, MEPC 45/7/9 and MEPC 45/7/19 by Brazil, MEPC 45/7/11 by The Bahamas, MEPC 45/7/13 by Hong Kong China and MEPC 45/7/16 By Norway
- .4 Specific comments on the proposed amendments to regulation 13G: MEPC 45/7/7 and MEPC 45/INF.30 by Japan, MEPC 45/7/14 by Greece and MEPC 45/7/15 by Norway
- .5 Views of the industry: MEPC 45/7/8 by BIMCO, MEPC 45/7/12 by ICS, MEPC 45/7/17 by INTERTANKO, MEPC 45/INF.22 by IACS, MEPC 45/7/18 by INTERTANKO and MEPC 45/INF.28 by IAPH
- .6 Any other proposals and general discussion.

7.25 The Chairman stated that, after all papers had been introduced, a general discussion would take place on the three most significant issues:

- .1 policy issues and matters of principle related to the phase-out regime of single-hull tankers;
- .2 application to smaller vessels; and
- .3 general policy matters relating to additional measures.

BASIC PROPOSALS

MEPC 45/7/3 (Belgium, France and Germany)

7.26 The Committee noted that document MEPC 45/7/3 by Belgium, France and Germany contained a proposal for amendments to regulation 13G, which was designed to speed up the gradual phasing out of single hull oil tankers, so that the world fleet could be brought into line as quickly as possible with double hull requirements, or with equivalent design standards. The age limits proposed were either lower than those currently provided for under the current regulation 13G, or apply to categories of oil tankers which, on account of their size, were not currently covered by regulation 13G.

7.27 The Committee noted that the document also provided some background information and an initial assessment of the impact of the proposal. Concerning the criteria for tanker size and hull construction, the document divided tankers into the following three categories:

Category 1: single-hull crude oil carriers of 20,000 DWT and above and product carriers of 30,000 DWT above¹ not equipped with SBT/PL; known as “pre- MARPOL tankers”;

Category 2: single-hull oil tankers which are the same size as those in category 1, but which are equipped with SBT/PL; known as “MARPOL tankers”; and

Category 3: single-hull oil tankers of 600 DWT above but below the limits specified in categories 1 and 2, delivered before 6 July 1996.

7.28 The Committee noted that, for each of the three categories, the three countries proposed the following amendments to regulation 13G (MEPC 45/7/3, annex):

for Category 1, it was proposed to replace the age limits of 25 or 30 years under regulation 13G by a single age limit of 23 years. An end date was set at 2005 regardless of the age of tankers;

for Category 2, it was proposed to require compliance with double hull requirements or with equivalent design standards when the ships reached the age of 26 years, or by 1 January 2008, whichever was the earlier; and

for Category 3, it was proposed to set an age limit of 23 years for oil tankers not equipped with SBT/PL and of 28 years for those so equipped, as well as an end date of 1 January 2013 after which single hull oil tankers in this Category would not be permitted to operate.

MEPC 45/7/5 (Spain)

7.29 The Committee noted that document MEPC 45/7/5 by Spain outlined the views of Spain on strengthening the safety of tankers following the **Erika** accident and contained the proposed amendment to regulation 13G by Spain and the reasons for this proposal as well as an initial assessment of the effects of its proposal. The proposed amendments, among others, contained the following:

An oil tanker shall comply with the requirements of regulation 13F of MARPOL Annex I in accordance with the following programme:

Category 1 tankers may not operate after the date on which the ship reaches 23 years of age or 1 June 2005, whichever is the earlier;

Category 2 tankers may not operate after the date on which the ship reaches 28 years of age or 1 January 2010, whichever is the earlier;

Category 3 tankers which are not equipped with SBT/PL may not operate after the date on which the ship reaches 25 years of age or 1 January 2010, whichever is the earlier; and

Category 3 tankers, which are equipped with SBT/PL, may not operate after the date on which the ship reaches 30 years of age or 1 January 2015, whichever is the earlier.

BASIC INFORMATION

MEPC 45/7/2 (Secretariat)

7.30 The Committee noted that document MEPC 45/7/2 contained the outcome of MSC 72 in relation to the **Erika** incident. Following the introductory statement by the Secretary-General a great number of representatives of the Member States, intergovernmental organizations including the European Commission, and non-governmental organizations spoke on the subject. While the speakers outlined some different approaches to the solution of the problem, it was MSC's unanimous wish to send a clear message to this Committee that MSC would provide its full support in consideration of proposals in the most urgent and expeditious manner.

7.31 The Committee noted further that documents MEPC 45/7/2 also summarized other actions taken by MSC 72 in the wake of **Erika**, including approval of proposed amendments to Annex B (covering oil tankers) to resolution A.744 (18) – Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers with a view to adoption at MSC 73, and consideration of a mandatory ship reporting system Off Les Casquets and the adjacent coastal area proposed by France with a view to future adoption.

7.32 The Committee further noted that NAV 46 had agreed on the mandatory ship reporting system Off Les Casquets and the adjacent coastal area and had requested MSC 73 to adopt the system.

MEPC 45/7/6, MEPC 45/7/6/Add.1 and MEPC 45/INF.29 (Secretariat)

7.33 The Committee noted the information provided by the Secretary-General in document MEPC 45/7/6 about the Study on the impact of the two basic proposals commissioned by him at no cost to the Organization in view of the urgency and utmost importance of this issue.

7.34 The Committee further noted that documents MEPC 45/7/6/Add.1 and MEPC 45/INF.29 presented the outcome of the Study. The Study provided a wealth of objective information covering all the major areas, including volume of oil carried by tankers, tanker statistics, world shipbuilding capacity, world ship recycling capacity and an initial assessment of the costs to the tanker industry with a view to assisting the Committee to make well-informed decisions:

Volume of oil carried by tankers

This section gives the volume of oil and oil products carried by tankers on a world-wide basis and by regions. There are 3 main points in this section: (1) uninterrupted transport of oil by tankers is essential to the sustainable function of the world economy; (2) the growing world economy needs more tanker capacity in the coming years; and (3) the utilization rate of the tanker fleet is, at present, close to practical maximum.

Tanker statistics

This section shows the total number and DWT of all existing ships carrying oil on a year-by-year basis from the 1970s to the year 2000, subdivided by the three categories, ship construction (single hull, SBT/PL or double hull) and ship type (oil tankers, OBOs, Ore/Oil and chemical tankers). It aims to help the Committee to determine the different impact on different tankers by the various proposals.

World shipbuilding capacity

This section gives the assessment of the world shipbuilding capacity. From the Study, it is clear that the new shipbuilding demand which would be created by the two basic proposals could not be absorbed by the current world shipbuilding capacity in any single year and should, therefore, be distributed over a number of years.

World ship recycling capacity

This section gives the assessment of world ship recycling capacity. The total replacement demand for Category 1 and Category 2 tankers which would be created by the two basic proposals is in the order of 145 million DWT. If the world's annual ship recycling capacity is assumed to be in the range of some 30 million DWT for all types of ships, it would take nearly 5 years to recycle Category 1 and Category 2 tankers alone.

Tanker casualty statistics

There are 3 main points to be noted in this section: (1) the number of major oil spills has decreased significantly over the past 30 years; (2) hull failures account for 14% of the large spillages (> 700 tons) between 1974 and 1999; and (3) there were 96 total losses of tankers between 1992 and 1999; of these, 23% by number and 26% by deadweight were attributed to "structural failure" with fire and explosion being the most common single cause.

Initial assessment of the costs to the tanker industry

"The conservative approach" was used to assess the costs, avoiding any speculation about how the two basic proposals might affect the new shipbuilding market. The calculation had been attempted in a simplistic manner and the time-value of money has not been taken into account. The cost estimation for new buildings and scrapping is at some 15,726 million US dollars in total.

GENERAL COMMENTS

MEPC 45//7/1 (Greece)

7.35 The Committee noted that Greece, in its document MEPC 45/7/1, provided a framework for Member States to submit specific proposals pertinent to the **Erika** incident and stressed that the proposed phase-out regime for single-hull oil tankers must be proportionate, realistic and address their actual causes and not other considerations, and that the proper construction, maintenance and operation of a ship are the main prerequisites for safety and not a vessel's age or flag. Greece also noted that a large number of measures have already been taken by IMO, including double hull requirements, the enhanced survey programme, the ISM Code and the proposed amendments to resolution A.744 (18) to be adopted at MSC 73. Greece also proposes additional measures to improve the safety regime and eliminate substandard shipping.

MEPC 45/7/9 and MEPC 45/7/19 (Brazil)

7.36 The Committee noted that Brazil, in document MEPC 45/7/9, stressed that the establishment of unilateral measures (national and regional) is not a correct approach, maritime transport, as an international activity, must have uniform standards and regulations. Brazil held

the view that it is more important to properly implement the existing regulations than to establish new ones. The debate on accelerated phase-out of single hull tankers should take into consideration the economic conditions of maritime transport and the world ship building capacity. Any amendments to regulation 13G should only be made after thoroughly considering the causes for **Erika** casualty.

7.37 The Committee further noted that Brazil, in document MEPC 45/7/19, proposed that the process should be conducted with prudence and suggested that relevant matters, such as impact on the oil transport industry, ship building and scrapping industry, improvement of ship hull and structure inspections, should be examined carefully together with the Maritime Safety Committee before making amendments to regulation 13G. Brazil is against the establishment of unilateral requirements, either national or regional, which would be detrimental to international shipping. Furthermore, Brazil considered that double hull itself would not prevent future accidents similar to **Erika**.

MEPC 45/7/11 (The Bahamas)

7.38 The Committee noted that The Bahamas, in document MEPC 45/7/11, provided comments relating to the continued adequacy of the strength of large bulk carriers and oil tankers which depended on their being properly surveyed and the need for action at the design stage to make survey inspections more easily accomplished. It also provided recommendations on how to make ships survey-friendly.

7.39 In the view of the Bahamas, there is clearly a need to tackle the problems of large bulk carriers and tankers with weakened hulls. Therefore IMO should consider in what ways a ship's design needs to be adapted to allow a surveyor, conducting a hull survey on a large ship, to carry out a detailed examination of all parts in an effective, safe and economical fashion, taking into account MSC/Circ.686, and if necessary, appropriate amendments to SOLAS should be drafted.

MEPC 45/7/13 (Hong Kong, China)

7.40 Hong Kong, China, in its document MEPC 45/7/13, expressed the view that the proposal in document MEPC 45/7/3 was too hasty as it had been made before the exact cause of the **Erika** casualty has been established. Although double-hull tankers are structurally stronger than single hull tankers, if not maintained properly, **Erika** type accidents could also occur with double hull tankers. The proposed phasing out of single hull tankers would cause a huge burden on all economies dependent on oil imports. Therefore, such a move should be taken only after a careful and thorough analysis of all relevant factors, including shipbuilding and scrapping capacity and impact on freight rates, and the double hull requirements should be introduced at a reasonable pace.

MEPC 45/7/16 (Norway)

7.41 Norway, in its document MEPC 45/7/16, expressed its opinion that various types of supplementary requirements may be even more important in relation to prevention of future oil pollution than a more rapid phasing out of single hull oil tankers, and gives a summary of recommendations aimed at the elimination of sub-standard ships. Most of the recommendations are based on investigations by the Norwegian authorities into the sinking of the Cypriot registered bulk carrier "**Leros Strength**" in 1997. Norway had already submitted a document to the FSI 9 with a view to developing or amended provisions.

SPECIFIC COMMENTS ON THE PROPOSED AMENDMENTS TO REGULATION 13G**MEPC 45/7/7 and MEPC 45/INF.30 (Japan)**

7.42 Japan, in its document MEPC 45/7/7 and the associated document MEPC 45/INF.30, appreciated the joint proposal submitted by Belgium, France and Germany (MEPC 45/7/3), as they did not introduce unilateral nor regional regulation but proposed amendments to regulation 13G of MARPOL Annex I. Japan agreed with the idea of speeding up the phase-out of old single hull oil tankers because it shared the view that old tankers tend to have structural failure. However, in Japan's view, it is not acceptable to phase out Category 2 tankers of around twelve years old according to the Belgium, France and German proposal. Japan also expressed concern that the drastic phase-out would generate a large volume of tanker tonnage to be scrapped in a very short period, which would cause serious impact on the shipping market, and might affect world oil trade. Therefore the phase-out of single-hull tankers should be practical, reasonable and gradual particularly for Category 2 tankers.

7.43 Taking into account the fact that **Nakhodha** was 26 years old and **Erika** was nearly 25 years old when they broke in two and the interval of renewal survey being five years, the delegation of Japan stated that they may accept an age of 25 years for the phase-out of Category 2 tankers but the age of 28 years is too old to be accepted from a safety point of view. Furthermore, if the maximum age is set at 28 years and the deadline is set at 2015, 18 or 19 year old Category 2 tankers would be phased out at 2015 while on the other hand, 28 years old tankers could continue until 2015. This is unacceptably unfair in the case of relatively new tankers.

7.44 The Committee noted that Japan had conducted research on the economic effect of the proposed phase-out of single-hull tankers in MEPC 45/7/3 and the outcome of the research is contained in MEPC 45/INF.30. The Committee expressed appreciation to Japan for having undertaken a very comprehensive research on the economic effect of the proposed amendments to regulation 13G, which would help the Committee to make well-informed decisions.

MEPC 45/7/14 (Greece)

7.45 Greece, in its document MEPC 45/7/14, expressed the view that all Member States should work together to find the best possible solution for the problems generated by the **Erika** incident. However, any remedial action should be taken cautiously and after all factors have been taken into account, including the impact on the employment of a large number of foreign seafarers who support their families with their shipping-generated income. Hence, it is of the utmost importance for all Member States to show both determination and flexibility. Greece made the following proposal:

Category 1 tankers be phased out as provided by regulation 13G with the addition of an end date in 2007.

for Category 2 tankers, the age limit prescribed by regulation 13G (30 years) be brought down to 28 years; if an end date is to be introduced, this should be set in 2015 (the date in OPA 90), thus giving the opportunity of a lifetime of approximately 20 years to the youngest oil tankers of this category.

Category 3 tankers be divided in the following two subcategories: Category 3(a) - Oil tankers of 5,000 DWT and above, and Category 3(b) - Oil tankers of less than 5,000 DWT:

For Category 3(a), the end date be set at 2015 and the age limit be set at 30 years, taking into account that no distinction shall be made between SBT/PL and non-SBT/PL tankers since the present regulations 13, 13E of MARPOL Annex I are not applicable for this category.

For Category 3(b), no age limit or end date be introduced, because this category contains a large number of small sized vessels engaged in domestic and/or short international voyages, securing the oil supply between mainland and islands and playing a vital role in the national economies of various countries. Any dramatic change in this pattern would seriously distort the economic conditions of many Member States. Moreover, it should be stressed that the OPA 90 regime imposes no age limits for oil tankers under 5,000 gross tons.

MEPC 45/7/15 (Norway)

7.46 Norway, in its document MEPC 45/7/15, appreciated that stricter requirements should be applied to oil tankers in the aftermath of the **Erika** casualty, and welcomed any proposal for new international measures capable of reducing the risk of oil pollution, provided that the cost involved could be justified by the risk reductions achieved.

7.47 Norway proposed the following:

For Category 1 tankers, an age limit of 25 years be set with no additional end date. Since these tankers were not delivered after 1 June 1982, all of them will therefore be phased out by 1 June 2007.

For Category 2 tankers, an age limit of 25 years be set with no additional end date. These tankers could be delivered until July 1996, and therefore a phase-out deadline in 2008 or 2010 would imply that some ships would be phased out at a very young age.

For Category 3 tankers not equipped with SBT/PL, an age limit of 25 years be set with no additional end date.

For Category 3 tankers equipped with SBT/PL, which could be delivered prior to 6 July 1996, age limit of 25 years be set (which is stricter than the proposals in MEPC 45/7/3 and MEPC 45/7/5) with no additional end date.

7.48 The Committee noted that Norway recommended consideration of a requirement for all single-hull oil tankers to use "HBL" from a particular age limit, e.g. 15 years with a view to reducing the risk of oil pollution in case of grounding (MEPC 45/7/15, paragraph 34).

VIEWS OF THE SHIPPING INDUSTRY

7.49 The Committee agreed to hear the views of the shipping industry before debating on the proposed amendments to regulation 13G of MARPOL Annex I.

MEPC 45/7/8 (BIMCO)

7.50 BIMCO, in its document MEPC 45/7/8, expressed grave concern that internationally agreed regulations, such as MARPOL, could be changed overnight as result of one single accident. Shipping is a long-term business, and shipping companies must have ample time to plan

their business strategies. BIMCO conducted its own study and concluded that, if the proposal in MEPC 45/7/3 is adopted, a very large number of tankers would be forced to be phased out prematurely including many tankers at a very young age in Category 2, and this would create a very serious condition in the oil supply market.

MEPC 45/7/12 (ICS)

7.51 ICS, in its document MEPC 45/12, acknowledged the need to review regulation 13G but emphasized that any amendments should be practical in content and orderly in their impact on the oil tanker industry and the transport of oil by sea. ICS also emphasized the importance of effective enhanced surveys of oil tankers relating to the proposed amendments to regulation 13G and recommended that the Committee, in co-operation with the MSC, review and strengthen the requirements of resolution A.744(18).

7.52 ICS expressed the strong view that proposed amendments to regulation 13G in documents MEPC 45/7/3 and MEPC 45/7/5 could not be introduced in an orderly and measured fashion, because both proposals would lead to withdrawal of an impractically large number of tankers from service in a very short time-scale, many of them well before the end of their reasonable design life. Therefore ICS proposed an alternative approach as reflected in document MEPC 45/7/12.

MEPC 45/7/17 (INTERTANKO)

7.53 The Committee noted the suggestion of INTERTANKO in document MEPC 45/7/17 that, for crude oil tankers of over 20,000 DWT and product carriers of over 30,000 DWT, the current requirements of regulation 13G are only amended to request for compliance with double hull requirements between 2010 and 2015. However, INTERTANKO stressed that due regard should be given to the impact of such amendments to regulation 13G on the latest generation of SBT/PL single hull tankers built in the 1990s. INTERTANKO further suggested that, for safety or environmental reasons and to keep the additional requirements in regulation 13G simple and straightforward, small tankers be requested to comply with the provisions for phase-in of the double hull design by the same dates as the other tankers.

MEPC 45/INF.22 (IACS) and MEPC 45/7/18 (INTERTANKO)

7.54 The Committee noted that IACS, in its document MEPC 45/INF.22, provided information to the Committee on the steps they have taken in the aftermath of the **Erika** incident. Specifically, following the loss of **Erika**, IACS undertook an overall review of its procedures with a view to further improving safety at sea and protection of the marine environment. As a result of that review, IACS has further strengthened a number of its requirements, including strengthening of the Enhanced Survey Programme (ESP), tightening transfer of class and mandatory use of exclusive surveyor for statutory survey. The actions are to be uniformly implemented by IACS Member Societies from 1 July 2001, and for statutory survey, the implementation date may also be the enforcement date of the amendment to EU Directive 94/57, whichever is earlier.

7.55 INTERTANKO, in its document MEPC 45/7/18, commented on the steps taken by IACS in the wake of **Erika**. INTERTANKO in principle welcomed the initiative taken by IACS in their document MEPC 45/INF.22 to review some aspects of the Class activities with the aim of improving them, however it pointed out that some of the suggested actions would call for

amendments to resolution A.744 (18), therefore IACS should provide the relevant text for such amendments before a final decision is taken.

MEPC 45/INF.28 (IAPH)

7.56 The Committee noted that IAPH, in its document MEPC 45/INF.28, provided information on a resolution adopted by the Board of Directors of IAPH pertaining to the IAPH position on MARPOL 13F and 13G regime, in which it supported the principle of multi-lateralism and, recognizing the global nature of the shipping, advocated the continued phasing out of single hull tankers in accordance with regulations 13F and 13G of MARPOL Annex I.

ANY OTHER PROPOSALS AND GENERAL DISCUSSION

7.57 After introduction of all the submissions and before the general discussion, the Chairman offered his observations and hoped that his remarks would assist the Committee in focusing on the essential elements of this rather complex issue.

7.58 The Chairman stated that, having read all the various proposals and listened carefully to the introductions, he interpreted this situation as one in which the Committee should view the **Erika** incident as a “wake-up call”. Therefore the Committee should use the incident as an alerting device, not so much to fix the particular causes of the **Erika** sinking, and as the casualty investigation report had only been made available to the Committee that morning, the Committee could not spend too much time at this stage focusing on the technical reasons for the casualty. This could be done at future meetings by this Committee and MSC. And as some have correctly pointed out a double hull may not have prevented the **Erika** incident.

7.59 The Chairman observed that there are political imperatives behind this issue, as public servants and industry representatives attending this session of the Committee, an appropriate technical response has to be provided, as we do in our normal every day life. There is nothing new or incongruous in responding to political reality.

7.60 The Chairman stated that it is essential that this Committee reacts sensibly to this incident and to the various proposals put to it. It is very important for the future of IMO that both the MEPC and MSC get this right.

7.61 The Chairman noted that, while the majority of papers including some from industry recognized there is a need to bring forward some of the phase-out dates in the current regulation 13G, the main concern is to ensure an appropriate phase-out period, with sufficient spread and flexibility to accommodate irregularities such as 11-year-old Category 2 MARPOL tankers being scrapped and which recognizes ship building capacity peaks as well as the economic impact on the transportation of oil.

7.62 Accordingly and to assist in focussing comments from the floor, the Chairman suggested that comments be limited to the following two issues with the objective of providing clear terms of reference to the Working Group, and where possible avoiding technical issues such as specific age limits, end dates, tonnage details:

- .1 the general policy issues and matters of principle surrounding the development of draft amendments to regulation 13G to bring forward the phase-out regime of single hulled tankers including application to smaller tankers not covered by the current regulation 13G; and

- .2 general policy issues relating to additional preventative measures which may require changes to IMO Conventions whether by MEPC or MSC, for example a review of resolution A.744(18) and other measures such as those proposed by Norway and The Bahamas.

General discussion

7.63 A large number of delegations spoke on the general policy issues surrounding the proposed amendments to regulation 13G. The various views are summarized in the following paragraphs:

- .1 there was strong support for international action through IMO, and opposition to unilateral, either regional or national, legislation for application to foreign flag ships which go beyond IMO standards;
- .2 the impact study on the proposed amendments to regulation 13G contained in documents MEPC 45/7/6, MEPC 45/7/6/Add.1 and MEPC 45/INF.29 provides a wealth of objective information which will definitely help the Committee to make well-informed decisions. However, the impact to each individual country has to be assessed and calculated by the country concerned, and this will take time. Therefore any hasty decision by the Committee should be avoided;
- .3 most of the delegations who spoke in plenary accepted the need to speed up the gradual phase-out of old single-hull tankers and to bring forward the phase-out dates in the current regulation 13G, while recognizing implications to oil transport, ship building capacity, ship recycling capacity, economic impacts and the need for orderly and gradual phase-out over an acceptable period of time, taking into account the requirements under OPA'90. A considerable number of other delegations opposed any changes to the current regulation 13G prior to assessing the extent of the impact that they may cause, suggesting that, as a priority, the Committee should first look at the other measures identified in the various documents;
- .4 older tankers pose more risk to the marine environment and regulation 13G should be amended to speed up the phase-out of single-hull oil tankers. However the phase-out should be gradual, reasonable and practicable, bearing in mind implications to the various sectors. Other measures should be considered to assist in eliminating the operation of sub-standard oil tankers;
- .5 double-hull is not a solution to all the problems. Well-maintained tankers should be allowed to operate for a longer period subject to enhanced survey as stipulated in resolution A.744(18);
- .6 as the casualty investigation report of the **Erika** incident only became available to the Committee during this session, the Committee should not make any hasty decisions because the decisions could prove to be in the wrong direction; if ships are not maintained properly, **Erika** type accidents could happen to double hull tankers. Any move to quicken the phase-out of single-hull tankers should be taken only after a careful and through analysis of all relevant factors;

- .7 the proposal for rapid action in IMO is not relevant to the **Erika** incident. The benefit of double-hull tankers is that they can prevent oil pollution in the event of low-energy collision or stranding, they cannot prevent accident such as the **Erika**, which suffered from structural failure.
- .8 the proposed amendments to regulation 13G to speed up the phase-out of single-hull tankers is without merit, because this kind of action will not cure the problem and the action requested is too hasty. It was mentioned that it took IMO 2 years and 8 months to adopt the amendments to SOLAS and to bring them into force in the wake of **Estonia** where some 900 lives were lost. No life was lost in the **Erika** accident, but the measures proposed are more drastic, making the value of life appear secondary; The point was also made that there are ship accidents every year and IMO simply can not be pushed to make amendments to mandatory instruments after each accident or even a group of accidents;
- .9 maritime safety and environmental protection have a price, and what is important is to strike the right balance between the safety, environment, political and commercial considerations;
- .10 grave concern was expressed about the phase-out of “teenager” Category 2 tankers as proposed in documents MEPC 45/7/3 and MEPC 45/7/5. An age of 25 years should be considered for all Category 2 tankers; concern was also expressed about the proposed total deletion of regulation 13G(4) and 13G(7) by which the life of many structurally sound Category 1 tankers can be extended by 5 years;
- .11 Western Europe is the biggest importer of oil and any interruption to oil supply, which is essential to sustainable economic development, should be avoided. The higher volume of oil shipped through its waters also means increased oil pollution dangers. Although a double-hull is not a solution to all the problems, it is the best solution available; and the EU will try to find a solution in IMO;
- .12 due consideration should be given to the economic impact to all countries concerned, including small countries with a small shipping fleet;
- .13 the importance of smaller tankers to the economy of small island States should also be considered;
- .14 since accidents can also happen to double-hull tankers, the Committee should be pro-active and start to think about the matter now;
- .15 the proposal from the Bahamas to make oil tankers survey-friendly from the design stage is widely supported; other measures should be considered to assist in eliminating the operation of sub-standard oil tankers, including human element issues and other operational measures which will minimize the risk of oil pollution from oil tankers. In particular, a review of resolution A.744(18) should be considered; if possible, a list of such measurers should be prepared for consideration and appropriate action by the Committee and the Maritime Safety Committee;

- .16 the quality of crew is one of the most important factors in preventing tanker accidents; therefore the human element issue including better training of seafarers should be a priority item for IMO, bearing in mind human error is an element in most accidents.
- .17 consideration should be given to possible displacement of seafarers if a large number of tankers are forced out of operation in a short period.
- .18 the role and qualifications of ship surveyors and inspectors should be addressed;
- .19 there should be preparedness and prompt response to oil pollution incidents caused by heavy fuel oils and other persistent oils, and this should be considered under the OPRC Convention as a priority issue;
- .20 there should be better control of traffic in congested waters, including straits;
- .21 port States, flag States and recognized organizations should carry out more stringent inspections and surveys on structural as well as operational aspects of all single-hull oil tankers of 15 years and above;
- .22 in these testing times, flexibility is the key. To succeed in making appropriate amendments to regulation 13G, all countries should look for common understanding;

7.64 The delegation of Singapore stated that any deliberations on the **Erika** issue should take into account two basic principles: The first principle is that, while the main concern is to reduce pollution risk, any phase-out of single-hull tankers should take into account the implications for the tanker and oil industries; the second principle is that proposals should not stop merely at the phase-out of single-hull tankers, but must also address the actual cause of the **Erika** incident.

7.65 The delegation of Denmark made a plea to the Committee for the crucial combination of flexibility and determination on the issue of double-hull tankers and noted that flexibility would be put to the test at this session of the Committee. Denmark pointed out that it was necessary to phase out single-hull tankers: Firstly, the transport of oil can be made safer by the use of double-hull tankers because they perform better in environmental protection in case of collision and stranding, and this is recognized by the present text of MARPOL; secondly, the existence of divergent regimes for the phase-out of single-hull tankers and their consequences on trade patterns can not be ignored, and the solution lies in an alignment of the different regimes. The objective of this session of the Committee should be, therefore, approval of draft amendments to regulation 13G to be circulated as a “pink document” for consideration and adoption at MEPC 46.

7.66 In view of the large number of proposals to amend regulation 13G which might paralyse consideration of the issue at this session of the Committee, Denmark, together with The Netherlands and the United Kingdom, organized extensive consultations during the northern summer, trying to bridge the gap between the various concerns. Denmark believed that they have identified a common understanding upon which an IMO compromise solution could be based and urged Member States to consider favourably this initiative in the Working Group.

7.67 The Committee noted that many delegations had been busy in recent weeks consulting with each other in order to establish some common ground in a myriad of proposals with the

objective of finding an acceptable solution. Because of the importance and complexity of this issue, the Committee agreed to take into full account not only those proposals which had been documented, but also to benefit from more recent developments among Member Governments including the compromise proposal to amend regulation 13G referred to by the delegation of Denmark, which will facilitate achieving an appropriate outcome.

Terms of reference of the Working Group

7.68 After a general discussion, the Committee agreed to send out the Working Group with the following terms of reference:

- .1 Taking into consideration views expressed at plenary consider:
 - .1 all proposals including the one mentioned by Denmark at plenary, relating to the draft amendments to MARPOL Annex I regulation 13G to bring forward the phase-out dates for single-hull oil tankers, recognizing implications to oil transport, shipbuilding capacity, ship-recycling capacity, economic impacts and the need for orderly and gradual phase-out over an acceptable period of time, taking into account the requirements under OPA 90.
 - .2 the session documents and identify any other measures which will assist in eliminating the operation of sub-standard oil tankers, including the human element issues such as the training of seafarers and human resources and other operational measures which will minimize the risk of oil pollution from oil tankers. In particular, a review of resolution A.744 (18) and the proposal relating to surveys from the Bahamas should be considered.
- .2 Prepare for further consideration by the plenary:
 - .1 a compromise text or texts of draft amendments to MARPOL Annex I regulation 13G; and
 - .2 a list of measures which should be further considered by the Committee and MSC in coming sessions.

Outcome of the Working Group

7.69 The Chairman of the Working Group Mr. Z. Alam introduced the report of the Working Group (MEPC 45/WP.5 and MEPC 45/WP.5/Add.1). The Group recalled the general discussion at plenary and, after exchange of views, agreed to use the compromise proposal mentioned by Denmark at plenary as a basis of its consideration. The outcome of the Group is briefly summarized in the following paragraphs.

Category 1 tankers

7.70 The delegation of Italy stated that it is in favour of a final end date of 2005, stressing the importance that the extension of life until 2007 could be allowed subject to a condition assessment scheme in order to ensure that only quality tankers can operate after 2005.

7.71 It was, however, recognized that the phase-out dates (2003-2005) as contained in the compromise proposal will still cause problems in accommodating shipbuilding demand within

the limits of shipbuilding capacity. To further smooth the peaks falling into the years 2003 and 2004 it was agreed to extend the phase-out date for this category to 2007. The Group further agreed that the Condition Assessment Scheme (CAS) should also be introduced in Category 1 tankers to allow operation until 2007.

7.72 The Group noted that the compromise proposal did not include the provisions that the continued operation of Category 1 tankers of 25 years of age and over is subject to compliance with regulation 13G(4) or (7). The Working Group agreed to retain the existing provisions of regulation 13G(4) and (7).

Category 2 tankers

7.73 Several delegations proposed, and the Group agreed, that the cut-off age of Category 2 tankers should be 25 years rather than 28 years as in the compromise proposal, in view of the fact that two recent serious pollution incidents were caused by oil tankers of an age close to 25 years.

7.74 Some delegations were of the opinion that 28 years of age should be used instead of 25 years.

7.75 With regard to the end date of the phase-out scheme, many delegations expressed firm views that 2015 in the compromise proposal should be retained in order to align with OPA 90. Many other delegations, however, expressed the view that end date of 2015 could result in phase-out of a substantial number of ships of 18-19 years of age, and proposed to extend the date to 2017. After discussion, the Group agreed to prepare two alternative phase-out schemes, one up to 2015 and other up to 2017.

7.76 Many delegations expressed firm support for the compromise proposal that continued operation of Category 2 oil tankers beyond 2010 should only be permitted to high quality ships which are accepted under the Condition Assessment Scheme (CAS). Some delegations, however, expressed serious concern about the practicability of implementing such a scheme, in the absence of the details of the scheme, such as criteria for acceptance of continued operation.

7.77 After discussion the Group agreed that the Condition Assessment Scheme (CAS), which should be separated from the review and improvement of resolution A.744(18), should be incorporated in the draft regulation 13G, and developed as a mandatory instrument to supplement the provisions of regulation 13G.

7.78 In order to proceed further with the preparation of the Scheme, an informal group prepared a preliminary and non-exhaustive list of underlying principles to be addressed in considering the verification or condition assessment scheme, and these are set out in annex 3 to MEPC 45/WP.5. Due to some constraints, the Group did not discuss this list in detail.

Category 3 tankers

7.79 After extensive discussion the Group noted that some basic considerations need to be taken into account when formulating solutions for Category 2 tankers e.g. the age and end dates would also be applicable to Category 3. It was therefore agreed to include in the draft regulation two end dates i.e. 2015 and 2017. Some delegations proposed the age of 25 years. During the discussion of the Category 3 conditions the Brazilian delegation stated that all MARPOL tankers that do not comply with regulation 13F with DWT greater than 5,000 tons shall have a maximum age of 25 years without any end date. For single-hull MARPOL tankers Brazil can accept a limit

age of 25 years with an end date of 2017. The delegation of France proposed to add the Condition Assessment Scheme (CAS) for Category 3 tankers without SBT/PL beyond 2010, but it was not accepted.

7.80 The Group unanimously agreed that, for the purpose of the amended regulation 13G, Category 3 vessels should mean crude oil tankers and product carriers not complying with regulation 13F of 5,000 DWT and above but below the tonnage limits of Category 1 and 2 tankers.

7.81 On the basis of the draft text contained in the compromise proposal and the comments made during the discussions the Group requested a small drafting group to revise the draft text.

7.82 The Group noted that the compromise proposal did not include regulation 13G(4)(a) on mandatory application of resolution A.744(18). The Group agreed that, since SOLAS regulation XI/2 includes mandatory application of resolution A.744(18) for tankers of 500 gross tonnage and above, regulation 13G(4)(a) is now redundant and its retention is no longer needed.

7.83 The implementation schedule as continued in paragraph (4) of the revised draft regulation 13G provides for two alternative sets of dates for certain phasing-out periods for Category 2 and 3 tankers. There are also two alternative conditions in paragraph (6) of the draft text, contained in square brackets, namely [25 years after its date of delivery] and [2005]. It was felt that it would not be appropriate to hasten decisions on these alternatives but to give a thorough and detailed consideration during the inter-sessional period.

7.84 When the Group discussed possible implementation of the phase-out schedule for Category 3 tankers a few delegations expressed their concern with respect to the number of vessels to be forced out of service in a single year e.g. 277 tankers in 2003. It was agreed that this aspect should be carefully evaluated taking into account order books for the period of reference and shipbuilding capacity.

Information on OPA 90

7.85 The Group noted the information provided by the United States outlining the implementation dates as specified in OPA 90. The United States proposed to substitute the regime of regulation 13G for Category 1, Category 2 and Category 3 tankers by that contained in OPA 90. The proposal was perceived with interest however was not accepted.

Other measures

7.86 As instructed by the Committee, the Group reviewed relevant documents submitted to the Committee and had identified a number of possible measures which may assist in eliminating the operation of sub-standard oil tankers to minimize the risk of oil pollution from tankers. A preliminary draft list of such measures, which are all extracted from the documents submitted to MEPC 45 with minor editorial adjustments, had been prepared. The Group noted that the list, being preliminary, is not exhaustive, and due to time constraints, some proposed measures in some documents may have been omitted inadvertently.

7.87 The Group agreed that the deliberation and urgent future action on these measures was as important as consideration of the early phase-out of single-hull tankers in avoiding the possible recurrence of any tanker accident.

7.88 The Group considered it very important that resolution A.744(18) should be reviewed and that the proposal relating to survey-friendliness should be considered. The Group also agreed that the possible measures listed for future action should be evaluated intersessionally and delegations should be invited to submit documents to MEPC 46 for consideration.

Comments on the outcome of the Working Group

7.89 The Italian delegation, referring to the outcome of the Working Group, expressed its regrets that there is still such a difference of views between delegations on the thorny issue of the phasing out of single-hull tankers. That delegation stated that it shares the view expressed in document MEPC 45/7/3 submitted by Belgium, France, Germany. However, in the spirit of compromise it supported alternative A in document MEPC 45/WP.5/Add.1 page 2. It noted that many delegations supported alternative B where the word “later” was used instead of “1996”.

That delegation stated that while the phasing out of single hull tankers represents a cost, as the Japanese delegation pointed out in its comments on paragraph 19 of document MEPC 45/WP.5 for Category 3, perhaps the situation is not as gloomy as it appears. The Italian delegation suggested that the effective protection of the marine environment may demand economic sacrifices if the Committee want to pursue a responsible and consistent policy.

The Italian delegation expressed its concern for the future of the marine environment, and informed that the Italian Government has recently ordered that all single-hull tankers entering Italian territorial waters be properly inspected by the maritime authorities in order to ensure their compliance with IMO standards and international regulations and assess their capacity to safely navigate into Italian waters.

7.90 The Indian delegation noted that though the terms of reference to the Working Group was to consider the amendment to 13G taking into consideration the requirements under OPA 90, variations exist in the text arrived at by the Working Group compared to OPA 90.

This was supported by Malta and Greece.

7.91 The delegation of Singapore, referring to MEPC 45/WP.5 in general, wished delegates to consider the following points in making their decisions on the proposals of the Working Group for MEPC 46:

- .1 Amendments to 13G are to phase-out old single-hull tankers on the grounds that age is related to increased risk of structural failure of the kind that led to the **Erika** accident. We have broadly agreed on 25 years as the appropriate age limit. We must therefore not then unnecessarily penalise younger tankers by holding on to set cut off dates. That delegation therefore supports a longer phase-out period beyond 2010 subject to quality test to 2017 (Alternative B).
- .2 There is general agreement that we want to move to a universal standard and be as close to OPA'90 as possible. However, in trying to align with OPA'90, we should note that OPA'90 gave the industry 20 years till 2010 to phase-out single-hull tankers. We are trying to achieve this same end dates in half the time. We therefore need to carefully consider the time schedule so as to avoid negative impact on the oil and shipping industry.

- .3 The delegation of Singapore is therefore grateful that a sense of practical realism has set into the deliberations. The economic impact study by the IMO Secretariat has been extremely helpful in this regard. Clearly our efforts to examine a more prudent, longer phase-out period after 2010 has much merit. However the delegation of Singapore felt that the Committee is far from having completed examining the full economic impact of the proposed amended phase-out schedule on the oil supply system and shipbuilding capacity. Intersessionally, IMO members must work closely with industry groups to carefully evaluate the validity of the situation demonstrated in the graphs in annex 1 to MEPC 45/WP.5.

Action taken by the Committee

7.92 The Committee reviewed the report of the Working Group (MEPC 45/WP.5 and MEPC 45/WP.5/Add.1) and, after an exchange of views, approved the report of the Working Group in general and agreed to replace "and 1996" with "or later" in the last line of Alternative B for Category 2 tankers in the table of MEPC 45/WP.5, in particular:

- .1 approved the draft text of amendments to regulation 13G of MARPOL Annex I, which is set out at annex 9 for circulation in accordance with the provisions of article 16 of MARPOL for consideration and adoption by MEPC 46; and
- .2 requested the Secretariat to prepare a draft MEPC resolution on the adoption of the proposed amendments to regulation 13G.

7.93 The delegation of Japan stated that caution should be paid to the use of tables contained in MEPC 45/WP.5 annex 1 for the assessment of the impact of the proposed phase-out scheme for Category 1 and 2 oil tankers, since considerable numbers of old oil tankers would have already been phased-out by 2003 and furthermore the shortage of worldwide capacity of building smaller tankers during peak periods might not be as serious as the table might suggest.

7.94 With regard to the Committee's approval of the draft text of amendments to regulation 13G of MARPOL Annex I, the United States reserved its position.

7.95 With regard to the other possible measures listed by the Group at annex 2 to MEPC 45/WP.5, the Committee agreed with the following course of action:

- .1 to invite MSC 73 to establish a working group to fully examine all the measures listed in annex 2 aimed at eliminating substandard oil tankers and minimize the risk of pollution from oil tankers and to firstly separate the list into maritime safety and environmentally related issues.
- .2 to invite MSC 73 to instruct the working group to prepare an action plan to develop the safety related measures.
- .3 to also invite MSC 73 to request the technical sub-committees BLG 6, FSI 9 and DE 44 to further develop relevant issues and to report to MEPC and MSC with a proposed implementation plan.

7.96 The Committee noted that MSC 73 might be able to accommodate a working group on this matter as their planned working group on bulk carrier safety was unlikely to be established.

7.97 With regard to the course of action to be taken concerning the development of verification or the Condition Assessment Scheme (CAS) referred to in annex 3 to MEPC 45/WP.5, the Committee, recognizing that the development of such a scheme is essential for the Committee to be in a position to adopt the proposed amendments to 13G, agreed that this matter needs to be settled between MEPC 45 and MEPC 46.

7.98 In order that delegations may meet face to face to discuss this important matter, the Committee agreed, pending approval by the Council, to set up an Intersessional Working Group from 31 January to 2 February 2001 during the week prior to BLG 6. The Intersessional Working Group will be tasked with preparing a detailed Condition Assessment Scheme as referred to in the draft text of revised regulation 13G of MARPOL Annex I. The delegation of France stated that France will provide the cost for interpretation for the Intersessional Working Group.

7.99 The Committee noted the view expressed by IACS that the enhanced survey programme in resolution A.744 (18) has been working very well and it is important that resolution A.744(18) continue to be the platform. The proposed CAS may create confusion.

7.100 There was a request to produce a consolidated edition of resolution A.744(18) with all the subsequent amendments for ease of reference. The Committee, noting that MSC 73 will consider and adopt some amendments to resolution A.744(18), agreed to request the Secretariat to produce the consolidated edition as an IMO publication as soon as possible in 2001.

7.101 With regard to the other possible measures to assist in eliminating sub-standard tankers to minimize the risk of oil pollution the Committee noted the request by BIMCO that a tanker casualty analysis should be included in the list. Other delegations expressed their intention to submit comments on the list.

7.102 The delegation of Brazil stated that as a Member State of several international organizations it knew that sometimes it is difficult to reach a consensus on what is thought to be the most appropriate solution to a problem. However, that does not preclude the participation of any Member State in the work to be done. For that reason Brazil devoted all its efforts to helping the discussions held in the Working Group, and this was done even when it sustained the position previously explained, that the current issue, as it is stated, suffers from an original sin. The main purpose was taken as the political requirements and oil pollution as the constraint, when it should be exactly the opposite. This may result in a mistaken decision. It is also Brazil's understanding that all Member States are responsible for the credibility of this institution and its decision, and it has concerns about this matter. Bearing this in mind, that delegation promptly agreed to take part in the Working Group. However, this participation should not be misunderstood as its agreement with the outcome. Brazil reserves the right to come back to this issue after conducting its own studies. It believes that the Committee can achieve a good technical solution without compromising the political constraints involved. Currently Brazil thinks that the Committee is doing the opposite, trying to find a political solution for the issue without the necessary data and without assessing the consequences.

7.103 The delegation of Chile recognized that IMO has strengthened its position as the competent regulatory body for international shipping. However, it stated that there appeared to be some haste in reaching decisions, since some text is still in square brackets. That delegation urged IMO to remain a technical regulatory body.

7.104 The Committee expressed its gratitude to the delegation of Denmark for co-ordinating the recent consultations which resulted in the compromise proposal. The Committee also thanked all those delegations that participated in and contributed to the consultations.

7.105 Many delegations noted that significant progress had been made in reaching a compromise, and expressed willingness to co-operate with each other at MEPC 46 when the proposed amendments to regulation 13G are considered with a view to adoption.

7.106 The Committee expressed sincere thanks to Mr. Z. Alam for his excellent work as Chairman of the Working Group and to Mr. Y. Sasamura for his outstanding contribution in chairing the drafting group which produced the draft text of revised regulation 13G of MARPOL Annex I.

7.107 The delegation of the Netherlands, on behalf of the delegations, expressed sincere thanks and profound appreciation to Mr. M. Julian as Chairman of the Committee for his wise leadership in dealing with the difficult and complex issue of proposed amendments to regulation 13G in the wake of Erika. With the Chairman's skilful exercise of stewardship, there has been no "explosions", "collisions" or "groundings" in the considerations and the Committee, with the common objective of minimizing the risk of pollution accidents like the Erika, approved the draft text of amendments to regulation 13G at this session for circulation in accordance with the provisions of article 16 of MARPOL 73/78 for consideration with a view to adoption at MEPC 46. This is a tremendous achievement.

8 PREVENTION OF AIR POLLUTION FROM SHIPS

Introduction

8.1 The Committee agreed to consider the following matters under this item:

- .1 Progress report by the Secretariat (MEPC 45/8/2);
- .2 Draft MEPC resolution on incinerators (MEPC 45/8/1) and other matters related to incinerators (MEPC 45/8/4, MEPC 45/8/5 and MEPC 45/8/6);
- .3 Greenhouse gas emissions from ships (MEPC 45/8 and MEPC 45/8/3);
- .4 Information papers (MEPC 45/INF.7, MEPC 45/INF.12 and MEPC 45/INF.27).

Progress report by the Secretariat

8.2 The Committee considered the progress report prepared by the Secretariat on the follow-up activities as set out in document MEPC 45/8/2 and noted that the thirteenth session of the Subsidiary Body for Scientific and Technical Advice (SBSTA 13) under the UNFCCC:

- .1 noted with appreciation the status report provided by IMO on its considerations on greenhouse gas emissions from ships;
- .2 encouraged IMO to complete its considerations as soon as possible; and
- .3 noted the importance of co-ordination by Parties at the national level on their work related to greenhouse gas emissions from ships under UNFCCC and IMO.

8.3 The Committee noted that FP 44 had agreed to recommend the prohibition of the use of PFCs in shipboard fire-extinguishing systems and that the Sub-Committee had developed a new regulation 10.4.1.3 of the draft SOLAS Chapter II-2, prohibiting the use of PFCs in new shipboard fire-extinguishing systems.

8.4 The Committee, noting that MSC 72 had approved the proposed regulation, concurred with the views of MSC 72 that there was no need to make a similar amendment to the existing SOLAS regulations since the date of enforcement of such an amendment would be the same as for the revised SOLAS Chapter II-2.

Draft MEPC resolution on incinerators

8.5 The Committee recalled that it at its last session decided to consider further the proposed amendment to the annex of resolution MEPC 76(40) on the Form of IMO Type Approval Certificate for Shipboard Incinerators with a capacity of up to 1,500kW, at this session and to adopt the amendment by means of an MEPC resolution.

8.6 The Committee considered the draft MEPC resolution on Interim Guidelines for the application of regulation 16(2)(a) of Annex VI of MARPOL 73/78 by the Secretariat (MEPC 45/8/1), taking into consideration that the annex attached to the draft resolution was approved at its last session.

8.7 The Committee adopted amendments to the Standard Specification for Shipboard Incinerators under cover of resolution MEPC.93(45), which is set out at annex 10.

Other matters related to incinerators

8.8 The Committee considered the proposal by Japan (MEPC 45/8/4) to amend resolution MEPC.76(40) with regard to lowering of the allowed maximum temperature of the shock-cooled flue gas from 350°C to 200°C within 2.5 meters from the outlet of the combustion chamber to avoid the formation of secondary dioxins in the flue-gas outlet from the combustion chamber of an incinerator.

8.9 The Committee considered the proposal by Republic of Korea (MEPC 45/8/5) to amend resolution MEPC.76(40) with regard to a change in the type test approval criteria for incineration of sludge in a shipboard incinerator due to a change in sludge handling on board ships. The type test approval is suggested to be based on a mixture consisting of 90% sludge oil from heavy fuel oil, 5% waste lubricating oil and 5% emulsified water.

8.10 The Committee considered the proposal by Republic of Korea (MEPC 45/8/6) to amend resolution MEPC.76(40) with regard to a change in the type test approval criteria to allow installation of incinerators on board new ships purposely built for the incineration of solid wastes only.

8.11 Some delegations expressed that the development and adoption of resolution MEPC.76(40) had been complex and lengthy and that, for the time being, there was no need to amend it. In the view of other delegations it would be timely to review the resolution, taking into consideration the technological developments and that the resolution only covered type approval of shipboard incinerators with a capacity of up to 1,500kW. In this regard, the Committee was informed that classification societies frequently requested approval of shipboard incinerators with a capacity of more than 2,500 kW to be installed on board large container and cruise ships.

8.12 The Committee, after discussion, agreed to request the DE Sub-Committee, at DE 44, to review resolution MEPC.76(40) in the view of the submissions by Japan and Republic of Korea and to report the outcome to MEPC 46 for consideration.

8.13 The Committee noted the information by Italy that, in accordance with Italian law, incineration on board ships is not allowed and that this practice is considered illegal within Italian territorial waters.

Consideration of an IMO strategy for greenhouse gas reduction

8.14 The Committee recalled that the operative paragraphs of Conference resolution 8 of the Air Pollution Conference in 1997, *inter alia* invited the Committee to consider what CO₂ reduction strategies may be feasible in light of the relationship between CO₂ and other atmospheric pollutants. Conference resolution 8 also makes reference to the Kyoto Protocol, which in its Article 2.2 states that, Annex I Parties to the United Nations Framework Convention on Climate Change (UNFCCC) shall pursue the limitation or reduction of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the international Civil Aviation Organization and IMO, respectively.

8.15 The Committee noted the submission by the Secretariat (MEPC 45/8/3) which provided background information for the consideration of an IMO strategy for greenhouse gases reduction.

8.16 The delegation of Japan recalled that the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) provides no timing for the IMO reporting. Japan was of the view that the IMO strategy for greenhouse gas emissions reduction should cover all greenhouse gases not controlled by the Montreal Protocol. All operational and technical proposals suggested by the IMO study should be carefully considered, and finally, that also the outcome of the studies on greenhouse gas emissions from ships undertaken, by the Ships & Ocean Foundation of Japan (MEPC 45/INF.27), should be taken into consideration.

8.17 The delegation of United Kingdom found it important that IMO sends a clear message of the importance it attaches to the issue to other international bodies that are considering how to take forward the commitments under the 1997 Kyoto Protocol. It was noted that ships carry the vast majority of world trade. While they produce less pollution for each tonne mile transported than other forms of transport, it is the view of United Kingdom that shipping must contribute to the global efforts to reduce greenhouse gas emissions and that it is important that IMO should therefore take the lead in the development of an emission reduction strategy. Furthermore, it is essential to signal IMOs determination to deal with this issue to the Conference of the Parties to UNFCCC.

8.18 United Kingdom believes that a statement, endorsed by the Committee, emphasising the importance that the IMO attaches to the consideration and development of strategies to limit or reduce emissions, should be included in our final report of this session.

8.19 With regard to the Executive Summary of the IMO study (MEPC 45/8), the delegation of United Kingdom was of the view that it notes that all technical measures to reduce emissions will be outstripped by projected increases in traffic volume. This highlights the need to complement technical measures with both operational and market-based measures. It is believed that some market-based measures deserve further consideration and call for the development of an effective emissions reduction strategy, based on a combination of technical, operational and market-based

measures. Members are therefore urged to consider these issues in preparation for a substantive debate at MEPC 46.

8.20 United Kingdom was further of the view that the study appears to have rejected, on the basis of minimal analysis, the idea of allocating emissions to Parties' inventories. The UNFCCC delegate at MEPC 44 informed the Committee that SBSTA will be considering the inclusion of international bunker emission allocations in the overall greenhouse gas inventories of Parties. It is therefore important that IMO takes a view on the question of allocation, and carefully reviews the analysis of the possible options.

8.21 Several delegations supported the views expressed by the United Kingdom, and the Committee agreed to endorse the views.

8.22 After initial responses from a few delegations, the Committee agreed to further consider this matter at MEPC 46. The Chairman while expressing the importance for IMO to develop clear policy on this matter, requested written submissions on the report so as to assist development of IMO's policy on greenhouse gases reduction.

Information papers

8.23 The Committee noted the information provided by the Helsinki Commission (MEPC 45/INF.7 and MEPC 45/INF.7/Add.1) on two studies on Marine Exhaust Emission Quantification for the Baltic Sea.

8.24 The Committee noted the information provided by the Netherlands (MEPC 45/INF.12) on the result of the application of resolution MEPC 82(43), Guidelines for monitoring the worldwide average sulphur content of residual fuel supplied for use on board ships, for the year 1999.

8.25 The Committee noted the information provided by Japan (MEPC 45/INF.27) on national research undertaken by the Ship and Ocean Foundation on greenhouse gas emissions from bulk carriers and container ships. The information supplement the information provided by Japan at MEPC 44 on greenhouse gas emissions from oil tankers.

9 REPORTS OF SUB-COMMITTEES

Documents

9.1 The Committee noted that documents MEPC 45/9/4 (INTERTANKO) and MEPC 45/9/5 (IACS) both addressed issues associated with the outcome of DE 43, the report of which was summarized in MEPC 45/9/1 (Secretariat). Furthermore, MEPC 45/9/3 (Secretariat) addressed an issue resulting from BLG 5, the report of which was summarized in MEPC 45/9/2. In addition, the report of FSI 8 was summarized in MEPC 45/9 (Secretariat).

Outcome of FSI 8

9.2 The Committee noted the report of FSI 8 (MEPC 45/9) and considered the five actions requested of it by the Sub-Committee as shown below:

- .1 consider whether the annex to resolution A.881(21) - *Guidance to assist flag States in the self-assessment of their performance*, should be updated for the**

purpose of including criteria and performance indicators, taking into account operative paragraph 7 of the resolution (paragraph 5.15.1);

- .1.1 In considering this issue, the Committee noted that the criteria, developed by the FSI Sub-Committee was approved by MEPC 44 and MSC 72 and issued as MSC/Circ. 954 and MEPC/Circ.377.
- .1.2 The Committee also noted that MSC 72 had already requested FSI 9 to develop the relevant amendments to resolution A.881(21) for approval by MSC 74 and MEPC 46 and subsequent submission to the twenty-second session of the Assembly for adoption. The Committee concurred with this decision of MSC.
- .2 consider whether guidelines to assist Governments in applying the criteria and performance indicators should be developed (paragraph 5.15.2);**
- .2.1 The Committee noted that there had been some general discussion on this point at FSI 8 and it was also considered at MSC 72 on the basis of a proposal by Cyprus (MSC 72/7/6). However, due to lack of time, MSC instructed FSI 9 to give further consideration to this proposal on the basis of the Cyprus submission.
- .2.2 As MSC had put this back to FSI 9, the Committee concurred that it was premature to consider the matter at this stage but that it should await the outcome of FSI 9 before taking any further action.
- .3 endorse the Sub-Committee's instruction to the Secretariat to issue annually an FSI circular to contain a list of very serious and serious casualties to fishing vessels of more than 100 tons gross tonnage or of more than 24 metres in length and relevant statistics (paragraph 11.5);**
- .3.1 The Committee recognized that, such statistics are very important in understanding the causes of accidents and so concurred with the decision of MSC 72 to endorse this instruction.
- .4 endorse the Sub-Committee's instruction to the Secretariat to issue regular FSI circulars containing information on casualties, collected and prepared by the Secretariat and updated on a regular basis on the IMO Bulletin Board System/Secure Internet (paragraph 11.17);**
- .4.1 The Committee concurred with MSC 72 and endorsed this instruction.
- .5 approve amendments to the text of MSC/Circ.827/MEPC/Circ.333 - Harmonized reporting procedures, regarding the terms "seaworthy" and "unseaworthy" and the issuance of an amended circular (paragraph 11.23 and annex 5);**
- .5.1 The Committee noted that MSC 72 had approved these amendments, subject to concurrence by MEPC, and instructed the Secretariat to include the amendments in MSC/Circ. 953 and MEPC/Circ. 372.
- .5.2 As a result, the Committee concurred with the decision of MSC on this issue.

.6 approve the revised work programme and agenda for FSI 9 contained in document MEPC 45/17;

.6.1 The Committee agreed to consider this under agenda item 17.

Outcome of DE 43

9.3 The Committee noted the report of DE 43 (MEPC 45/9/1) and considered the four actions requested of it by the Sub-Committee as shown below:

.1 consider the draft Guidelines for the sampling of fuel oil for combustion purposes delivered for use on board ships, for approval and subsequent appropriate action (paragraph 10.5 and annex 7);

.1.1 The Committee recalled that, at its forty-first session, it had instructed the DE Sub-Committee to give high priority to developing the Guidelines under Annex VI to MARPOL:

.1 on representative samples of the fuel delivered for use onboard ships; and

.2 for onboard NO_x monitoring and recording devices.

.1.2 The Committee also recalled that this was done on the understanding that Parties to MARPOL Annex VI will be invited to use the Guidelines upon its entry into force.

.1.3 The Committee noted two documents from INTERTANKO and IACS (MEPC 45/9/4 and MEPC 45/9/5) which identified concerns about the draft Guidelines and made proposals for improving them.

.1.4 The Committee recognized the issues and proposals made by INTERTANKO and IACS but expressed its concern over the proposals related to the commercial aspects of the sampling of fuel. As a result the Committee agreed that the DE Sub-Committee should be instructed to review the Guidelines, taking these two documents into account. However, the Committee also agreed to consider this in relation to the Work Programme of DE under agenda item 17.

.2 delete the above sub-item from the Sub-Committee's work programme as work has been completed (paragraphs 10.5 and 16.1.1.2 and annex 11);

.2.1 The Committee agreed that, as the concerns of IACS and INTERTANKO had been referred back to the Sub-Committee, it should keep this item on its work programme.

.3 note the progress made on the development of Guidelines for on-board NO_x monitoring and recording devices and urge Member Governments and observer organizations to submit relevant information to the focal point (paragraphs 10.6 to 10.11);

.3.1 The Committee noted that this was one of the two sets of Guidelines that the DE Sub-Committee was instructed to give priority to.

- .3.2 The Committee noted that Germany was acting as focal point for the collection of information on this subject and had proposed that the deadline for submissions of contributions should be extended to 1 October 2000 to allow for additional contributions to be made.
- .3.3 The Committee noted the progress being made and urged Member Governments and observer organizations to submit relevant information to the German focal point as requested:

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- .4 note the progress made on the revision of resolutions MEPC.60(33) and A.586(14) (section 11).**
- .4.1 The Committee recalled that, at its forty-second session, it had instructed DE to prepare a revised text of resolutions MEPC.60(33) - *Guidelines and specifications for pollution prevention equipment for machinery space bilges of ships*, and resolution A.586(14) - *Revised Guidelines and specifications for oil discharge monitoring and control systems for oil tankers*, together with the standards of required pollution prevention equipment for consideration and adoption by the Committee.
- .4.2 The Committee noted the progress being made on these two documents.

Outcome of BLG 5

9.4 The Committee noted that there were two documents addressing the outcome of BLG 5. The first, MEPC 45/9/2 which identified those issues of interest to the Committee resulting from the meeting and the second, MEPC 45/9/3 which addressed one of the specific points raised by the Sub-Committee.

9.5 The Committee considered the seven actions requested of it by the Sub-Committee in MEPC 45/9/2 as shown below:

- .1 consider the progress report on the revision of MARPOL Annex I, as shown in the annex to this document, and provide guidance to the Sub-Committee on how to proceed in general, and, in particular, which option should be used as the framework for the further review of MARPOL Annex I (paragraph 6.62);**
- .1.1 The Committee recalled that, at the thirty-seventh session, it had developed a general action plan and terms of reference for the revision of both Annexes I and II of MARPOL 73/78. Since then BLG has been developing revised text for

both Annexes with the intention of making them easier to follow whilst taking into account developments in technology.

- .1.2 The Committee noted that the Annex to MEPC 45/9/2 provided a progress report on the revision of Annex I but also indicated that the current approach being taken appeared not to be meeting the original objective of simplifying the text.
- .1.3 The Committee considered the three options, with their associated pros and cons, proposed by the Sub-Committee as a way forward and agreed that the most appropriate one for BLG to develop was option 2 and instructed BLG to develop a revised draft of Annex I incorporating all the requirements of the present Annex I and all the proposed amendments, both editorial and substantive; this revised draft of Annex I, when adopted by the MEPC, will replace the current Annex I in its entirety.
- .2 review the working methods and funding of the GESAMP EHS Working Group in relation to the review of MARPOL Annex II (paragraph 8.35);**
 - .2.1 The Committee recalled that part of the process of revising the text of Annex II to MARPOL is dependent on the choice of Pollution Categorization system which is an integral part of the Annex and affects, *inter alia*, the requirement for reception facilities and the Operational Discharge requirements within and outside Special Areas.
 - .2.2 The Committee also recalled that, in order to make an informed choice of Pollution Categorization systems, it had recognized that sufficient products listed in the IBC Code should first be Categorized under the two systems currently proposed.
 - .2.3 In order to do this, the Committee had noted that it is first necessary for the GESAMP EHS Working Group to evaluate the required properties of these products so that the resultant Hazard Profiles can be used to show the type and number of products falling into each of the defined Categories.
 - .2.4 During BLG 5, concern had been expressed that the working methods of the GESAMP EHS Group were not transparent and so MEPC was requested to review the whole process in order to see if it could be made more efficient.
 - .2.5 The Committee noted that the information provided by the Secretariat, in MEPC 45/9/3, about the history, workings and financing of GESAMP. In addition, this document identified the various roles of the parties involved in classifying products under MARPOL Annex II.
 - .2.6 The Committee also noted that the Secretariat and the EHS Chairman had been holding discussions to see if the exercise can be speeded up in any way. In the course of these discussions, the following points had come out:
 - .1 the most time-consuming part of the exercise is the collection and collation of data, which can only be done effectively by appropriate scientists;

- .2 not all of the revised GESAMP Hazard Profile is being used by IMO to determine Pollution Categories, in accordance with the two schemes currently under consideration. As a result, the GESAMP EHS Group will concentrate on evaluating those aspects used by the two Pollution Categorization schemes in order to complete as many as possible during 2000/2001;
 - .3 the Netherlands had, very generously, offered to finance another meeting in 2000 and so a sub-group of EHS will meet in December 2000 with the expectation of being able to complete the relevant parts of the Hazard Profile for a further 100 products;
 - .4 every effort is being made to develop the necessary database requirements to facilitate the process of collection and collation of data. However, this is proceeding slower than the Secretariat would like due to lack of human resources which are needed for other tasks within IMO.
- .2.7 In addition, the Committee noted that, based on the recommendation of CSD, the intersecretariat of the eight sponsoring organizations of GESAMP agreed to carry out an in-depth and independent evaluation of GESAMP. The Committee noted that this would be done between November 2000 and January 2001 and that the report was anticipated to be available in February 2001 when it would be submitted to MEPC.
- .2.8 The Committee noted that only the meeting expenses of the EHS Group were covered and not the preparation time of its members. However, one delegation expressed the wish that the financing of EHS meetings could be brought in line with similar bodies which would result in the governments of the members financing both the preparation time and the meeting costs.
- .2.9 Having noted these points, the Committee indicated that all reasonable measures were being taken to ensure that the evaluation and classification of chemicals under the proposed Pollution Categorization systems in a timely manner to allow the completion of the revision of Annex II to MARPOL 73/78.
- .3 consider the concerns expressed by the Sub-Committee regarding the dates of the next session and take action as appropriate (paragraphs 11.11 to 11.15);**
- .3.1 The Committee noted that, during BLG 5, some delegations had expressed their concern that the seven months interval between BLG 5 and BLG 6 did not allow enough time for work to be carried out intersessionally. Such work included the evaluation of substances by the GESAMP EHS Working Group, which is necessary to provisionally classifying products under the two proposed Pollution Categorization systems.
 - .3.2 As a result, the Committee was being asked if the date for BLG can be re-allocated whilst noting that there is no possibility of swapping the dates of BLG with any of the other Sub-Committees which effectively reduces the question to "Can BLG 6 be postponed to 2002?"
 - .3.3 Having taken these points into account, the Committee agreed to consider this issue further under agenda item 17.

- .4 approve, subject to MSC's concurrent decision, the revised work programme of the Sub-Committee and the provisional agenda for BLG 6 (paragraphs 11.1 to 11.4 and annex 6);**
- .4.1 The Committee agreed to consider this issue under agenda item 17 - Work Programme of the Committee and subsidiary bodies.
- .5 note the Sub-Committee's view that it could accommodate the OPRC Working Group within the context of its current workload (paragraph 11.5);**
- .5.1 The Committee recalled that, at the last session, it had considered its large workload and decided to ask BLG if it could accommodate the OPRC Working Group should it be decided to transfer this responsibility from MEPC to it.
- .5.2 The Committee noted that the Sub-Committee had given a clear indication that the answer to this question was "Yes".
- .5.3 The Committee agreed to take this response into account when the work programme was considered under agenda item 17.
- .6 approve, subject to MSC's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group in 2001 (paragraphs 11.9 and 11.10);**
- .6.1 In view of the current workload of ESPH, the Committee approved, subject to MSC's concurrent decision, the holding of an intersessional meeting of the ESPH Working Group in 2001.
- .7 approve the report of the Sub-Committee in general.**
- .7.1 Subject to the specific issues identified above, the Committee approved the report in general.

Additional comments regarding the applicability of the probabilistic oil outflow regulation to OBOs

9.6 The Committee noted that Norway was proposing that the wording of the BLG report (paragraph 5.13) may give the impression that limited design modification to OBOs with single-tank-across arrangements would enable such vessels to comply with the proposed outflow criteria.

9.7 However, Norway indicated that, in its opinion, this is not correct as OBO designs complying with regulation 13F of Annex I to MARPOL 73/78 would need to increase the side protection by one to two metres above the two metre limit set by that regulation. This would represent a substantial loss of cargo volume and the reduction in earning capacity of the vessel to such an extent as to make the design no longer feasible.

9.8 The Committee noted that Norway wished that the consequences of this decision should be fully recognized and that new OBO designs (e.g with centre-line bulkheads) fully comply with the proposed outflow criteria.

10 WORK OF OTHER BODIES

Documents

10.1 The Committee noted the following documents by the Secretariat addressing the outcome of LEG 81 (MEPC 45/10), C 84 (MEPC 45/10/1), MSC 72 (MEPC 45/10/2 & Add.1) and TCC 48 (MEPC 45/10/3).

Outcome of LEG 81

10.2 The Committee noted that the Legal Committee held its eighty-first session from 27 to 31 March 2000 and its report was issued as document LEG 81/11.

10.3 The Committee noted that the main outcome of this session of the Legal Committee, as shown in MEPC 45/10, was the completion of the draft International Convention on Civil Liability for Bunker Oil Pollution Damage. As a result, the Legal Committee has requested of Council that a Diplomatic Conference be convened in the first half of 2001 with a view to adopting this Convention.

10.4 Recalling that the Committee originally referred this matter to the Legal Committee, the Committee expressed its appreciation of the work done by the Legal Committee in completing this difficult work.

Outcome of C 84

10.5 The Committee noted that the Council held its eighty-fourth session from 12 to 16 June 2000 and a summary of its decisions was issued as document C 84/D.

10.6 The Committee noted that Council had noted the Secretary General's policy statement on issues arising from the **Erika** incident, the progress made by MEPC regarding a number of issues and the successful conclusion of the Conference on International Co-operation on Preparedness and Response to Pollution Incidents by Hazardous and Noxious Substances.

10.7 The Committee also noted that these aspects had already been addressed under agenda item 3 (OPRC meeting) and agenda item 7 (**Erika** related matters).

10.8 In addition, the Committee noted that Italy had expressed concern about the text of paragraph 2 (ii) of MEPC 45/10/1. Italy indicated that ships of foreign flags are more frequently being liable for incidents causing heavy pollution of waters and damaging natural resources and amenities. Italy indicated its deep concern with this and its commitment to strengthen controls in order to verify compliance of shipmasters and crews with IMO standards and international regulations. However, Italy informed the Committee that, as its law is more stringent and environmentally orientated, it could not waive its right to apply its domestic law to all ships entering its national territorial waters.

Outcome of MSC 72

10.9 The Committee noted that the MSC held its seventy-second session from 17 to 26 May 2000 and its report was issued as MSC 72/23. The outcome of MSC 72 was reported in documents MEPC 45/10/2 and MEPC 45/10/2/Add.1.

10.10 The Committee recognized that those issues resulting from MSC 72 that were related to the **Erika** had been addressed under agenda item 7 and the role of the Human Element and Formal Safety Assessment under item 13.

10.11 In view of the numerous new proposals made to this Committee to further enhance the survey and inspection of tankers, the United States recommended that the Committee request the MSC to reconsider the proposed amendment to resolution A.744(18) which would eliminate the underwater survey, in lieu of dry docking, for tankers and bulk carriers over 15 years of age.

10.12 The United States was of the opinion that the MSC should consider all of the issues under consideration related to enhancing the survey and inspection of tankers before deciding if there was a need to eliminate the underwater survey of tankers and bulk carriers over 15 years of age.

10.13 However, the Committee did not agree with the United States in view of the urgency of the need for this amendment stemming from the **Erika** and **Nakhodea** incidents.

10.14 The Committee noted that the MSC had noted a number of other issues associated with:

- .1 the outcome of FAL 27;
- .2 Flag State Implementation;
- .3 the outcome of the 7th session of the UN Commission on Sustainable Development (CSD 7);
- .4 amendments to the IBC, IGC, BCH and GC Codes;
- .5 amendment 30 of the IMDG Code and its mandatory application;
- .6 safety aspects of ballast water management;
- .7 the prohibition of the use of PFCs in shipboard fire extinguishing systems; and
- .8 amendments to resolution A.744(18) - Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers.

10.15 The Committee agreed that although there were a wide variety of issues of interest to it that were considered by MSC 72 they did not require any action. As a result, the Committee noted the discussion of the MSC on these subjects.

Outcome of TCC 48

10.16 The Committee noted that the TCC held its forty-eighth session from 14 to 15 June 2000 and its report was issued as TC 48/11. The outcome of TCC 48 was reported in document MEPC 45/10/3.

10.17 The Committee considered the request by TCC to determine whether or not there was any advantage in the FSI Sub-Committee continuing to ask for the submission of requests for technical assistance with supporting documentation related to implementation difficulties in light of the fact that no such requests or information had been submitted.

10.18 Noting that requests for technical assistance and supporting documentation are submitted to the Secretariat (Technical Co-operation Division) for action, the Committee concluded that there was no advantage in having such requests related to FSI submitted to the FSI Sub-Committee.

10.19 In addition to this specific request, the Committee also noted the following issues that had been noted by TCC:

- .1 the Integrated Technical Co-operation Programme (ITCP) status report refers to, *inter alia*, a total of 96 listed projects as well as recognizing that there is a need to secure US\$14 million to ensure full delivery of the ITCP activities;
- .2 the summary of the Impact Assessment Exercise (IAE) for 1996-1999, which covered 73 ITCP projects dealing with the marine environment protection, survey and inspection of ships and the promotion of the revised STCW Convention;
- .3 the final report on activities of the 1998-1999 Technical Co-operation Fund;
- .4 the information on the experience and impact of the IMO scheme on regional co-ordination and delivery of the ITCP;
- .5 developments on resource mobilization to ensure long-term sustainable delivery;
- .6 the importance of monitoring the implementation of resolution A.901(21) on *IMO and Technical Co-operation in the 2000s*; and
- .7 information on the development and translation of the IMO model courses submitted by 14 sponsoring countries and that TCC has invited the Council and the Assembly to consider funding for all model courses to be published in English, French and Spanish.

11 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL 73/78 AND RELATED CODES

MARPOL 73/78 ratification and implementation in the Gulfs region

11.1 The Committee noted the summary of the outcome of the Preparatory Meeting of the Regional Steering Committee Meeting of MARPOL Implementation in the ROPME Sea Area held in Bahrain in February 2000 and the First Regional Steering Committee Meeting on Implementation of MARPOL 73/78 held in Bahrain in May/June 2000 (MEPC 45/11). The Committee received information about the project on ratification, implementation and establishment of adequate reception facilities in the Gulfs area which is quite significant for the future possible improvement of the marine environment in the ROPME Sea Area and the Committee recognized the importance of this development, and looked forward to the further developments.

11.2 In particular, the Committee very much welcomed the countries' intention to ratify, implement and enforce MARPOL 73/78 including the provision of reception facilities and to have the Special Area status under Annexes I and V to MARPOL 73/78 in effect by July 2002.

11.3 The Committee noted that in order to reach their aim of enacting the Special Area requirements for the Gulfs area from 2002 and for the Committee to fulfil its obligations

according to MARPOL 73/78, the countries bordering the ROPME sea area would be expected to accede to the Convention during the coming year, and to submit adequate information about the state of reception facilities in the Gulfs area in time for the Committee to formally establish the date from which the Special Area status shall take effect in accordance with MARPOL 73/78. In this respect, the Committee welcomed the information, from ROPME, that it expected to meet its intended deadline and would keep the Committee informed of progress being made to this end.

Identification of oil pollution sources (e.g. tagging systems)

11.4 The United Kingdom introduced their document MEPC 45/11/1, which described one full-scale test completed, and one under completion. The United Kingdom also proposed the establishment of a correspondence group to evaluate the method further.

11.5 The Committee noted the continuing promising work on the use of DNA tagging to uniquely mark oil and its potential role in enforcing Annex I to MARPOL 73/78 and encouraged the further development of the practical application of tagging technology.

11.6 However, the Committee agreed to give further consideration to the establishment of a Correspondence Group on this issue under agenda item 17. In taking this decision, the Committee recognized that the Correspondence Group may report either to the Committee or to the BLG Sub-Committee.

MARPOL - How to do it

11.7 The Committee recalled that:

- .1 the Secretariat submitted a new version of “MARPOL - How to do it” to MEPC 42 (MEPC 42/13) which included the relevant parts of the draft publication “MARPOL - How to enforce it” as requested by the Committee at its forty-first session;
- .2 an intersessional correspondence group, under the leadership of the United States, developed the text and submitted it, as document MEPC 43/12, to MEPC 43 for further consideration by the Committee;
- .3 at MEPC 43, further questions were raised and, for the forty-fourth session, the United States submitted document MEPC 44/14/1, which addressed these issues; and
- .4 at MEPC 44, based on document MEPC 44/14/1, and MEPC44/WP.10, the Committee agreed on a final draft text and requested the Secretariat to incorporate the agreed changes into the manuscript and print a new version of the publication.

11.8 The Committee was further informed that, prior to publication, the Secretariat received further comments from the IMO Legal Office, the Division of Oceans Affairs and the Law of the Sea at UN Headquarters. The Secretariat decided to delay publication until these matters had been dealt with.

11.9 The Secretariat introduced document MEPC 45/11/2 and highlighted the suggestions on the following points:

- .1 redrafting of 4.1.1;
- .2 redrafting the cross-reference table in footnote number 5;
- .3 jurisdiction of the coastal State;
- .4 extended port State enforcement jurisdiction; and
- .5 no oppressive exercise of authority.

11.10 Having noted these points made by the Secretariat, the Committee were informed that the present text had been developed over several sessions and represented a compromise of views. Furthermore, the points made by the Secretariat had also been considered but rejected, as part of the compromise and so it was proposed that they should not be reinstated.

11.11 The Committee noted that the Chairman of the Correspondence Group discussed these matters with the IMO and UN legal divisions. As a result of these discussions, the Committee agreed:

- .1 to instruct the Secretariat to include certain additional and corrected citations to the footnote in paragraph 4.1.1 of the approved text;
- .2 to instruct the Secretariat to revise the words “wherever they have taken place” in the last clause in the first sentence in paragraph 4.4.3 of the text to read “in other places”.

The Committee agreed to publish this document with these two changes.

Increased regional co-operation

11.12 The Committee noted the outcome of the Workshop for Port State Control MOU Secretariats and Directors of Information Centres held in IMO from 7 to 9 June 2000.

Review of the Guidelines for the Implementation of Annex V and the Manual on Shipboard Waste Management

11.13 The Committee recalled that:

- .1 it had been agreed, during MEPC 37, to finalize the draft manual on Shipboard Waste Management during MEPC 38 to allow shipowners and/or operators to prepare waste management plans in order to meet the requirements of regulation 9 of Annex V to MARPOL 73/78. However, due to insufficient time, MEPC 38 concentrated on the development of Guidelines which resulted in resolution MEPC.71(38);
- .2 during MEPC 38, it was also agreed that there was no compelling need to finalize the Manual which could be completed once experience had been gained from the implementation of the Guidelines for the Development of Garbage Management Plans;

- .3 as a result, a correspondence group was established under the leadership of Germany which reported that, whilst the base document could be made shorter and more user-friendly, there had been little interest in revising it any further; and
- .4 as a result, MEPC 43 agreed to consider the issue further during MEPC 45.

11.14 The Committee was informed that, although discussion on this subject had been deferred to MEPC 45 in order to await further input from countries, there were no submissions on this item to the present session.

11.15 The Committee decided to defer the final decision on the future of this item until MEPC 46.

12 INF CODE RELATED MATTERS

Report of the literature review on the potential hazards of radioactive material in the environment

12.1 The Committee recalled that, during MEPC 38, it had been suggested that an informal inter-agency group, comprising IMO, IAEA and UNEP should be established in order to evaluate the potential hazards of radioactive material in the environment. It was agreed that the initial task of this group would be to conduct a literature review of this subject.

12.2 The Committee noted that this work had now been completed and was available as document MEPC 45/INF.2.

12.3 The Committee thanked Mrs M-T. Brittinger and her predecessor, Mr. R. Rawl, of the IAEA for the considerable amount of time and effort that they had put into co-ordinating the production of this document and liaising with the consultants who were employed to complete this task.

12.4 The Committee recognized that, as this report was such a large document, it required time to digest and so agreed that it should be considered at the next session when consideration would be given to the action that should then be taken with the information provided.

12.5 The Committee agreed that possible actions might include:

- .1 the evaluation of the data, that have been identified, in order to determine the potential effects on the environment of a release of INF into the sea;
- .2 an evaluation of the INF packages (flasks) to determine the likelihood of INF escaping in the event of an incident; and
- .3 an evaluation of the data in order to decide whether there is sufficient to be able to answer these questions or whether it will be necessary to commission further studies.

12.6 The Chairman requested that submissions on the report and views on how to proceed should be submitted for discussion at MEPC 46. Furthermore, the Committee recognized that to proceed with any of these options would require a consideration of the costs involved, which are likely to be high.

13 FORMAL SAFETY ASSESSMENT INCLUDING ENVIRONMENTAL INDEXING OF SHIPS

Report of the Joint MSC/MEPC Working Group

13.1 The Committee recalled that the Joint MSC/MEPC Working Group on the Human Element (HE) and Formal Safety Assessment (FSA) was established by MSC 69. The Committee at its forty-second session concurred with that decision.

13.2 The Committee also recalled that the Joint MSC/MEPC Working Group met last time during MSC 72 in May this year. MSC 72 considered the report of the Joint Working Group and took action as reflected in paragraphs 15.10 to 15.18 and paragraphs 16.6 to 16.16 of MSC 72/23.

13.3 The Committee considered the report of the last session of the Joint MSC/MEPC Working Group (MEPC 45/13) and the relevant decisions of MSC 72, and:

- .1 approved the draft amendments to the ISM Code and noted the consequential amendments to chapter IX of SOLAS for circulation and possible adoption at MSC 73 (paragraph 4 and annexes 1 and 2);
- .2 noted the draft MSC resolution on the adoption of the draft amendments taking into account the comments of the Russian Federation (paragraph 6 and annex 3);
- .3 agreed that the intersessional Correspondence Group on Fatigue should continue its work under the co-ordination of the United States with new terms of reference (paragraph 14 and annex 4);
- .4 noted the summary report of the human element activities within the Organization (paragraph 17 and annex 5);
- .5 instructed the respective Sub-Committees to apply the Human Element Analysing Process (HEAP) to address the human element as a matter of priority in their work (paragraph 18);
- .6 instructed the respective Sub-Committees to provide information on experience gained during the application of the HEAP process with a view to further improvement of the process (paragraph 19);
- .7 noted the efforts made by the United States to establish an internet database on human element issues and invite Member Governments to supplement this database with more information on studies and investigation analyses from the human element view point (paragraph 21);
- .8 noted the proposed work plan on IMO Human Element-related activities (paragraph 23 and annex 6);
- .9 agreed to the establishment of an intersessional correspondence group on FSA, under the co-ordination of Japan, with terms of reference set out in annex 7 (paragraph 33);

- .10 noted the offer by IACS to present to MSC 74 a training package on the establishment of a basic understanding of FSA methodology (paragraph 34);
- .11 urged Member Governments to include experts on protection of the marine environment in their delegations to MSC 74 (paragraph 36);
- .12 noted that the Working Group on Large Passenger Ships' Safety would consider the document on risk reduction in case of fire submitted by Japan (MSC 72/INF.17) (paragraph 37);
- .13 approved the work plan for the future work of the group (paragraph 39) and noted that the joint MSC/MEPC Working Group on HE and FSA would not be reconvened at MSC 73 (paragraph 39); and
- .14 approved the report in general.

Environmental indexing of ships as a tool for environmental sound shipping

13.4 The Committee recalled that it at its forty-second session agreed to defer the discussion on environmental indexing of ships to MEPC 44. However, due to time constraints the consideration of this agenda item was postponed to this session of the Committee. The Committee also recalled that it at its forties session welcomed the initiative by Norway of bringing to the attention of the Committee the issue of environmental indexing of ships and the underlying principle of the system, and that the Committee agreed that it was premature to take further steps at that time.

13.5 The Committee considered the submission by Norway (MEPC 45/13/1) which provides additional information on the system of environmental indexing of ships introduced in Norway, and the suggestion for the possible future role of IMO on that issue.

13.6 The Committee, after discussion, noted the information by Norway and agreed to keep the issue under review.

13.7 The Committee noted the information by Sweden on experience gained since the introduction of an environmental related fairway taxation scheme to environmentally friendly ships calling at Swedish ports. The scheme focuses on a number of environmental related issues on board ships and in particular on initiatives which reduce emission of harmful substances into the atmosphere. It is estimated that the scheme so far has resulted in reduction of emission of approximately 50,000 tons of SO_x and 21,000 tons of NO_x per year to the Baltic Sea Area.

14 MATTERS RELATED TO THE 1973 INTERVENTION PROTOCOL

Revision of the List of Substances for the 1973 Intervention Protocol

14.1 The Chairman recalled that the list of substances annexed to the 1973 Intervention Protocol, which was first adopted in 1974, and subsequently amended with the last amendment being done on 10 July 1996, is based on lists being compiled and maintained by other IMO instruments and codes, such as MARPOL 73/78, the IBC and the IMDG Codes.

14.2 The Chairman in recalling the decision of MEPC 38 that, the OPRC Working Group should include in its work programme consideration of the desirability of replacing this list with

a list referring to the source documents and review the adequacy of the criteria for such a list (MEPC 38/20, paragraph 15.19), noted that this work was never conducted by the Working Group due to the work load of the Group and because it was not considered as priority item.

14.3 The Chairman also recalled that MEPC 41, whilst recognizing that referring to the source documents would be a pragmatic means of overcoming the problem of maintaining a separate list, agreed that the list be updated approximately once every five years in accordance with Article III paragraph 1 of the Protocol to the Intervention Convention (MEPC 41/20, paragraph 16.6).

14.4 The Committee, in noting the information provided in document MEPC 45/14 summarizing the previous discussions by the Committee on this issue, instructed the Secretariat to prepare a draft text of amendments to the list of substances and submit it to MEPC 46 for consideration with a view to approval.

Directory of Relevant Centres of Expertise on Oil and Hazardous Noxious Substances

14.5 At MEPC 43, the Committee approved the issuance of a survey form as MEPC/Circ.360 for the development of a directory of relevant centres of expertise on oil and hazardous noxious substance and requested the Secretariat to prepare a preliminary draft directory for MEPC 45 (MEPC 45/14/1).

14.6 The preliminary draft directory, as attached to MEPC 45/INF.11, has been categorized into: oil (general request and 24 hours emergency) and HNS (general request and 24 hours emergency) and contains information from 16 institutions or agencies in 9 Member States.

14.7 The Committee noted the poor response on the survey form circular and urged Member States to take action on MEPC/Circ.360 and at the same time, requested the OPRC Working Group to review and improve the draft directory as appropriate.

15 TECHNICAL CO-OPERATION PROGRAMME

15.1 The Committee had before it the following documents: MEPC 45/15), MEPC 45/INF.8, MEPC 45/INF.14, MEPC 45/INF.15 and MEPC 45/INF.16 prepared by the Secretariat.

15.2 The Committee was informed of the preparation by the Secretariat of the draft IMO Integrated Technical Co-operation Programme (ITCP) for 2002-2003 to be submitted to the forty-ninth session of TCC scheduled to take place on 15-16 November 2000 for consideration and approval. The input covering matters pertaining to marine environment protection into the draft ITCP for 2002-2003 has been prepared by the Secretariat, based on the thematic priorities as approved by the Committee at its forty-second session. The Committee noted that the input was prepared by the Secretariat based on the framework set out in MEPC 45/WP.2.

15.3 The Secretariat introduced documents MEPC 45/15, MEPC 45/INF.16 and MEPC 45/WP.2. The Committee was advised that programmes and projects were designed to ensure better continuity and to ensure that all activities are related to short, medium and long-term goals. The Secretariat gave an assessment of the activities carried out during the interim period, ranging from supervision and technical backstopping of regional centers and programmes, support from the industry through the IMO/Industry Global Initiative Programme, co-operation with regional conventions and organizations (in particular the United Nations Environment Programme etc. The Secretariat also recalled that resolution A.901(21) IMO and

Technical Co-operation in the 2000's had identified the following as priorities for the future of IMO's TC programme:

- .1 advocacy of global maritime rules and standards;
- .2 institutional capacity building; and
- .3 human resource development.

15.4 The Committee was informed that the ITCP for the biennium 2002-2003, which will be considered by the forty-ninth session of the Technical Co-operation Committee, was prepared taking into account the thematic priorities as identified by the substantive bodies of IMO, as well as the expressed needs of the beneficiary countries and donors (document TC 49/4 refers). He pointed out that the constituent programmes of the ITCP cover seven regions and sub-regions, as well as global programmes covering all regions. He emphasized that the ITCP was a management and planning tool which identified programme activity costed at approximately US\$ 14.3 million, the core activities of which would be financed through the TC Fund and with the remaining ITCP activities delivered, where possible, through external donor contributions. It was therefore extremely important to continue to encourage bilateral donors, international and regional organizations and industry to establish partnerships with the Organization to enable full implementation of the ITCP.

15.5 Finally, it was pointed out that the activities directly related to marine environment activities accounted for approximately 24% of the ITCP regional activities which did not include the obvious linkages with cross-cutting activities related to flag State and port State implementation. In addition, it was necessary to appreciate the significance of the two ongoing GEF projects, PEMSEA and GLOBallast Water, which respectively were budgeted at US\$ 28.5 million and US\$ 11.2 million, and which would continue to be operational between 2002 and 2003.

15.6 The Chairman called upon the representative of the International Petroleum Industry Environmental Conservation Association (IPIECA) to provide additional information on the IMO/Industry Global Initiative (GI). In her statement she stressed the importance of the IMO/Industry co-operation and of regional co-operation in the Global Initiative activities. She further gave an account of achievements in the four priority regions of the GI; namely the Mediterranean, the West and Central Africa, the Wider Caribbean and the Black Sea. She magnified the role of the Mediterranean Oil Industry Group (MOIG), which provides an industry interface to the Regional Marine Pollution Emergency Centre for the Mediterranean Sea (REMPEC).

15.7 The Committee further noted the following comments and views expressed:

- .1 referring to the actions undertaken by IMO within the framework of the ITCP for the Black Sea and Caspian Sea countries, the delegation of the Russian Federation expressed its deepest gratitude to IMO. These actions pertained among others to the development of a draft regional contingency plan for the Black Sea region and the organizing of IMO OPRC Model courses for the countries of the region. This, in its view, shows IMO's interest for the region. The delegation further thanked IMO and Ukraine for the holding in September 1999 of a workshop on ballast water. The delegation pointed out the need for IMO to be involved in activities and programmes related to contingency planning in the Caspian Sea region;

- .2 the delegate of Thailand expressed appreciation to IMO for the assistance provided within the framework of the GEF/IMO Regional Programme for the Prevention and Management of Marine Pollution in the East Asian Seas from 1994 to 1999. In her capacity as national coordinator for the new five-year follow-up project, she promised to do her utmost to speed up the endorsement process of this second phase project by her country; and
- .3 the delegation of India expressed its gratitude to IMO for having initiated the Ballast water project, which involves six (6) countries and is a real means for regional co-operation. It further gave assurances that beyond the project life, India will continue further to address matters related to ballast water.

15.8 The Chairman in summarizing recalled the tripartite nature of the ITCP (recipient/donor/IMO) and urged the resource providers and recipients to join the Organization's commitment to its own ITCP by providing cost-sharing contributions so that the full programme can be delivered successfully. He also stressed the importance of technical co-operation, which is an integral part of the work of the Organization. He further noted that the receivers of technical co-operation assistance are usually the ones that make comments on the technical co-operation programme. This should be the attitude of all member States, receivers and non-receivers alike.

15.9 The Committee confirmed the thematic priorities for the marine environment related activities which were the basis for the preparation of the input to the IMO ITCP for the biennium 2002-2003 that will be submitted to the 49th session of the Technical Co-operation Committee.

16 APPLICATION OF THE COMMITTEES' GUIDELINES

16.1 The Committee recalled that at MEPC 44 there was general agreement that the Committees' Guidelines are to facilitate the work of the Committees and a certain degree of flexibility should be allowed.

16.2 The Committee considered the proposed amendments to the Guidelines contained in document MEPC 45/16 which set out the following elements:

- .1 to insert the following text at the end of paragraph 14 to incorporate the relevant decision of Committee 2 (Technical Committee) of the twenty-first session of the Assembly (A 21/5(b)/2, paragraph 61(1)):

“Notwithstanding the above provision that proposals for the inclusion of new work programme items, submitted by non-governmental organizations, should be co-sponsored by Governments, such organizations should not be restrained from submitting comments and proposals on items on the agenda of any IMO body, thus providing expert advice, contributing to the discussion and enabling the bodies concerned to reach optimal decisions.”;

- .2 to insert the following text at the end of paragraph 28:

“28 Subsidiary bodies should not include in their work programmes new subjects or expand existing subjects unless directed or authorized to do so by the Committee(s). Subsidiary bodies should not develop amendments to, or

interpretations of, any relevant IMO instrument without authorization from the Committee(s). *However, when seeking the Committee's authorization to act as provided in the previous two sentences, subsidiary bodies should ensure that their request complies with the provisions of paragraphs 13.1 and 13.2 above.*"; and

.3 to insert the following sentence at the beginning of paragraph 29:

"29 The Secretariat should not accept for circulation to subsidiary body meetings proposals for new work programme items. Where a Member Government considers a matter is of sufficient urgency and importance, a well-documented proposal may be submitted simultaneously to the Committee and to the relevant subsidiary body(ies); however, any further work by subsidiary body(ies) on such a proposal should be subject to the approval of the Committee(s) (see paragraph 7 of the attachment to appendix 3). In addition, a subsidiary body may deal with urgent matters requested by other subsidiary bodies, pending formal approval by the Committee(s)."

16.3 Prior to consideration of the specific proposals, the Committee noted that document MSC 72/20/2 (Cyprus) also proposed substantial amendments to the Guidelines and that Cyprus had indicated its intention to submit these to the next session for detailed consideration.

Proposed amendment to paragraph 14

16.4 The Committee agreed to replace *from submitting comments and proposals* with *from submitting comments and recommendations*.

Proposed amendment to paragraph 28

16.5 In considering the proposed amendment to paragraph 28, some delegations expressed concern that, in order to fulfil their obligations *vis-à-vis* paragraphs 13.1 and 13.2, subsidiary bodies may not have sufficient time to develop the required information as their work programmes are normally only discussed at the end of the sessions. An understanding was reached that interested delegations would, in consultation with the Sub-Committee Chairmen and the Secretariat, prepare the information which should accompany the proposal necessary for the Committee(s) to decide whether a new item should be included in the Committees' work programme.

Proposed amendment to paragraph 29

16.6 When considering the proposed amendments to paragraph 29, some delegations expressed their concerns that the proposed first sentence could cause Member Governments to lose their rights to circulate proposals to the Committees and their subsidiary bodies simultaneously.

16.7 Recognizing such concerns, the Committee agreed that the text did not need to be altered to overcome this potential problem but that the report should reflect the fact that the rights of Member Governments are not affected by this requirement.

16.8 Notwithstanding this point, the Committee agreed to editorial changes such that the paragraph would become:

29 *The Secretariat should not accept for circulation to subsidiary body meetings, proposals for new work programme items. Where a Member Government considers a matter of sufficient urgency and importance, a well-documented proposal may be submitted simultaneously to the Committee and to the relevant subsidiary body(ies); however, any further work by subsidiary body(ies) on such a proposal should be subject to the approval of the Committee(s) (see paragraph 7 of the attachment to appendix 3). In addition, a subsidiary body may deal with urgent matters requested by other subsidiary bodies, pending formal approval by the Committee(s).*

17 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Work Programme of the FSI Sub-Committee

17.1 The Committee agreed to the work programme of the FSI Sub-Committee with the addition of the "Development of Guidelines for survey and certification for anti-fouling paints" to be completed with two sessions. The work programme of the FSI Sub-Committee and the provisional agenda for its forthcoming session are shown in annex 11.

17.2 The Committee also agreed that, if necessary, the FSI Sub-Committee could seek the advice of other relevant sub-committees regarding this additional item.

Work Programme of the BLG Sub-Committee

17.3 Recognizing that there had been some doubt as to whether BLG 6 should be postponed to 2002, the Committee agreed that there was sufficient work to justify holding the Sub-Committee meeting on the date originally planned.

17.4 Recognizing that the Sub-Committee could accommodate additional work items, the Committee instructed the BLG Sub-Committee to add "Oil tagging systems" and "Evaluation of IMO Greenhouse gas emissions study" to its work programme to be placed in the provisional agenda of BLG 6 with a target completion date of 2003 and 2001 respectively. The Committee agreed to the work programme of the BLG Sub-Committee, while recognizing that there may be additional work for the BLG Sub-Committee to undertake resulting from the outcome of the **Erika** incident. The work programme of the BLG Sub-Committee and the provisional agenda for its forthcoming session are shown in annex 11.

17.5 Noting that the target completion date for the revision of Annex I of MARPOL was different to that of Annex II, the Committee instructed the BLG Sub-Committee to ensure that the entry into force of these two Annexes would be the same.

17.6 The Committee, noting the advice of the BLG Sub-Committee that it could accommodate the OPRC Working Group, agreed to delay making a decision on whether the OPRC Working Group should be transferred to the BLG Sub-Committee.

Work Programme of the DE Sub-Committee

17.7 Having agreed to the items in the work programme of the DE Sub-Committee, the Committee agreed to include "Interpretation of regulation 16 of MARPOL Annex I on oil

filtering equipment” and “Matters related to incinerators” in the work Programme of the Sub-Committee with a target completion date of 2002. The Committee also agreed to reinstall “Guidelines for the sampling of fuel oil for combustion purposes” in the work programme of the Sub-Committee. The three items should be placed in the provisional agenda of DE 44 and the DE Sub-Committee is requested to report its outcome on the three items to MEPC 46 for consideration. The instructions to the DE Sub-Committee are set out in annex 12.

Work Programme of the DSC Sub-Committee

17.8 The Committee agreed to the environment related work programme of the DSC Sub-Committee.

WORK PROGRAMME OF THE COMMITTEE

17.9 The Committee agreed to the substantive items to be included in the agenda for MEPC 46, MEPC 47 and MEPC 48 as shown in annex 13.

17.10 The Committee was reminded that there may be a future need for a working group on Ship Recycling.

17.11 The Committee was informed that the Diplomatic Conference on Anti-fouling Paints was tentatively scheduled in October 2001. The date of the Conference will be decided taking into account schedule of other meetings in 2000 and will be informed to Member Governments when the invitation and the basic document will be circulated in December 2000.

Working/Drafting Group at MEPC 46

17.12 The Committee agreed, in principle to establish the following working and drafting groups during MEPC 46:

- | | | |
|-----------------|----|-------------------------------|
| Working Groups | .1 | Amendments to MARPOL Annex I; |
| | .2 | OPRC; and |
| | .3 | Ballast Water Management |
| Drafting Groups | .1 | Anti-fouling Paints; and |
| | .2 | PSSAs |

Correspondence Groups

17.13 The Committee agreed to establish the following correspondence groups which will report to MEPC 47.

- .1 Review of the Manual on Oil Pollution;
- .2 Recycling of ships; and
- .3 FSA/fatigue

Dates for MEPC 46 and MEPC 47

17.14 The Committee noted that MEPC 46 will be held from 23-27 April 2001 and noted that MEPC 47 was tentatively scheduled for March 2002.

18 ELECTION OF CHAIRMAN AND VICE CHAIRMAN FOR 2001

18.1 In accordance with Rule 17 of the Rules of Procedure, the Committee unanimously re-elected Mr. Mike Julian (Australia) as Chairman.

18.2 The Committee, noting that the current Vice-Chairman, Mr. Zafrul Alam (Singapore) had been recently elected as the Chairman of the BLG Sub-Committee for 2001, unanimously elected Mr. Gabriel Fernandez (Panama) as the Vice-Chairman of the Committee.

Expression of appreciation

18.3 The Committee expressed its appreciation for the excellent contributions made by Mr. Z. Alam while he was serving for various working groups of the Committee, in particular the Working Group on the **Erika**-related issue at this session.

18.4 The Committee also expressed appreciation to Mr. M. Böckenhauer (Germany), Chairman of the BLG Sub-Committee and the former BCH Sub-Committee, for his invaluable contribution to the work of the BLG Sub-Committee and the Committee for many years.

19 ANY OTHER BUSINESS

Applications for consultative status

19.1 At its eighty-fourth session, the Council referred the following applications for consultative status to the Committee (MEPC 45/19):

- .1 The Vessel Operations Hazardous Materials Association, Inc. (VOHNA); and
- .2 The Royal Institute of Naval Architects (RINA).

19.2 The Committee established an informal group on consultative status under the Chairmanship of Mrs. Xu Cuiming (China) to consider these applications in accordance with the Rules Governing Relationships with Non-Governmental International Organizations and report back to plenary.

19.3 Having received the report of the informal drafting group on consultative status, the Committee endorsed the recommendation of the Group that consultative status should be granted to the Vessel Operations Hazardous Materials Association, Inc. (VOHNA).

19.4 However, regarding the Royal Institute of Naval Architects (RINA), the Committee expressed its concern that, whilst it believed RINA could make a valuable contribution to the Committee, it did not fulfil all of the criteria required to be granted consultative status.

19.5 Nevertheless, the Committee agreed that, because it was important to IMO to have representation of this professional body, RINA should be granted the consultative status on a provisional basis until such time as other organizations representing similar interests apply for consultative status. At that time, the provisional consultative status of RINA would need to be

reviewed to determine if an umbrella organization of naval architects could represent those interests from a truly international perspective.

Mandatory delivery of ship-generated wastes and all cargo residues in ports of the Baltic Sea Area

19.6 The Committee noted the information provided by Helsinki Commission (MEPC 45/19/1) providing information on the introduction of mandatory requirements for the delivery of ship-generated wastes and all cargo residues to port reception facilities in ports of the Baltic Sea Area.

Development of environmental best practice guidelines in offshore oil and gas activities

19.7 The Committee was reminded of its discussion on the development of environmental best practice guidelines in offshore oil and gas activities at MEPC 44 and of the agreement reached which was that:

- .1 the countries concerned in those regions that already have guidelines and interested international organizations were invited to provide information to MEPC 46; and
- .2 the information provided by interested Member Governments and international organizations could be reviewed and disseminated as MEPC circulars for reference by the countries and regions concerned when they develop their guidelines.

19.8 The Committee thanked the IAOGP for their document (MEPC 45/19/2) and decided that the document should be dealt with at the next session in accordance with the Committee's decision at MEPC 44.

Buffer bow design to colliding ship for the prevention of oil outflow from collided oil tanker in case of collision

19.9 The Committee noted the information provided by Japan in document MEPC 45/INF.5, regarding some research projects on the effectiveness of the adoption of buffer bow design to colliding ship for the prevention of oil outflow from collided oil tanker in case of collision. The research shows that the adoption of buffer bow design to colliding ship is effective for the prevention of oil outflow from collided oil tanker in case of collision.

HELCOM publications informing about and enhancing the aim of the Baltic Strategy

19.10 The Committee noted the information provided in document MEPC 45/INF.6, submitted by HELCOM, which informed IMO about the publications issued by the Contracting Parties to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (the 1992 Helsinki Convention) concerning the measures taken to prevent illegal discharges at sea of all ship-generated wastes.

The IMO Oil and Litter Information Network

19.11 The Committee noted the information contained in MEPC 45/INF.10 and encouraged delegates to visit the IMO Oil and Litter Information Network.

19.12 The Committee thanked Environment Canada for developing this network in collaboration with IMO.

14th International Symposium on the Transportation of Dangerous Goods (ISTDG 14)

19.13 The Committee noted the information contained in document MEPC 45/INF.17, submitted by South Africa, about the 14th International Symposium on the Transportation of Dangerous Goods (ISTDG 14) which is scheduled to be held in Durban, South Africa, from 3 to 5 September 2001.

Effects of High-Speed Craft Wash and Wake

19.14 The Committee noted the information contained in MEPC 45/INF.18 (United Kingdom) and MEPC 45/INF.19 (FOEI). The Committee also noted that the United Kingdom expressed its intention to submit a full report on the effects of High-Speed Craft wash and wake to MSC 73 and MEPC 46.

Provision of reception facilities

19.15 The Committee noted the information contained in documents MEPC 45/INF.20 and MEPC 45/INF.25 regarding reception facilities. With regard to MEPC 45/INF.20, the Committee noted that the Danish database was to be expanded to make it regional, covering the Baltic Sea States.

Symposium and Conference on Safer Shipping in Australia

19.16 The Committee noted advice given by the Australian delegation of an International Symposium on Safer Shipping in the Asia-Pacific Region to be held in Sydney, 6-7 March 2001, followed by a National Shipping Industry Conference, 8-9 March 2001, also in Sydney.

19.17 The Australian delegation advised that further information on their two conferences was available on the Australian Maritime Safety Authority's website: www.amsa.gov.au/amsa/conference.htm, or telephone +61 2 62795032, fax +61 6279 5858 or e-mail: Beverley.atkins@amsa.gov.au.

ANNEX 1

**AGENDA FOR THE FORTY-FIFTH SESSION
INCLUDING LIST OF DOCUMENTS**

1 Adoption of the Agenda

MEPC 45/1	Secretariat	Provisional agenda
MEPC 45/1/1	Secretariat	Annotations and provisional timetable
MEPC 45/1/2		Extended deadlines of submission for documents and information papers relating to the proposal by Belgium, France and Germany (MEPC 45/7/3)

2 Harmful aquatic organisms in ballast water (WG)

MEPC 45/2		Report of the Working Group on Ballast Water convened during MEPC 44
MEPC 45/2/1	IACS	IACS Hazard Identification (HAZID) of Ballast Water Exchange at Sea - Bulk Carriers
MEPC 45/2/2	France	Evaluation of the risk of introducing undesirable species to French coasts via ships' ballast water
MEPC 45/2/3	Spain	Comments on port facilities for the management of ships' ballast water and sediments and the supervisory function of ports
MEPC 45/2/4	Spain	Influence of the operating conditions on board ship on the change of ballast during sailing
MEPC 45/2/5	Spain	Impact of ballast water exchange at sea on the structural conditions and structural safety of ships
MEPC 45/2/6	Spain	Installations for the reception and treatment of ballast water in harbours
MEPC 45/2/7	Germany	Harmful Aquatic Organisms in Ballast Water
MEPC 45/2/8	Germany	Proposal for a standardised assessment method of ballast water treatment options that remove organisms from the ballast water
MEPC 45/2/9	United States	Harmful Aquatic Organisms in Ballast Water
MEPC 45/2/10	Canada	Evaluation of Safety Aspects in relation to Ballast Water Exchange

MEPC 45/2/11	Australia	Ballast Water Uptake and Discharge Contingency Zones
MEPC 45/2/12	Australia	Development of standards for ballast water management and control options and their assessment and approval
MEPC 45/2/13	Australia	Marine Target Species List
MEPC 45/2/14	Australia	Role of co-regulation in minimising the risks posed by harmful aquatic organisms and pathogens carried in ships' ballast water
MEPC 45/2/15	Israel	Research on the effects of open ocean exchange and freshwater flushing on marine heterotrophic protists – possible implications for ballast water management
MEPC 45/2/16	Brazil	Comments and proposals on the Report of the Ballast Water Working Group
MEPC 45/INF.4	France	Évaluation du risque d'introduction d'espèces indésirables sur les côtes françaises par l'intermédiaire des eaux de ballast des navires
MEPC 45/INF.13	Secretariat	Outcome of the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP5)
MEPC 45/INF.21	INTERTANKO	The continuous Plankton Recorder Survey: plankton biodiversity and water exchange
MEPC 45/INF.26	Canada	Evaluation of safety aspects in relation to ballast water exchange

3 Implementation of the OPRC Convention and the OPPR-HNS Protocol and relevant conference resolutions (WG)

MEPC 45/3	Secretariat	Provisional Agenda for the OPRC Working Group Meeting during MEPC 45
MEPC 45/3/1	Secretariat	Report on the Conference on International Co-Operation on Preparedness and Response to Pollution Incidents by Hazardous and Noxious Substances
MEPC 45/3/2	ITOPF	Guidance on Managing Seafood Resources During Oil Spills

MEPC 45/3/3	FAO	Comments by the Food and Agriculture Organization of the United Nations (FAO) on the Document MEPC 45/3/2: Guidance on Managing Seafood Resources During Oil Spills
MEPC 45/3/4	Secretariat	Combating Manuals/Guidelines Internet Placement of the Catalogue of Computer Programs and Internet Information Related to Responding to Oil Spills
MEPC 45/3/5	Secretariat	Response to spill of high density oil
MEPC 45/3/6	ITOPF	The Problems of Dealing with Spills of Heavy Fuel Oils
MEPC 45/3/7	Netherlands	Combating Manuals/Guidelines Status of Work of the Correspondence Group for the Revision of the Manual on Oil Pollution: Section IV - Combating Oil Spills (1988 Edition)
MEPC 45/3/8	Norway	OPRC Model Training Courses
MEPC 45/3/9	INTERTANKO	Emulsified Oils and High-density Oils
MEPC 45/3/10	Canada	Combating Manuals/Guidelines Development of a Draft Chapter on the Behaviour and Countermeasures for Spills of Heavy Fuel Oils and Emulsified Fuels
MEPC 45/3/11	Brazil	Oil Spill Response Techniques: The Need of Approving Guidelines on <i>in-situ</i> Burning
MEPC 45/3/12	Canada	Combating Manuals/Guidelines Remote Detection of Neutrally Buoyant and/or Submerged Fuels
MEPC 45/INF.9	Australia	Response to the <i>Laura D'Amato</i> oil spill
MEPC 45/INF.23	Brazil	A Regulation for Use of Chemical Dispersants to Respond to Oil Spills at Sea in Brazil
MEPC 45/INF.24	Brazil	A New Legal Instrument for Supporting the Control of Marine Pollution including Inner Waterways

4 Harmful effects of the use of anti-fouling paints for ships (WG)

MEPC 45/4	Secretariat	Report of the Working Group at MEPC 44
MEPC 45/4/1	ISAF	Comments of the draft text of the proposed Convention

MEPC 45/4/2	Netherlands	Conditions for entry into force of legal instrument
MEPC 45/4/3	Japan	Preliminary draft text of Guidelines on Surveys of Anti-fouling Systems
MEPC 45/4/4	Japan	Comments on the draft text of the proposed Convention
MEPC 45/4/5	FOEI	Clarification regarding significance of effective dates for control measures applicable to organotin compounds acting as biocides
MEPC 45/4/6	Brazil	Comments on the Report of the Working Group on the Harmful Effects of Anti-Fouling Paints for ships and relevant proposals to implement the adoption of regulations
MEPC 45/4/7	WWF	Evaluating biocide-free alternatives to organotin anti-fouling- the testing of non-toxic anti-fouling paints on ship operating along the East Frisian Coast in Germany: Summary of the final report
MEPC 45/4/8	Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, Spain, the United Kingdom and the European Commission	Concerted action from contracting parties to the OSPAR Convention for the Protection of the Marine Environment of the North East Atlantic concerning the proposed new Convention on the control of harmful and anti-fouling systems
MEPC 45/4/9	Greenpeace International	Proposed amendment to the Preamble of the draft instrument

5 Consideration and adoption of amendments to mandatory instruments

MEPC 45/5	Secretariat	Amendments to Annex V of MARPOL 73/78
MEPC 45/5/1	Secretariat	Amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code)

MEPC 45/5/2	Secretariat	Amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code)
6 Identification and protection of Special Areas and Particularly Sensitive Areas (DG)		
MEPC 45/6	Australia	Report of the Correspondence Group on the revision of resolution A.720(17)
MEPC 45/6/1	Israel	Identification and Protection of Special Areas and Particularly Sensitive Sea Areas
7 Interpretation and amendments of MARPOL 73/78 and related Codes (DG)		
MEPC 45/7	Secretariat	Amendments to the Guidelines for the Implementation of MARPOL Annex V
MEPC 45/7/1	Greece	Aftermath of the “ Erika ” incident
MEPC 45/7/2	Secretariat	Outcome of MSC 72 on matters relating to the Erika incident
MEPC 45/7/3	Belgium France Germany	Interpretations and Amendments of MARPOL 73/78 and Related Codes
MEPC 45/7/3/Corr.1	Corrigendum	Interpretations and Amendments of MARPOL 73/78 and Related Codes
MEPC 45/7/4	Secretariat	Use of Spanish under MARPOL 73/78
MEPC 45/7/5	Spain	Aftermath of the “ Erika ” incident
MEPC 45/7/6	Secretary-General	Consideration of the proposed amendments to regulation 13G of MARPOL Annex I
MEPC 45/7/6/Add.1	Secretariat	Outcome of the Study on the Impact of the Proposals to Amend Regulation 13G of MARPOL Annex I
MEPC 45/7/7	Japan	A comment on the proposal by Belgium, France and Germany
MEPC 45/7/8	BIMCO	Comments on the proposal by Belgium, France and Germany
MEPC 45/7/9	Brazil	Comments on the technical measures to be proposed as a result of the accident with the oil tanker Erika in France

MEPC 45/7/10	India	Inclusion of Unified Interpretation for MARPOL 73/78, Annex I, Regulation 16 Oil discharge monitoring and control system and oil filtering equipment
MEPC 45/7/11	The Bahamas	Surveys of large bulk carriers and tankers - Making ships survey-friendly
MEPC 45/7/12	ICS	Alternative suggestions for the revision of regulation 13G
MEPC 45/7/13	Hong Kong, China	Comments on the proposal by Belgium, France and Germany
MEPC 45/7/14	Greece	Aftermath of the “ Erika ” incident
MEPC 45/7/15	Norway	Comments on proposals to amend MARPOL Annex I, regulation 13G
MEPC 45/7/16	Norway	Comments on proposals to amend MARPOL Annex I, regulation 13G Proposals supplementary to the early phasing out of single hull oil tankers
MEPC 45/7/17	INTERTANKO	A comment on different proposals to amend regulation 13G of MARPOL Annex I
MEPC 45/7/18	INTERTANKO	Post Erika action – IACS initiatives
MEPC 45/7/19	Brazil	Comments on the new regulatory measures proposed by Belgium, France, Germany and Spain as a result of the Erika incident
MEPC 45/INF.22	IACS	IACS initiatives following the Erika incident
MEPC 45/INF.28	IAPH	The IAPH Position on MARPOL 13F and 13G Regime
MEPC 45/INF.29	Secretariat	Outcome of the Study on the Impact of the Proposals to Amend Regulation 13G of MARPOL Annex I
MEPC 45/INF.30	Japan	Interpretations and Amendments of MARPOL 73/78 and Related Codes

8 Prevention of air pollution from ships

MEPC 45/8	Secretariat	Report on the outcome of the IMO Study on Greenhouse Gas Emissions from Ships
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MEPC 45/8/1	Secretariat	Draft MEPC resolution on Interim Guidelines for the Application of regulation 16(2)(a) of Annex VI to MARPOL 73/78
MEPC 45/8/2	Secretariat	Progress report on follow-up activities
MEPC 45/8/3	Secretariat	Consideration of an IMO strategy for greenhouse gases reduction
MEPC 45/8/4	Japan	The flue gas shock-cooled maximum temperature of shipboard incinerators
MEPC 45/8/5	Republic of Korea	Amendment of the fuel specification for incinerator type approval test
MEPC 45/8/6	Republic of Korea	Clarification of MARPOL Annex V and resolution MEPC 76(40)
MEPC 45/INF.7	HELCOM	Emissions from ships traffic in the Baltic Sea
MEPC 45/INF.7/Add.1	HELCOM	Emission from ships traffic in the Baltic Sea
MEPC 45/INF.12	Netherlands	Sulphur monitoring 1999
MEPC 45/INF.27	Japan	A point of view towards GHG emission reduction: Preliminary study on estimation and future trend of GHG emissions from all marine vessels

9 Reports of sub-committees

MEPC 45/9	Secretariat	Outcome of FSI 8
MEPC 45/9/1	Secretariat	Outcome of DE 43
MEPC 45/9/2	Secretariat	Outcome of BLG 5
MEPC 45/9/3	Secretariat	Working methods and funding of the GESAMP EHS Working Group
MEPC 45/9/4	INTERTANKO	Comments on the draft Guidelines for the sampling of fuel oil for combustion purposes delivered for use on board ships, pursuant to requirements of regulation 18, Annex VI
MEPC 45/9/5	IACS	Outcome of DE 43

10 Work of other bodies

MEPC 45/10	Secretariat	Outcome of LEG 81
MEPC 45/10/1	Secretariat	Outcome of C 84
MEPC 45/10/2	Secretariat	Outcome of MSC 72

	MEPC 45/10/2/Add.1	Secretariat	Outcome of MSC 72 (continued)
	MEPC 45/10/3	Secretariat	Outcome of TCC 48
11	Promotion of implementation and enforcement of MARPOL 73/78 and related Codes		
	MEPC 45/11	Bahrain, Iran, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates	Regional Steering Committee Meeting of MARPOL Implementation in the ROPME Sea Area
	MEPC 45/11/1	United Kingdom	Identification of oil pollution sources
	MEPC 45/11/2	Secretariat	Comments from the Legal Office of IMO on chapter 4 of the draft publication "MARPOL How-to-do-it"
	MEPC 45/INF.3	Secretariat	Workshop for PSC MOUs Secretariats and Directors of Information Centres (London 7 to 9 June 2000)
12	INF Code related matters		
	MEPC 45/INF.2	Secretariat	INF Code related matters
13	Formal safety assessment including environmental indexing of ships		
	MEPC 45/13		Report of the joint MSC/MEPC Working Group on the Human Element and Formal Safety Assessment
	MEPC 45/13/1	Norway	Environmental indexing of ships as a tool for environmentally sound shipping
14	Matters related to the 1973 Intervention Protocol		
	MEPC 45/14	Secretariat	Revision of the list of substances for the 1973 Intervention Protocol
	MEPC 45/14/1	Secretariat	Preliminary Draft Directory of Relevant Centres of Expertise on Oil and Hazardous Noxious Substances
	MEPC 45/INF.11	Secretariat	Preliminary Draft Directory of Relevant Centres of Expertise on Oil and Hazardous Noxious Substances

15 Technical co-operation programme

MEPC 45/15	Secretariat	Technical Co-operation Sub-programme for the Protection of the Marine Environment Status Report on the Programme Activities
MEPC 45/INF.8	Secretariat	Workshop on the Prevention of Marine Pollution in the Asia-Pacific Region: Statement of Outcomes
MEPC 45/INF.14	Secretariat	Technical Co-operation Sub-programme for the Protection of the Marine Environment Status report on the programme of activities June 1999– May 2000 for the Regional Marine Pollution Emergency, Information and Training Centre, Wider Caribbean (REMPETIC-Carib.)
MEPC 45/INF.15	Secretariat	Technical Co-operation Sub-programme for the Protection of the Marine Environment Implementation of Protocol to the Barcelona Convention concerning co-operation in combating pollution in the Mediterranean Sea by oil and other harmful substances in cases of emergency
MEPC 45/INF.16	Secretariat	Technical Co-operation Sub-programme for the Protection of the Marine Environment Status report on the current activities under the IMO/Industry Global Initiative

16 Application of the Committee's Guidelines

MEPC 45/16	Secretariat	Proposed amendments to the Guidelines
MSC 72/20/2	Cyprus	Application of the Committees' Guidelines

17 Work programme of the Committee and subsidiary bodies

MEPC 45/17	Secretariat	Work programmes and provisional agendas of the BLG and FSI Sub-Committees
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MEPC 45/17/1	Secretariat	Work programmes of the DSC and DE Sub-Committees which relate to environmental issues
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18 Election of Chairman and the Vice-Chairman for 2001

19 Any other business

MEPC 45/19	Secretariat	Applications for consultative status
MEPC 45/19/1	Secretariat	Mandatory delivery of ship-generated wastes and all cargo residues in ports of the Baltic Sea Area
MEPC 45/19/2	OGP	On the development of “Environmental best practice guidelines in offshore oil and gas activities”
MEPC 45/INF.5	Japan	The result of the research project regarding the adoption of buffer bow design to colliding ship for the prevention of oil outflow from collided oil tanker in case of collision
MEPC 45/INF.6	HELCOM	HELCOM publications informing about and enhancing the aim of the Baltic Strategy
MEPC 45/INF.10	Secretariat	Announcement of the IMO Oil and Litter Information Network
MEPC 45/INF.17	South Africa	14th International Symposium on the Transportation of Dangerous Goods (ISTDG 14)
MEPC 45/INF.18	United Kingdom	Research Project on the Effects of High-Speed Craft Wash and Wake
MEPC 45/INF.19	FOEI	A technical protocol for the assessment of abnormal wave (wash) effects generated by High Speed Craft (HSC) and ships
MEPC 45/INF.20	Denmark	Database regarding Reception Facilities in Denmark
MEPC 45/INF.25	Brazil	Contribution to the MEPC Working Group on Port Waste Reception Facilities

20 Consideration of the report of the Committee

ANNEX 2**DRAFT TEXT OF THE INTERNATIONAL CONVENTION ON THE CONTROL OF
HARMFUL ANTI-FOULING SYSTEMS****THE PARTIES TO THIS CONVENTION,**

NOTING that scientific studies and investigations by Governments and competent international organizations have shown that certain anti-fouling systems used on ships pose a substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms and also that human health may be harmed as a result of the consumption of seafood;

NOTING IN PARTICULAR the serious concern regarding anti-fouling systems that use organotins acting as biocides and being convinced that the introduction of such organotins into the environment must be phased-out;

RECALLING that Agenda 21, Chapter 17 of the Rio Declaration on Environment and Development calls upon States to take measures to reduce pollution caused by organotin compounds used in anti-fouling systems;

RECALLING ALSO that resolution A.895(21), adopted by the Assembly of the International Maritime Organization (IMO) on 25 November 1999, urges the Organization's Marine Environment Protection Committee (MEPC) to work towards the expeditious development of a global legally binding instrument to address the harmful effects of anti-fouling systems used on ships as a matter of urgency;

NOTING the precautionary approach set out in Principle 15 of the Rio Declaration and referred to in resolution MEPC.67(37) adopted by MEPC on 15 September 1995;

RECOGNIZING the importance of protecting the marine environment from adverse effects of anti-fouling systems used on ships;

RECOGNIZING ALSO that the use of anti-fouling systems to prevent the build-up of organisms on the surface of ships is of critical importance to efficient commerce;

RECOGNIZING FURTHER the need to continue to develop anti-fouling systems which are effective and environmentally safe and to promote the substitution of harmful systems by less harmful systems or preferably harmless systems;

HAVE AGREED as follows:

ARTICLE 1

General Obligations

1. Each Party to this Convention undertakes to give full and complete effect to the provisions of this Convention and the Annexes thereto, in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems.
2. The Annexes form an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to its Annexes.
3. No provision of this Convention shall be interpreted as preventing a Party from taking, individually or jointly, more stringent measures with respect to the reduction or elimination of adverse effects of anti-fouling systems on the environment, consistent with international law.
4. Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.
5. The Parties undertake to encourage the continued development of anti-fouling systems that are effective and environmentally safe.

ARTICLE 2

Application

1. Unless otherwise specified in this Convention, this Convention shall apply to all ships that are entitled to fly the flag of a Party.
2. This Convention shall not apply to any warships, naval auxiliary or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention.
3. With respect to the ships of non-Parties to this Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE 3

Definitions

For the purposes of this Convention, unless expressly provided otherwise:

1. “Administration” means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal state exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.
2. “Anti-fouling system” means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.

3. "Committee" means the Marine Environment Protection Committee of the Organization.
4. "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulation contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969 or any successor Convention.
5. "International voyage" means a voyage by a ship entitled to fly the flag of one State to a port or offshore terminal under the jurisdiction of another State.
6. "Member State" means a State that is a member of the Organization.
7. "Organization" means the International Maritime Organization.
8. "Secretary-General" means the Secretary-General of the Organization.
9. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, and fixed or floating platforms, floating storage units (FSUs), and floating production storage and off-loading units (FPSOs).

ARTICLE 4

Controls on Anti-Fouling Systems

1. In accordance with the requirements specified in Annex 1, each Party shall prohibit and/or restrict the use of harmful anti-fouling systems on ships that are entitled to fly its flag and to which this Convention applies, and shall take effective measures to ensure that such ships comply with those requirements.
- [2. Each Party, within its territory, shall prohibit and/or restrict the application, installation or use of harmful anti-fouling systems on ships as specified in Annex 1.]

ARTICLE 5

Process for Proposing Amendments to Controls on Anti-Fouling Systems

1. Any Party may propose an amendment to Annex 1 in accordance with this article.
2. An initial proposal shall contain the information required in Annex 2, and shall be submitted to the Organization. When the Organization receives a proposal, it shall bring the proposal to the attention of the Parties, member States and intergovernmental and non-governmental organizations in consultative status with the Organization and shall make it available to them.
3. The Committee shall decide whether the anti-fouling system in question warrants a more in-depth review based on the contention of risk presented in the initial proposal. If the Committee decides that further review is warranted, it shall require the proposing Party to submit to the Committee a comprehensive proposal containing the information required in Annex 3 except where the initial proposal also includes all the information required in Annex 3. The Committee shall establish an expert group in accordance with article 6 when the comprehensive proposal has been received.

4. The expert group shall review the comprehensive proposal along with any additional data submitted by any interested party and shall evaluate and report to the Committee whether the proposal has demonstrated a potential for unreasonable risk of adverse effects on non-target organisms such that the amendment of Annex 1 is warranted. In this regard:

- (a) The expert group's review shall consist of:
- (i) an evaluation of the association between the anti-fouling system and the adverse effects observed either in the environment or on human health (including the consumption of seafood), or through controlled studies based on the data in the proposal and any other relevant data which comes to light;
 - (ii) an evaluation of the potential risk reduction attributable to the proposed control measures and any other control measures that may be considered by the expert group;
 - (iii) consideration of available information on the technical feasibility of control measures and the cost-effectiveness of the proposal;
 - (iv) consideration of available information on other effects from the introduction of such control measures relating to:
 - the environment (including the cost of inaction, air quality);
 - shipyard health and safety concerns (effects on shipyard workers);
 - the cost to international shipping and other relevant sectors; and
 - (v) consideration of the availability of suitable alternatives.
- (b) The expert group's report shall be in writing and shall take into account each of the evaluations referred to in subparagraph (a), except that the expert group may decide not to proceed with the evaluations described in subparagraph (a)(ii) through (a)(v) if it determines after the evaluation in subparagraph (a)(i) that the proposal does not warrant further consideration.
- (c) The expert group's report shall include a recommendation.

5. The Committee shall decide whether to approve and, if appropriate, modify any proposal to amend Annex 1 taking into account the expert group's report. A decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular anti-fouling system if new [information] [evidence] comes to light.

6. Only Parties may participate in decisions taken by the Committee described in paragraphs 3 and 5 of this article.

ARTICLE 6

Expert Groups

1. The Committee shall establish an ad hoc expert group to perform the review functions for each comprehensive proposal submitted pursuant to article 5 of this Convention. A new expert group shall be established for each new comprehensive proposal received, except, as appropriate, in those circumstances where proposals are received concurrently or where an existing review is already under way.

2. Any Party may participate in the deliberations of an expert group. Expert groups shall be composed of experts with expertise in environmental fate and toxicity, marine biology, human health, economic analysis, risk management, international shipping, or other fields of expertise necessary to objectively review the technical merits of a proposal. Any Party participating in the expert group should draw on the technical expertise available to it in its departments or ministries.

3. The Committee shall decide on the terms of reference, organization and operation of the expert groups. Such terms shall provide for participation by interested Parties, member States as well as intergovernmental and non-governmental organizations as observers. Such terms shall also provide for protection of any confidential information that may be submitted. Expert groups may hold such meetings as required, but shall endeavour to conduct their work through written or electronic correspondence or other mediums as appropriate.

4. Only the representatives of Parties may participate in formulating any recommendation to the Committee pursuant to article 5 of this Convention. An expert group shall endeavour to achieve unanimity among the representatives of the Parties. If unanimity is not possible, the expert group shall communicate any minority views of such representatives.

ARTICLE 7

Scientific and Technical Research and Monitoring

1. The Parties shall take appropriate measures to promote and facilitate scientific and technical research on the effects of anti-fouling systems as well as monitoring of such effects. In particular, such research should include observation, measurement, sampling, evaluation and analysis of the effects of anti-fouling systems.

2. Each Party shall, to further the objectives of this Convention, promote the availability of relevant information to other Parties who request it on:

- (a) scientific and technical activities undertaken in accordance with this Convention;
- (b) marine scientific and technological programs and their objectives; and
- (c) the effects observed from any monitoring and assessment programs relating to anti-fouling systems.

ARTICLE 8

Communication of Information

1 The Parties to the Convention undertake to communicate to the Organization a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of matters relating to the control of anti-fouling systems in accordance with the provisions of this article for circulation to the Parties for information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegate to nominate surveyors or recognized organizations.

2 The Organization shall make available electronically or through other means as appropriate any information communicated to it under paragraph 1 of this article.

ARTICLE 9

Surveys

1 Ships of [300] [400] [500] gross tonnage¹ and above excluding fixed or floating platforms, FSUs, FPSOs², engaged in international voyages shall be subject to surveys specified below:

- (a) An initial survey before the ship is put into service or before the International Anti-fouling Certificate required under articles 10 or 11 of this Convention is issued for the first time.
- (b) A survey when the anti-fouling systems are changed or replaced. Such surveys shall be endorsed on the International Anti-fouling Certificate issued under articles 10 or 11 of this Convention.

2 The survey shall be such as to ensure that the ship's anti-fouling system fully complies with the applicable requirements of this Convention.

3 The Administration shall establish appropriate measures for ships which are not subject to the provisions of paragraph 1 of this article in order to ensure that applicable provisions of this Convention are complied with.

- 4
- (a) Surveys of ships, as regards the enforcement of this Convention, shall be carried out by officers duly authorized by the Administration or as provided in paragraph 1 of article 11 of this Convention, based on the Guidelines* for surveys. The Administration may, however, entrust surveys required by this Convention either to surveyors nominated for that purpose or to organizations recognized by it.
 - (b) An Administration nominating surveyors or recognizing organizations to conduct surveys shall, as a minimum, empower any nominated surveyor or recognized organization to:
 - (i) require a ship that it surveys to comply with the provisions of Annex 1 of this Convention; and
 - (ii) carry out surveys and inspections if requested by the appropriate authorities of a port State that is a Party to this Convention.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to the Parties to this Convention.

- (c) When the Administration, a nominated surveyor, or a recognized organization determines that the ship's anti-fouling system does not conform either to the particulars of an International Anti-fouling Certificate required under articles 9 or 10 or to the requirements of this Convention, such surveyor and organization shall immediately ensure that corrective action is taken to bring the ship into compliance.

¹ Delegates need to consider what threshold is appropriate when excluding certain vessels from the survey and certification requirements.

² Survey and certification requirements do apply to mobile off-shore drilling units operating in waters under the sovereignty or jurisdiction of a Party or flying the flag of the Party.

* Refer to resolution ...- Guidelines on surveys (to be developed before this Convention enters into force.)

A surveyor or organization shall also in due course notify the Administration of any such determination. If the required corrective action is not taken, the Administration shall be notified immediately, and it shall ensure that the Certificate is not issued or is withdrawn as appropriate. If the ship is in the port of another Party, the appropriate authorities of the port State shall be notified immediately. When an officer of the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this article, including any action described in article 15 of this Convention.

ARTICLE 10

[Placards and] ³ Issue or Endorsement of International Anti-fouling Certificates

1. The Administration shall ensure that a ship of less than [300] [400] [500] gross tons to which this Convention applies shall display, in the primary onboard storage space for paints, coatings or other equipment related to the anti-fouling system employed on the ship, a placard which notifies the officers and crew of those anti-fouling systems whose use is prohibited or restricted. The placard shall be written in the working language of the officers and in English, French or Spanish.]

2 The Administration shall ensure that a ship of [300] [400] [500] gross tons and above, that engages in international voyages, to which paragraph 1 of article 9 applies is issued an International Anti-fouling System Certificate after successful completion of a survey in accordance with article 9 of this Convention. A Certificate issued under the authority of a Party to this Convention shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a Certificate issued by them.

3 Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

ARTICLE 11

Issue or Endorsement of an International Anti-fouling Certificate by another Party

1 At the request of the Administration, another Party to this Convention may cause a ship to be surveyed and, if satisfied that the provisions of the Convention have been complied with, shall issue or authorize the issuance of an International Anti-fouling Certificate to the ship, and where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with this Convention.

2 A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

3 A Certificate so issued shall contain a statement that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a Certificate issued by the Administration.

³ Decision needs to be taken as to whether to require smaller vessels to retain placards or some alternative mechanism for facilitating compliance and enforcement on smaller vessels.

4 No International Anti-fouling System Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

ARTICLE 12

Form of International Anti-fouling Certificate

The International Anti-fouling Certificate shall be drawn up in the official language of the issuing Party, in the form set forth in Annex 4. If the language used is neither English, French nor Spanish the text shall include a translation into one of these languages.

ARTICLE 13

Validity of International Anti-fouling Certificates

An International Anti-fouling Certificate issued under articles 10 or 11 shall cease to be valid in any of the following cases:

- (a) if the anti-fouling system is changed or replaced and the Certificate is not endorsed in accordance with the present articles;
- (b) upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Party issuing the new Certificate is fully satisfied that the ship is in compliance with the requirements of article 9. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the International Anti-fouling Certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports.
- (c) A Party may choose to issue a new Certificate to a ship flying its flag based on the Certificate issued by the previous Party whose flag the ship was entitled to fly.

ARTICLE 14

Violations

1. Any violation of the requirements of this Convention shall be prohibited and sanctions shall be established therefore under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation, it shall investigate the matter, and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its laws. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within 1 year after receiving the information, it shall so inform the Party which reported the alleged violation.

2. Any violation of the requirements of the present Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established therefore under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or

(b) furnish to the Administration of the ship concerned such information and evidence as may be in its possession that a violation has occurred.

3. The penalties provided for by the laws of a Party pursuant to this article shall be adequate in severity to discourage violations of this Convention wherever they occur.

ARTICLE 15

Inspections of Ships and Detection of Violations

1. A ship to which this Convention applies may, in any port or offshore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of determining whether the ship is in compliance with the applicable provisions of this Convention. Unless there are clear grounds for believing that a ship is in violation of the applicable provisions of this Convention, any such inspection shall be limited to:

(a) verifying that there is onboard a valid Certificate [or Placard]; and/or

(b) a brief sampling of the ship's anti-fouling system that does not affect the integrity, structure, or operation of the anti-fouling system in accordance with the guidelines to be developed by the Organization. However, the time required to process the results of such sampling shall not be used as a basis for preventing the movement and departure of the ship⁴.

[1bis Where it is determined by the master of the ship that the integrity, structure, or operation of the anti-fouling system has been affected as a result of sampling by a Party, that Party shall restore the integrity, structure, or operation of the anti-fouling system and/or compensate the ship for any delay or damage arising therefrom.]

2. If there are clear grounds to believe that the ship is in violation of the applicable provisions of this Convention, a thorough inspection may be carried out taking into account the guidelines to be developed by the Organization.

3. If the ship is detected to be in violation of this Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss or exclude the ship from its ports. A Party taking such action against a ship for the reason that the ship does not comply with the provisions of this Convention, shall immediately inform the Administration of the State whose flag the ship is entitled to fly.

4. Parties shall co-operate in the detection of violations and the enforcement of the provisions of this Convention. A Party may also inspect a ship when it enters the ports or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of a provision in this Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that the appropriate action may be taken under this Convention.

⁴ It has been suggested that guidelines could be developed in the course of our negotiation that would set the permissible parameters for sampling of the ships anti-fouling systems and the need to prevent undue delay to ships.

ARTICLE 16
Undue Delay to Ships

1. All possible efforts shall be made to avoid a ship being unduly detained or delayed under articles 14 and 15 of this Convention.
2. When a ship is unduly detained or delayed under articles 14 and 15 of this Convention, it shall be entitled to compensation for any loss or damage suffered.

ARTICLE 17
Dispute Settlement

[1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention by any peaceful means of their own choice.]

ARTICLE 18
Amendments

[To be developed. Consistent with article 5, this article would contain a provision stating that the proposal and adoption of amendments to Annex 1 would be in accordance with article 5.]

ARTICLE 19
Signature, Ratification, Acceptance, Approval, and Accession

1. This Convention shall be open for signature by any State at the Headquarters of the Organization from __ to __ and shall thereafter remain open for accession by any State.
2. States may become Parties to this Convention by:
 - (a) signature not subject to ratification, acceptance, or approval; or
 - (b) signature subject to ratification, acceptance, or approval, followed by ratification, acceptance, or approval; or
 - (c) accession.
3. Ratification, acceptance, approval, or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
4. If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
5. Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which this Convention applies.

ARTICLE 20
Entry Into Force

[To be developed.]

ARTICLE 21
Denunciation

1. This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.
2. Denunciation shall be effected by the written notification to the Depositary, to take effect one year after receipt or such longer period as may be specified in that notification.

ARTICLE 22
Depositary

1. This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.
2. In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:
 - (a) inform all States which have signed this Convention or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of the Convention; and
 - (iii) the deposit of any instrument of denunciation from this Convention, together with the date on which it was received and the date on which the denunciation takes effect.
 - (b) as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

[ARTICLE 23
Relationship to International Law and Other Agreements

Nothing in this Convention shall prejudice the rights and obligations of any State under customary international law as reflected in the United Nations Convention on the Law of the Sea or under any existing international agreement.]

ARTICLE 24
Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian, and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

DONE AT LONDON, this ... day of ..., two thousand and one.

ANNEX 1

CONTROLS ON ANTI-FOULING SYSTEMS

	Anti-fouling system	Control measures	Application	Effective date
OPTION A	Organotin compounds which act as biocides in anti-fouling systems	Ships shall not apply or re-apply such compounds ¹⁾	All ships	1 January 2003 [or entry into force of Convention, whichever is later]
	Organotin compounds which act as biocides in anti-fouling systems	Ships shall not bear such compounds on their hulls or external parts or surfaces	All ships except fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2003 and that have not been in dry-dock on or after 1 January 2003 [or entry into force of the Convention, which ever is later]	1 January 2008, [or entry into force of Convention whichever is later]
OPTION B	Organotin compounds which act as biocides in anti-fouling systems	Ships shall not bear such compounds as an active anti-fouling substance on their hulls or external parts or surfaces ¹⁾	All ships except fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2003 and that have not been in dry-dock on or after 1 January 2003 [or entry into force of the Convention, which ever is later]	1 January 2008 [or entry onto force of the Convention, which ever is later]

- 1) This requirement is considered fulfilled provided the ship has only been coated with an anti-fouling system not in violation of this annex subsequent to the effective date.

ANNEX 2

REQUIRED ELEMENTS FOR AN INITIAL PROPOSAL

1. An initial proposal shall include adequate documentation containing at least the following information:
 - (a) identification of the anti-fouling system addressed in the proposal: name of the anti-fouling system; name of active ingredient, component, or subcategory of the system which is suspected of causing the adverse effects of concern;
 - (b) characterization of the information which suggests that the anti-fouling system or its degradation products can cause adverse effects in non-target organisms or bioaccumulate significantly in organisms at concentrations likely to be found in the environment, e.g., the results of toxicity studies on representative species and bioaccumulation data;
 - (c) material supporting the potential of the toxic components in the anti-fouling system or its degradation products to occur in the environment at concentrations which could result in adverse effects to non-target organisms or the water quality, e.g., data on persistence in the water column, sediments and biota, and the release rate of toxic components in studies or under actual use conditions, and monitoring data (if available);
 - (d) an analysis of the association between the anti-fouling system, the related adverse effects, bioaccumulation, and the environmental concentrations observed or anticipated; and
 - (e) a preliminary recommendation on the type of restrictions that could be effective in reducing the risks associated with the anti-fouling system.
2. An initial proposal shall be submitted in accordance with rules and procedures of the Organization.

ANNEX 3

REQUIRED ELEMENTS OF A COMPREHENSIVE PROPOSAL

1. A comprehensive proposal shall include adequate documentation containing the following information:

- (a) any developments in the data cited in the initial proposal;
- (b) findings from the categories of data set out in subparagraphs 3(a), 3(b) and 3(c) as appropriate depending on the subject of the proposal;
- (c) a summary of the results of studies conducted on the adverse effects of the anti-fouling system;
- (d) if any monitoring has been conducted, a summary of the results of that monitoring, including information on ship traffic and a general description of the area monitored;
- (e) a summary of the available data on environmental or ecological exposure and any estimates of environmental concentrations developed from environmental fate parameters through the application of mathematic models;
- (f) an evaluation of the association between the anti-fouling system in question, the related adverse effects, bioaccumulation, and the environmental concentrations, either observed or expected;
- (g) a qualitative statement of the level of uncertainty in the evaluation referred to in subparagraph (f) above;
- (h) a recommendation of specific control measures to reduce the risks associated with the anti-fouling system; and
- (i) a summary of the results of studies on available information specifying the effects relating to air quality, shipyard conditions, international shipping, other relevant sectors as well as the availability of suitable alternatives.

2. If appropriate to the anti-fouling system under consideration, the proposal will also include the following physical and chemical properties:

- melting point;
- boiling point;
- density (relative density);
- vapour pressure;
- partition coefficient (octanol/water coefficient);
- water solubility (pH, pKa);
- oxidation/reduction potential;

- molecular mass;
- molecular structure;
- impurities;
- by-products.

3. For purposes of subparagraph 1(b) above, the relevant categories of data may include, as appropriate:

(a) Data on environmental fate and effect:

- modes of degradation/dissipation;
- persistence in the relevant media (e.g., freshwater/saltwater/water column/sediments/biota);
- sediments/water partitioning;
- leaching rates of biocides or active ingredients;
- mass balance;
- bioaccumulation, octanol/water coefficient;
- modelling with appropriate/representative site/environmental conditions;
- validation of models with field data;
- hydrolysis;
- photodegradation;
- biodegradation.

(b) Data on effects in aquatic plants, invertebrates, fish, seabirds, marine mammals, endangered species, the quality of water, the seabed or habitat of non-target organisms:

- acute and chronic toxicity to sensitive/representative organisms;
- developmental and reproductive toxicity to sensitive/representative organisms;
- endocrine disruption;
- sediment toxicity;
- bioavailability/biomagnification/bioconcentration;
- food chain/population effects;
- incidents/fish kills/strandings/tissue analysis;
- residues in seafood.

(c) Data on chronic human toxicity through seafood intake.

ANNEX 4

FORM OF INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

(Official seal)

(State)

Issued under the provisions of the
International Convention on the Control of Harmful Anti-Fouling Systems (hereinafter referred to as
"the Convention")

under the authority of the Government of

.....
(name of the State)

by

.....
(person or organization authorized)

When a Certificate has been previously issued, this Certificate replaces the certificate dated

*Particulars of ship*¹

Name of ship

Distinctive number or letters

Port of registry

Gross Tonnage

IMO number²

Details of anti-fouling system applied

Type of anti-fouling system used.....

Date it was applied.....

Name of anti-fouling system manufacturers.....

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with resolution A.600(15) – IMO ship identification number scheme, this information may be included voluntarily.

[If applicable, indicate if any anti-fouling system prohibited under Annex 1 has been removed (√) or over-coated with a sealer coat (√)]

Name of anti-fouling system

Active ingredient(s)

CAS number.....

THIS IS TO CERTIFY THAT:

- 1 the ship has been surveyed in accordance with article 9 of the Convention; and
- 2 the survey shows that the anti-fouling system on the ship complies with the applicable requirements of Annex 1 of the Convention.

Issued at.....

(Place of issue of certificate)

.....
(Date of issue)

.....
(Signature of duly authorized official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

Endorsement of survey(s)

THIS IS TO CERTIFY that a survey required accordance with paragraph 1 (b) of article 9 of the Convention found that the ship was in compliance with the relevant provisions of the Convention:

Survey required in accordance with paragraph 1 (b) of article 9

Details of anti-fouling system applied

Type of anti-fouling system used.....

Date it was applied.....

Name of anti-fouling system manufacturers.....

Name of anti-fouling system.....

Active ingredient(s)

CAS number.....

Signed:.....

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Survey required in accordance with paragraph 1 (b) of article 9

Details of anti-fouling system applied

Type of anti-fouling system used

Date it was applied.....

Name of anti-fouling system manufacturers.....

Name of anti-fouling system

Active ingredient(s)

CAS number.....

Signed:

(Signature of authorized official)

Place:

Date:

ANNEX 3**RESOLUTION MEPC.89(45)****Adopted on 5 October 2000****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973****(Amendments to Annex V of MARPOL 73/78)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

NOTING ALSO resolution MEPC.87(44) by which the Committee agreed on the use of Spanish under IMO conventions relating to pollution prevention,

HAVING CONSIDERED the proposed amendments to Annex V of MARPOL 73/78, which were approved by the forty-fourth session of the Committee and circulated in accordance with article 16 (2) (a) of the 1973 Convention,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex V of MARPOL 73/78, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 September 2001, unless prior to the date, not less than one-third of the Parties or the Parties combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the amendments shall enter into force on 1 March 2002 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the Annex; and
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the resolution and its Annex.

ANNEX

AMENDMENTS TO ANNEX V OF MARPOL 73/78

- 1 The existing paragraph (2) of regulation 1 is replaced by the following:

“Nearest land”. The term “from the nearest land” means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of the present Convention “from nearest land” off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00' S, longitude 142°08' E
to a point in latitude 10°35' S, longitude 141°55' E,
thence to a point latitude 10°00' S, longitude 142°00' E,
thence to a point latitude 9°10' S, longitude 143°52' E,
thence to a point latitude 9°00' S, longitude 144°30' E,
thence to a point latitude 10°41' S, longitude 145°00' E,
thence to a point latitude 13°00' S, longitude 145°00' E,
thence to a point latitude 15°00' S, longitude 146°00' E,
thence to a point latitude 17°30' S, longitude 147°00' E,
thence to a point latitude 21°00' S, longitude 152°55' E,
thence to a point latitude 24°30' S, longitude 154°00' E,
thence to a point on the coast of Australia
in latitude 24°42' S, longitude 153°15' E

- 2 The existing paragraph (1)(a) of regulation 3 is replaced by the following:

“the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which may contain toxic or heavy metal residues, is prohibited.”

- 3 The existing paragraph (2)(a)(i) of regulation 5 is replaced by the following:

“all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which may contain toxic or heavy metal residues; and”

- 4 The existing paragraph (1)(b) of regulation 9 is replaced by the following:

“The placards shall be written in the working language of the ship’s personnel and, for ships engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, shall also be in English, French or Spanish.”

5 The existing paragraph (3)(a) of regulation 9 is replaced by the following:

“Each discharge operation, or completed incineration, shall be recorded in the Garbage Record Book and signed for on the date of the incineration or discharge by the officer in charge. Each completed page of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be at least in English, French or Spanish. Where the entries are also made in an official language of the State whose flag the ship is entitled to fly are also used, these entries shall prevail in case of a dispute or discrepancy;”

6 The existing Record of Garbage Discharges contained in the appendix is replaced by the following:

"RECORD OF GARBAGE DISCHARGES

Ship's name : _____ Distinctive No, or letters : _____ IMO No : _____

Garbage categories :

1. Plastic
2. Floating dunnage, lining or packing materials
3. Ground paper products, rags, glass, metal, bottles, crockery, etc.
4. Paper products, rages, glass, metal, bottles, crockery, etc.
5. Food waste
6. Incinerator ash except from plastic products which may contain toxic or heavy metal residues

NOTE : THE DISCHARGE OF ANY GARBAGE OTHER THAN FOOD WASTE IS PROHIBITED IN SPECIAL AREAS. ONLY GARBAGE DISCHARGED INTO THE SEA MUST BE CATEGORIZED. GARBAGE OTHER THAN CATEGORY 1 DISCHARGED TO RECEPTION FACILITIES NEED ONLY BE LISTED AS A TOTAL ESTIMATED AMOUNT.

Date/time	Position of the ship	Estimated amount discharged into sea (m ³)					Estimated amount discharged to reception facilities or to other ship (m ³)		Estimated amount incinerated (m ³)	Certification/Signature
		Cat. 2	Cat. 3	Cat. 4	Cat. 5	Cat. 6	Cat. 1	Other		

Master's signature: _____ Date : _____ "

ANNEX 4**RESOLUTION MEPC.90(45)****adopted on 5 October 2000****AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION
AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS
IN BULK (IBC CODE)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO resolution MEPC.19(22) by which it adopted the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code),

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

NOTING ALSO that the Maritime Safety Committee, at its seventy-second session, considered and approved the proposed amendments to the IBC Code with a view to adoption under the provisions of the International Convention for the Safety of Life at Sea, 1974 (1974 SOLAS Convention),

CONSIDERING that it is highly desirable for the provisions of the IBC Code, which are mandatory under both MARPOL 73/78 and the 1974 SOLAS Convention, to remain identical,

HAVING CONSIDERED the proposed amendments to the IBC Code circulated in accordance with article 16(2)(a) of the 1973 Convention,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, amendments to the IBC Code, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 January 2002, unless, prior to the date, not less than one-third of the Parties or the Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the amendments shall enter into force on 1 July 2002 upon their acceptance in accordance with paragraph 2 above;

4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the annex; and

5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1978 Protocol copies of the resolution and its Annex.

ANNEX

**AMENDMENTS TO THE INTERNATIONAL CODE FOR THE
CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING
DANGEROUS CHEMICALS IN BULK (IBC CODE)**

CHAPTER 5 – CARGO TRANSFER

5.7 Ship's cargo hoses

- 1 Existing paragraph 5.7.3 is replaced by the following:

"5.7.3 For cargo hoses installed on board ships on or after 1 July 2002, each new type of cargo hose, complete with end-fittings, should be prototype-tested at a normal ambient temperature with 200 pressure cycles from zero to at least twice the specified maximum working pressure. After this cycle pressure test has been carried out, the prototype test should demonstrate a bursting pressure of at least 5 times its specified maximum working pressure at the extreme service temperature. Hoses used for prototype testing should not be used for cargo service. Thereafter, before being placed in service, each new length of cargo hose produced should be hydrostatically tested at ambient temperature to a pressure not less than 1.5 times its specified maximum working pressure but not more than two-fifths of its bursting pressure. The hose should be stencilled or otherwise marked with the date of testing, its specified maximum working pressure and, if used in services other than the ambient temperature services, its maximum and minimum service temperature, as applicable. The specified maximum working pressure should not be less than 10 bar gauge."

CHAPTER 14 - PERSONNEL PROTECTION

- 2 Existing paragraph 14.2.9 is replaced by the following:

"14.2.9 The ship should have on board medical first-aid equipment, including oxygen resuscitation equipment and antidotes for cargoes to be carried, based on the guidelines developed by the Organization*."

* Refer to the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG), which provides advice on the treatment of casualties in accordance with the symptoms exhibited as well as equipment and antidotes that may be appropriate for treating the casualty and the relevant chapters of Part A and Part B of the STCW Code.

CHAPTER 15 - SPECIAL REQUIREMENTS

- 3 The existing text of section 15.3 is replaced by the following:

"15.3 Carbon disulphide

Carbon disulphide may be carried either under water pad or under suitable inert gas pad as specified in the following paragraphs.

Carriage under water pad

15.3.1 Provision should be made to maintain a water pad in the cargo tank during loading, unloading and transit. In addition, a suitable inert gas pad should be maintained in the ullage space during transit.

15.3.2 All openings should be in the top of the tank, above the deck.

15.3.3 Loading lines should terminate near the bottom of the tank.

15.3.4 A standard ullage opening should be provided for emergency sounding.

15.3.5 Cargo piping and vent lines should be independent of piping and vent lines used for other cargo.

15.3.6 Pumps may be used for discharging cargo, provided they are of the deepwell or hydraulically driven submersible types. The means of driving a deepwell pump should not present a source of ignition for carbon disulphide and should not employ equipment that may exceed a temperature of 80°C.

15.3.7 If a cargo discharge pump is used, it should be inserted through a cylindrical well extending from the tank top to a point near the tank bottom. A water pad should be formed in this well before attempting pump removal unless the tank has been certified as gas-free.

15.3.8 Water or inert gas displacement may be used for discharging cargo, provided the cargo system is designed for the expected pressure and temperature.

15.3.9 Safety relief valves should be of stainless steel construction.

15.3.10 Because of its low ignition temperature and close clearances required to arrest its flame propagation, only intrinsically safe systems and circuits should be permitted in the hazardous locations described in 10.2.3.

Carriage under suitable inert gas pad

15.3.11 Carbon disulphide should be carried in independent tanks with a design pressure of not less than 0.6 bar gauge.

15.3.12 All openings should be located on the top of the tank, above the deck.

15.3.13 Gaskets used in the containment system should be of a material which does not react with, or dissolve in, carbon disulphide.

15.3.14 Threaded joints should not be permitted in the cargo containment system, including the vapour lines.

15.3.15 Prior to loading, the tank(s) should be inerted with suitable inert gas until the oxygen level is 2% by volume or lower. Means should be provided to automatically maintain a positive pressure in the tank using suitable inert gas during loading, transport and discharge. The system should be able to maintain this positive pressure between 0.1 and 0.2 bar gauge, and should be remotely monitored and fitted with over/underpressure alarms.

15.3.16 Hold spaces surrounding an independent tank carrying carbon disulphide should be inerted by a suitable inert gas until the oxygen level is 2% or less. Means should be provided to monitor and maintain this condition throughout the voyage. Means should also be provided to sample these spaces for carbon disulphide vapour.

15.3.17 Carbon disulphide should be loaded, transported and discharged in such a manner that venting to the atmosphere does not occur. If carbon disulphide vapour is returned to shore during loading or to the ship during discharge, the vapour return system should be independent of all other containment systems.

15.3.18 Carbon disulphide should be discharged only by submerged deepwell pumps or by a suitable inert gas displacement. The submerged deepwell pumps should be operated in a way that prevents heat build-up in the pump. The pump should also be equipped with a temperature sensor in the pump housing with remote readout and alarm in the cargo control room. The alarm should be set at 80°C. The pump should also be fitted with an automatic shut-down device, if the tank pressure falls below atmospheric pressure during the discharge.

15.3.19 Air should not be allowed to enter the cargo tank, cargo pump or lines while carbon disulphide is contained in the system.

15.3.20 No other cargo handling, tank cleaning or deballasting should take place concurrent with loading or discharge of carbon disulphide.

15.3.21 A water spray system of sufficient capacity should be provided to blanket effectively the area surrounding the loading manifold, the exposed deck piping associated with product handling and the tank domes. The arrangement of piping and nozzles should be such as to give a uniform distribution rate of 10 l/m²/min. Remote manual operation should be arranged such that remote starting of pumps supplying the water-spray system and remote operation of any normally closed valves in the system can be carried out from a suitable location outside the cargo area adjacent to the accommodation spaces and readily accessible and operable in the event of fire in the areas protected. The water-spray system should be capable of both local and remote manual operation, and the arrangement should ensure that any spilled cargo is washed away. Additionally, a water hose with pressure to the nozzle when atmospheric temperature permits, should be connected ready for immediate use during loading and unloading operations.

15.3.22 No cargo tanks should be more than 98% liquid-full at the reference temperature (R).

15.3.23 The maximum volume (V_L) of cargo to be loaded in a tank should be:

$$V_L = 0.98 V \frac{\rho_R}{\rho_L}$$

where:

V	=	volume of the tank
ρ _R	=	relative density of cargo at the reference temperature (R)
ρ _L	=	relative density of cargo at the loading temperature
R	=	reference temperature, i.e. the temperature at which the vapour pressure of the cargo corresponds to the set pressure of the pressure-relief valve.

15.3.24 The maximum allowable tank filling limits for each cargo tank should be indicated for each loading temperature which may be applied, and for the applicable maximum reference temperature, on a list approved by the Administration. A copy of the list should be permanently kept on board by the master.

15.3.25 Zones on open deck, or semi-enclosed spaces on open deck within three metres of a tank outlet, gas or vapour outlet, cargo pipe flange or cargo valve of a tank certified to carry carbon disulphide, should comply with the electrical equipment requirements specified for carbon disulphide in column "i", chapter 17. Also, within the specified zone, no other heat sources, like steam piping with surface temperatures in excess of 80°C should be allowed.

15.3.26 Means should be provided to ullage and sample the cargo without opening the tank or disturbing the positive suitable inert gas blanket.

15.3.27 The product should be transported only in accordance with a cargo handling plan that has been approved by the Administration. Cargo handling plans should show the entire cargo piping system. A copy of the approved cargo handling plan should be available on board. The International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk should be endorsed to include reference to the approved cargo handling plan."

CHAPTER 16 - OPERATIONAL REQUIREMENTS

4 Existing paragraph 16.3.3 is replaced by the following:

"16.3.3 Officers should be trained in emergency procedures to deal with conditions of leakage, spillage or fire involving the cargo, based on the guidelines developed by the Organization*, and a sufficient number of them should be instructed and trained in essential first aid for cargoes carried."

* Refer to the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG), which provides advice on the treatment of casualties in accordance with the symptoms exhibited as well as equipment and antidotes that may be appropriate for treating the casualty and the relevant chapters of Part A and Part B of the STCW Code.

ANNEX 5

RESOLUTION MEPC.91(45)

adopted on 5 October 2000

AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (BCH CODE)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO resolution MEPC.20(22) by which it adopted the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code),

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

NOTING that the Maritime Safety Committee, at its seventy-second session, considered and approved the proposed amendments to the BCH Code,

NOTING FURTHER resolution MEPC...(45), by which the Committee adopted relevant amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code),

RECOGNIZING the need to bring the amendments to the BCH Code into force on the date on which the relevant amendments to the IBC Code enter into force,

HAVING CONSIDERED the proposed amendments to the BCH Code circulated in accordance with article 16(2)(a) of the 1973 Convention,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, amendments to the BCH Code, the text of which is set out at Annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 January 2002, unless prior to the date, not less than one-third of the Parties or the Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, having communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the amendments shall enter into force on 1 July 2002 upon their acceptance in accordance with paragraph 2 above;

4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the annex; and

5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1978 Protocol copies of the resolution and its Annex.

ANNEX

**AMENDMENTS TO THE CODE FOR THE CONSTRUCTION
AND EQUIPMENT OF SHIPS CARRYING DANGEROUS
CHEMICALS IN BULK (BCH CODE)**

CHAPTER II - CARGO CONTAINMENT

2.12 Cargo hoses carried aboard the ship

1 Existing section 2.12 is replaced by the following:

"2.12 Ship's cargo hoses

2.12.1 Paragraphs 2.12.2 to 2.12.4 apply to cargo hoses installed on board ships on or after 1 July 2002.

2.12.2 Liquid and vapour hoses used for cargo transfer should be compatible with the cargo carried and suitable for the cargo temperature.

2.12.3 Hoses subject to tank pressure or the discharge pressure of pumps should be designed for a bursting pressure not less than 5 times the maximum pressure the hose will be subject to during cargo transfer.

2.12.4 Each new type of cargo hose, complete with end-fittings, should be prototype-tested at a normal ambient temperature with 200 pressure cycles from zero to at least twice the specified maximum working pressure. After this cycle pressure test has been carried out, the prototype test should demonstrate a bursting pressure of at least 5 times its specified maximum working pressure at the extreme service temperature. Hoses used for prototype testing should not be used for cargo service. Thereafter, before being placed in service, each new length of cargo hose produced should be hydrostatically tested at ambient temperature to a pressure not less than 1.5 times its specified maximum working pressure but not more than two-fifths of its bursting pressure. The hose should be stencilled or otherwise marked with the date of testing, its specified maximum working pressure and, if used in services other than the ambient temperature services, its maximum and minimum service temperature, as applicable. The specified maximum working pressure should not be less than 10 bar gauge."

CHAPTER III - SAFETY EQUIPMENT AND RELATED CONSIDERATION

- 2 Existing paragraph 3.16.11 is replaced by the following:

"3.16.11 The ship should have on board medical first-aid equipment, including oxygen resuscitation equipment and antidotes for cargoes to be carried, based on the guidelines developed by the Organization*."

CHAPTER IV - SPECIAL REQUIREMENTS

- 3 The existing text of section 4.1 is replaced by the following:

"4.1 Carbon disulphide

Carbon disulphide may be carried either under water pad or under suitable inert gas pad as specified in the following paragraphs.

Carriage under water pad

4.1.1 Provision should be made to maintain a water pad in the cargo tank during loading, unloading and transit. In addition, a suitable inert gas pad should be maintained in the ullage space during transit.

4.1.2 All openings should be in the top of the tank, above the deck.

4.1.3 Loading lines should terminate near the bottom of the tank.

4.1.4 A standard ullage opening should be provided for emergency sounding.

4.1.5 Cargo piping and vent lines should be independent of piping and vent lines used for other cargo.

4.1.6 Pumps may be used for discharging cargo, provided they are of the deepwell or hydraulically driven submersible types. The means of driving a deepwell pump should not present a source of ignition for carbon disulphide and should not employ equipment that may exceed a temperature of 80°C.

4.1.7 If a cargo discharge pump is used, it should be inserted through a cylindrical well extending from the tank top to a point near the tank bottom. A water pad should be formed in this well before attempting pump removal unless the tank has been certified as gas-free.

* Refer to the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG), which provides advice on the treatment of casualties in accordance with the symptoms exhibited as well as equipment and antidotes that may be appropriate for treating the casualty and the relevant chapters of Part A and Part B of the STCW Code.

4.1.8 Water or inert gas displacement may be used for discharging cargo, provided the cargo system is designed for the expected pressure and temperature.

4.1.9 Safety relief valves should be of stainless steel construction.

4.1.10 Because of its low ignition temperature and close clearances required to arrest its flame propagation, only intrinsically safe systems and circuits should be permitted in the hazardous locations described in 10.2.3.

Carriage under suitable inert gas pad

4.1.11 Carbon disulphide should be carried in independent tanks with a design pressure of not less than 0.6 bar gauge.

4.1.12 All openings should be located on the top of the tank, above the deck.

4.1.13 Gaskets used in the containment system should be of a material which does not react with, or dissolve in, carbon disulphide.

4.1.14 Threaded joints should not be permitted in the cargo containment system, including the vapour lines.

4.1.15 Prior to loading, the tank(s) should be inerted with suitable inert gas until the oxygen level is 2% by volume or lower. Means should be provided to automatically maintain a positive pressure in the tank using suitable inert gas during loading, transport and discharge. The system should be able to maintain this positive pressure between 0.1 and 0.2 bar gauge, and should be remotely monitored and fitted with over/underpressure alarms.

4.1.16 Hold spaces surrounding an independent tank carrying carbon disulphide should be inerted by a suitable inert gas until the oxygen level is 2% or less. Means should be provided to monitor and maintain this condition throughout the voyage. Means should also be provided to sample these spaces for carbon disulphide vapour.

4.1.17 Carbon disulphide should be loaded, transported and discharged in such a manner that venting to the atmosphere does not occur. If carbon disulphide vapour is returned to shore during loading or to the ship during discharge, the vapour return system should be independent of all other containment systems.

4.1.18 Carbon disulphide should be discharged only by submerged deepwell pumps or by a suitable inert gas displacement. The submerged deepwell pumps should be operated in a way that prevents heat build-up in the pump. The pump should also be equipped with a temperature sensor in the pump housing with remote readout and alarm in the cargo control room. The alarm should be set at 80°C. The pump should also be fitted with an automatic shut-down device, if the tank pressure falls below atmospheric pressure during the discharge.

4.1.19 Air should not be allowed to enter the cargo tank, cargo pump or lines while carbon disulphide is contained in the system.

4.1.20 No other cargo handling, tank cleaning or deballasting should take place concurrent with loading or discharge of carbon disulphide.

4.1.21 A water spray system of sufficient capacity should be provided to blanket effectively the area surrounding the loading manifold, the exposed deck piping associated with product handling and the tank domes. The arrangement of piping and nozzles should be such as to give a uniform distribution rate of 10 l/m²/min. Remote manual operation should be arranged such that remote starting of pumps supplying the water-spray system and remote operation of any normally closed valves in the system can be carried out from a suitable location outside the cargo area adjacent to the accommodation spaces and readily accessible and operable in the event of fire in the areas protected. The water-spray system should be capable of both local and remote manual operation, and the arrangement should ensure that any spilled cargo is washed away. Additionally, a water hose with pressure to the nozzle when atmospheric temperature permits, should be connected ready for immediate use during loading and unloading operations.

4.1.22 No cargo tanks should be more than 98% liquid-full at the reference temperature (R).

4.1.23 The maximum volume (V_L) of cargo to be loaded in a tank should be:

$$V_L = 0.98 V \frac{r_R}{r_L}$$

where:

V	=	volume of the tank
ρ_R	=	relative density of cargo at the reference temperature (R)
ρ_L	=	relative density of cargo at the loading temperature
R	=	reference temperature, i.e. the temperature at which the vapour pressure of the cargo corresponds to the set pressure of the pressure-relief valve.

4.1.24 The maximum allowable tank filling limits for each cargo tank should be indicated for each loading temperature which may be applied, and for the applicable maximum reference temperature, on a list approved by the Administration. A copy of the list should be permanently kept on board by the master.

4.1.25 Zones on open deck, or semi-enclosed spaces on open deck within three metres of a tank outlet, gas or vapour outlet, cargo pipe flange or cargo valve of a tank certified to carry carbon disulphide, should comply with the electrical equipment requirements specified for carbon disulphide in column "i", chapter 17. Also, within the specified zone, no other heat sources, like steam piping with surface temperatures in excess of 80°C should be allowed.

4.1.26 Means should be provided to ullage and sample the cargo without opening the tank or disturbing the positive suitable inert gas blanket.

4.1.27 The product should be transported only in accordance with a cargo handling plan that has been approved by the Administration. Cargo handling plans should show the entire cargo piping system. A copy of the approved cargo-handling plan should be available on board. The Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk should be endorsed to include reference to the approved cargo handling plan."

CHAPTER V - OPERATIONAL REQUIREMENTS

4 Existing paragraph 5.3.3 is replaced by the following:

"5.3.3 Officers should be trained in emergency procedures to deal with conditions of leakage, spillage or fire involving the cargo, based on the guidelines developed by the Organization*, and a sufficient number of them should be instructed and trained in essential first aid for cargoes carried."

* Refer to the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG), which provides advice on the treatment of casualties in accordance with the symptoms exhibited as well as equipment and antidotes that may be appropriate for treating the casualty and the relevant chapters of Part A and Part B of the STCW Code.

ANNEX 6

**CHANGES TO THE GUIDELINES FOR THE DESIGNATION OF SPECIAL AREAS
UNDER MARPOL 73/78 AND GUIDELINES FOR THE IDENTIFICATION OF
PARTICULARLY SENSITIVE SEA AREAS**

1) There is one editorial change throughout the **Guidelines for the Designation of Special Areas under MARPOL 73/78**: The term **MARPOL 73/78** have been used consequently throughout both guidelines.

2) The following changes have been made to **the Guidelines for the Identification of Particularly Sensitive Sea Areas**:

1) General:

.1 In all instances international **maritime** activities have been changed to international **shipping** activities.

.2 In most cases **identification** of a PSSA have been replaced by **designation** of a PSSA

2) Specific changes was made to the following paragraphs:

1.3 Many international and regional instruments encourage the protection of areas important for the conservation of biological diversity as well as other areas with high ecological, cultural, historical/archeological, socio-economic or scientific significance. They further call on their Contracting Parties to protect such areas from activities, including shipping operations, that may undermine their values. ~~[Pursuant to such instruments, States have, at the national level, established Marine Protected Areas for a variety of objectives, ranging from strict protection from all activities which could give rise to environmental damage, to multiple uses. A PSSA can complement a Marine Protected Area, or it can stand on its own.]~~

2.1 Shipping activity can constitute an environmental hazard to the marine environment in general and consequently even more so to environmentally and/or ecologically sensitive areas, including marine protected areas. Environmental hazards associated with shipping include:

4.4 In order to be identified as a PSSA, the area should meet at least one of the criteria listed below and should be at risk from international shipping activities, taking into consideration the factors listed in section 5.

--

Bio-geographic importance

An area that either: contains rare biogeographic qualities or is representative of a biogeographic "type" or types, or contains unique or unusual geological features.

6.3 In some circumstances, a proposed particularly sensitive sea area may include within its boundaries a buffer zone, in other words, an area contiguous to the site-specific feature (core area) for which specific protection from shipping is sought. However, the need for such a buffer zone should be justified in terms of how it would contribute to the adequate protection of the core area. ~~Where special mandatory measures are to be applied, the buffer zone must be clearly defined.~~

7.4 Each application should then consist of two parts.

7.4.1 Part I. Description, Significance of the area and Vulnerability.

- .1 Description. A detailed description of the location of the proposed area, along with a chart on which the location of area is clearly marked, should be submitted with the application.
- .2 Significance of the area. The application should state the significance of the area on the basis of recognized ecological, socio-economic, or scientific reasons and should explicitly refer to the criteria listed above in section 4.
- .3 Vulnerability of the Area to Damage by International Shipping Activities. The application should provide an explanation of the nature and extent of risk that international shipping activities pose to the environment of the proposed area, noting the factors listed in Section 5. ~~The application should describe: the particular ongoing or future international maritime activities that are causing or may cause damage to the marine environment of the proposed area and the damage and degree of harm that may result from such activities, either from such activity alone or in combination with other potential threats. The application should explicitly refer to considerations listed above in section 4. After identification of the activities and the risk of damage, the application should state the harm that may be expected to result from such activities.~~ The application should explain the effects of the damage on the environmental characteristics of the proposed area and indicate any potential economic harm that may result from such damage.

7.4.2 Part II. Appropriate associated protective measures and IMO's Competence to Adopt Such Measures.

- .1 The application should propose the associated protective measures which are available through IMO and show how they provide the needed protection from the threats of damage posed by international maritime activities occurring in and around the area.
 - (a) The application should identify the proposed measures which may include:
 - (i) any measure that is already available in an existing instrument;
or
 - (ii) any measure that does not yet exist but that should be available as a generally applicable measure and that falls within the competence of IMO; or
 - (iii) any measure proposed for adoption in the territorial sea* or pursuant to Article 211(6) of the United Nations Convention on the Law of the Sea. ~~that is specifically tailored to particular, localized circumstances of the area proposed to be identified as a PSSA, where existing measures or a generally applicable measure (as~~

~~described in subparagraph (ii) above) would not adequately address the particularized need of the area at risk. For non parties to the United Nations Convention on the Law of the Sea, such measures may still be adopted pursuant to customary international law.~~

* Note: This provision does not derogate from the rights and duties of coastal states in the territorial sea as provided for in the United Nations Law of the Sea Convention (*to be foot note*)

(b) These measures may include ships' routing measures; discharge restrictions; operational criteria; and prohibited activities, and should be specifically tailored to meet the need of the area at risk.

.2 The application should clearly specify the category or categories of ships to which the proposed associated protective measures would apply, consistent with the provisions of the United Nations Convention on the Law of the Sea--including those related to vessels entitled to sovereign immunity ~~and other pertinent instruments.~~

8.2 In assessing each proposal, IMO should take into account the criteria which are to be included in each application as set forth above in section 4 of these Guidelines. In particular, IMO should consider:

.1 the full range of protective measures available and determine whether the proposed associated protective measures ~~identified by the proposing member government~~ are appropriate to address effectively the assessed risk of damage to the proposed area by identified international shipping activities; ~~and to provide the needed protection;~~

.2 whether such measures might result in increased potential for significant adverse effects by international shipping activities on the environment outside the proposed PSSA ~~area;~~ and

8.3 The procedure for considering a PSSA Application by IMO is as follows:

.1 The Marine Environment Protection Committee (MEPC) should bear primary responsibility within IMO for considering PSSA applications and all applications should first be submitted to the MEPC;

.2 ~~the~~MEPC should initially review the application to determine whether it addresses the provisions of the Guidelines. If it does, the MEPC may approve in principle the ~~identification of the area as a~~ PSSA, and should refer the application with its associated protective measures, to the appropriate Sub-Committee or Committee (which could be the MEPC itself) that is responsible for addressing the particular associated protective measures proposed for the area. The Sub-Committee may seek the advice of the MEPC on issues pertinent to the application. The MEPC should make no final determination to designate the PSSA ~~identification~~ until after the associated protective measures are considered ~~and approved~~ by the pertinent Sub-Committee or Committee;

- .3 for measures that require approval by the Maritime Safety Committee (MSC), the Sub-Committee should forward its recommendation for approval of the associated protective measures to the MSC or, if the Sub-Committee rejects the measures, it should inform the MSC and MEPC and provide the proposing member governments a statement of reasons for its decision. The MSC should consider any such recommendations and, if the measures are to be adopted, it should notify the MEPC of its decision;
- .4 if an application is submitted without fully identifying proposed associated protective measures, except as noted in 7.2, the MEPC may approve in principle the identification of the area as a PSSA, pending submission of at least one proposed associated protective measure within 2 years of such approval and subsequent adoption of at least one associated protective measure;
- .5 if the application is rejected, the MEPC shall notify the proposing member government and provide a statement of reasons for its decision; and
- .6 after the approval by the appropriate Sub-Committee or Committee of the associated protective measures, the MEPC may approve of the application for PSSA identification designate the area as PSSA.

SUMMARIES OF EXISTING PSSAS

1. Great Barrier Reef – Australia

...

Historic Shipwrecks: The register of the National Estate indicates that the Great Barrier Reef region contains some thirty known shipwrecks of historic importance.

2. Archipelago of Sabana-Camaguey - Cuba

....

MSC at its 72nd session adopted an area to be avoided in the access routes to the ports of Matanzas and Cardenas

Reference chart: ICH 11425 (Edition of 01/08/1998)

Note: This chart is based on North American Datum (27).

Description of the area to be avoided

The area described below should be avoided by all ships over 150 gross tonnage, for reasons of conservation of unique biodiversity, nature and beautiful scenery.

The area to be avoided lies within the coastline of the province of Matanzas and a line connecting the following geographical points:

(1)	23°05'.60 N,	081°28'.50 W	Punta Maya Lighthouse
(2)	23°10'.60 N,	081°28'.50 W	
(3)	23°19'.50 N,	081°11'.50 W	
(4)	23°14'.60 N,	081°07'.20 W	Cayo Piedras del Norte
(5)	23°11'.50 N,	081°07'.20 W	Punta Las Morlas

ANNEX 7

RESOLUTION MEPC.92(45)

adopted on 5 October 2000

**AMENDMENTS TO THE REVISED GUIDELINES FOR THE IMPLEMENTATION
OF ANNEX V OF MARPOL 73/78 (RESOLUTION MEPC.59(33))**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING article 38(c) of the Convention on the International Maritime Organization concerning the function of the Marine Environment Protection Committee,

RECOGNIZING that Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) provides regulations for the prevention of pollution by garbage from ships,

RECOGNIZING ALSO the necessity of providing Guidelines to assist Governments in developing and enacting domestic laws and regulations which give effect to and implement Annex V of MARPOL 73/78,

NOTING that the Committee, at its twenty-sixth session, approved the Guidelines for the Implementation of Annex V of MARPOL 73/78,

NOTING ALSO that the Committee, at its thirty-third session, adopted the Revised Guidelines for the Implementation of Annex V of MARPOL 73/78 by resolution MEPC.59(33),

HAVING CONSIDERED the proposed amendments to the Revised Guidelines for the Implementation of Annex V of MARPOL 73/78,

1. ADOPTS amendments to the Revised Guidelines for the Implementation of Annex V of MARPOL 73/78, the text of which is set out at annex to the present resolution; and
2. RECOMMENDS the Governments to implement the provisions of Annex V of MARPOL 73/78 taking into account of the amended Guidelines.

ANNEX

**AMENDMENTS TO THE GUIDELINES FOR THE IMPLEMENTATION
OF ANNEX V OF MARPOL 73/78**

- 1 The following sentence is added at the end of paragraph 1.7.10:

“Cargo material contained in the cargo hold bilge water is not treated as cargo residues provided that the cargo material is not classified as a marine pollutant in the IMDG Code and the bilge water is discharged from a loaded hold through the vessel’s fixed piping bilge drainage system.”

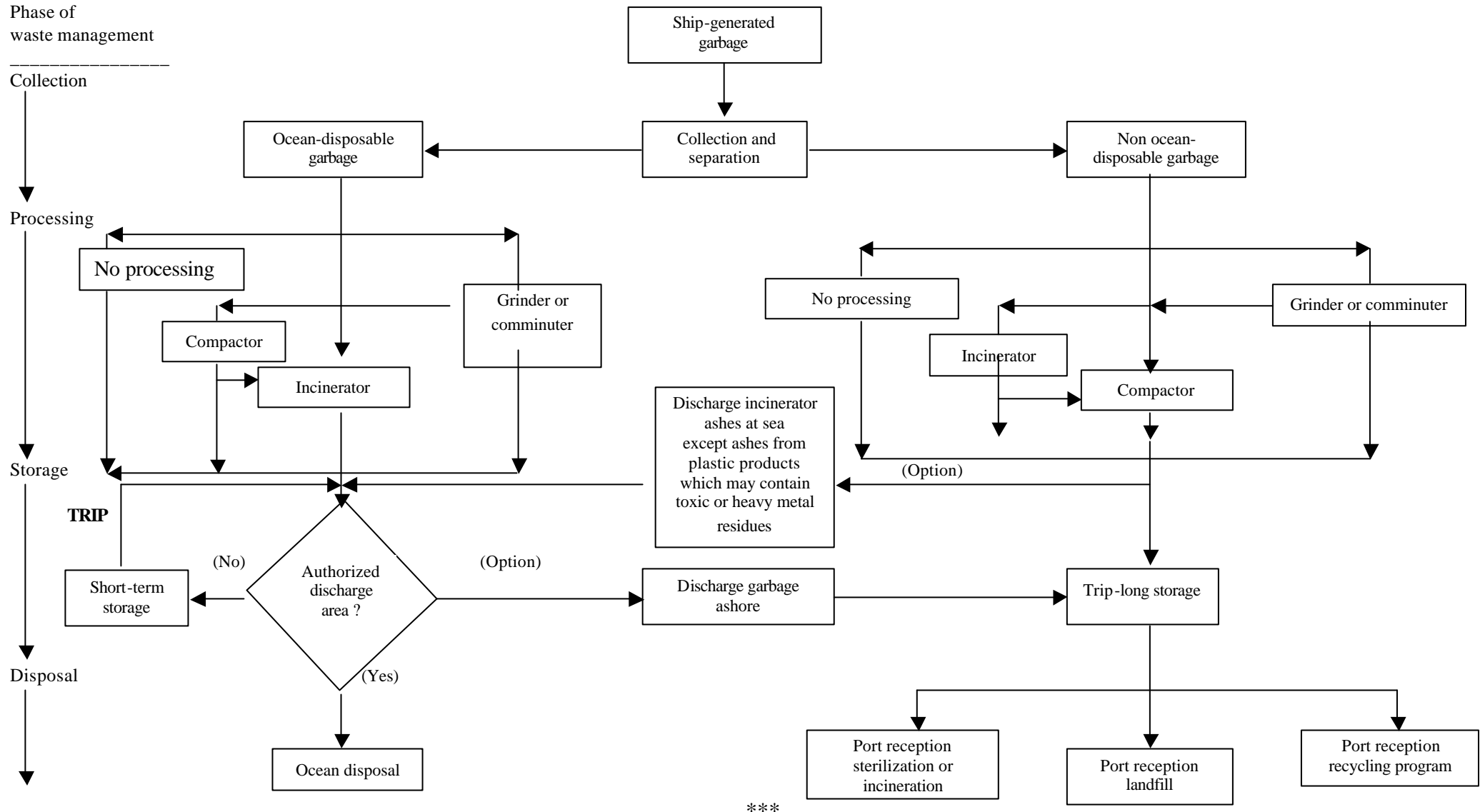
- 2 The existing paragraph 1.8.2 is replaced by the following:

“*Ash and clinkers* from shipboard incinerators and coal-burning boilers except ashes from plastic products which may contain toxic or heavy metal residues, disposal of which is prohibited by regulation 3(1)(a), are operational wastes in the meaning of Annex V, regulation 1(1), and therefore are included in the term *all other garbage*, in the meaning of Annex V, regulation 3(1)(b)(ii) and 5(2)(a)(ii), notwithstanding regulation 3(2) and paragraph 5.4.6.2 of these guidelines.”

- 3 The words "where possible" are deleted from existing paragraph 5.4.6.2.

- 4 The existing Table 2 is replaced by the following:

"Table 2 – Options for shipboard handling and disposal of garbage



ANNEX 8

**DRAFT AMENDMENTS TO MARPOL ANNEXES I, II, IV AND VI*
ON THE USE OF SPANISH**

ANNEX I

Regulation 7**Form of certificate**

The International Oil Pollution Prevention Certificate shall be drawn up ~~in an official language of the issuing country~~ in the form corresponding to the model given in appendix II to this Annex. ~~If the language used is neither English nor French, the text shall include a translation into one of these languages~~ and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

Regulation 20(4)

Each operation described in paragraph (2) of this regulation shall be fully recorded without delay in the Oil Record Book so that all entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of the ship. The entries in the Oil Record Book, ~~shall be in an official language of the State whose flag the ship is entitled to fly; and~~ for ships holding an International Oil Pollution Prevention Certificate, shall be at least in English, ~~or~~ French or Spanish. ~~The~~ Where entries in an official national language of the State whose flag the ship is entitled to fly are also used, this shall prevail in case of a dispute or discrepancy.

Form A of the supplement to the IOPP Certificate**Record of construction and equipment for ships other than oil tankers***Notes:*

1 This Form is to be used for the third type of ships as categorised in the IOPP Certificate, ie. "ships other than any of the above". For oil tankers and ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex I of the Convention, Form B shall be used.

2 This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.

3 ~~If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.~~ The Record shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

4 Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (-) for the answers "no" or "not applicable" as appropriate.

5 Regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

* The original text which is struck through is to be deleted, and the text which is shaded is to be added.

**Form B of the Supplement to the IOPP Certificate
Record of construction and equipment for oil tankers**

Notes:

- 1 This Form is to be used for the first two types of ships as categorized in the IOPP certificate, i.e. “oil tankers” and “ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex I of the Convention”. For the third type of ships as categorized in the IOPP Certificate, Form A shall be used.
- 2 This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
- 3 ~~If the language of the original record is neither English nor French, the text shall include a translation into one of these languages.~~ The Record shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.
- 4 Entries in boxes shall be made by inserting either a cross (x) for the answers “yes” and “applicable” or a dash (-) for the answers “no” or “not applicable” as appropriate.
- 5 Unless otherwise stated, regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

ANNEX II

Regulation 9(5)

Each operation referred to in paragraphs (2) and (3) of this regulation shall be fully recorded without delay in the Cargo Record Book so that all entries in the book appropriate to that operation are completed. Each entry shall be signed by the officer or officers in charge of the operation concerned and each page shall be signed by the master of the ship. The entries in the Cargo Record Book, ~~shall be in an official language of the State whose flag the ship is entitled to fly; and~~ for ships holding an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk or a certificate referred to in regulation 12A of this Annex, shall be at least in English, ~~or~~ French or Spanish. ~~The~~ Where entries in an official national language of the State whose flag the ship is entitled to fly are also used, this shall prevail in case of a dispute or discrepancy.

Regulation 11(4)

The International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be drawn up ~~in an official language of the issuing country~~ in the form corresponding to the model given in appendix V to this Annex. ~~If the language used is neither English nor French, the text shall include a translation into one of these languages~~ and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

ANNEX IV

Regulation 6 Form of certificate

The International Sewage Pollution Prevention Certificate (1973) shall be drawn up ~~in an official language of the issuing country~~ in the form corresponding to the model given in the appendix to this Annex. ~~If the language used is neither English nor French, the text shall include a translation into one of these languages~~ and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

ANNEX VI

Regulation 8 Form of Certificate

The International Air Pollution Prevention Certificate shall be drawn up ~~in an official language of the issuing country~~ in the form corresponding to the model given in appendix 1 to this Annex. ~~If the language used is not English or French or Spanish, the text shall include a translation into one of these languages~~ and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

Supplement to the IAPP Certificate Record of Construction and Equipment

Notes:

1 This Record shall be permanently attached to the IAPP Certificate. The IAPP Certificate shall be available on board the ship at all times.

2 ~~If the language of the original Record is not English, French or Spanish, the text shall include a translation into one of these languages.~~ The Record shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

4 Entries in boxes shall be made by inserting either a cross (x) for the answers “yes” and “applicable” or a dash (-) for the answers “no” or “not applicable” as appropriate.

5 Unless otherwise stated, regulations mentioned in this Record refer to regulations of Annex VI of the Convention and the resolutions or circulars refer to those adopted by the International Maritime Organization

Supplement to the EIAPP Certificate

Record of construction, technical file and means of verification

Notes:

1 This Record and its attachments shall be permanently attached to the EIAPP Certificate. The EIAPP Certificate shall accompany the engine throughout its life and shall be available on board the ship at all times.

2 ~~If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.~~ The Record shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

3 Unless otherwise stated, regulations mentioned in this Record refer to regulations of Annex VI of the Convention and the requirements for an engine's technical file and means of verification refer to mandatory requirements from the NO_x Technical Code

ANNEX 9**DRAFT TEXT OF REVISED REGULATION 13G OF MARPOL ANNEX I****Regulation 13G****Prevention of oil pollution in the event of collision or stranding -
Measures for existing tankers**

- (1) This regulation shall:
- (a) apply to oil tankers of 5,000 tons deadweight and above, which are contracted, the keels of which are laid, or which are delivered before the dates specified in regulation 13F(1) of this Annex; and
 - (b) not apply to oil tankers complying with regulation 13F of this Annex, which are contracted, the keels of which are laid, or are delivered before the dates specified in regulation 13F(1) of this Annex; and
 - (c) not apply to oil tankers covered by subparagraph (a) above which comply with regulation 13F(3)(a) and (b) or 13F(4) or 13F(5) of this Annex, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection distances shall comply with regulation 13E(4)(b) of this Annex.
- (2) For the purpose of this regulation:
- (a) “Heavy diesel oil” means diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the Organization¹.
 - (b) “Fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the Organization².
- (3) For the purpose of this regulation, oil tankers are divided into the following categories:
- (a) “Category 1 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in regulation 1(26) of this Annex;

¹ Refer to the American Society for Testing and Material’s Standard Test Method (Designation D86).

² Refer to the American Society for Testing and Material’s Specification for Number Four Fuel Oil (Designation D396) or heavier.

- (b) “Category 2 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which complies with the requirements for new oil tankers as defined in regulation 1(26) of this Annex;
- (c) “Category 3 oil tanker” means an oil tanker of 5,000 tons deadweight and above but less than that specified in subparagraph (a) or (b) of this paragraph.

(4) An oil tanker subject to the provisions of this regulation shall comply with the requirements of regulation 13F of this Annex in accordance with the schedule as specified in the following table:

Category of oil tanker	Date by which ship shall comply with regulation 13F	
	Alternative A	Alternative B
Category 1	1 January 2003 for ships delivered in 1973 or earlier 1 January 2004 for ships delivered in 1974 and 1975 1 January 2005 for ships delivered in 1976 and 1977 1 January 2006 for ships delivered in 1978, 1979 and 1980 1 January 2007 for ships delivered in 1981 or later	
Category 2	1 January 2003 for ships delivered in 1977 or earlier 1 January 2004 for ships delivered in 1978 1 January 2005 for ships delivered in 1979 1 January 2006 for ships delivered in 1980 1 January 2007 for ships delivered in 1981 1 January 2008 for ships delivered in 1982 1 January 2009 for ships delivered in 1983 1 January 2010 for ships delivered in 1984 1 January 2011 for ships delivered in 1985	
	1 January 2012 for ships delivered in 1986 and 1987 1 January 2013 for ships delivered in 1988 and 1989 1 January 2014 for ships delivered in 1990 and 1991 1 January 2015 for ships delivered in 1992 or later	1 January 2012 for ships delivered in 1986 1 January 2013 for ships delivered in 1987 and 1988 1 January 2014 for ships delivered in 1989 and 1990 1 January 2015 for ships delivered in 1991 and 1992 1 January 2016 for ships delivered in 1993 and 1994 1 January 2017 for ships delivered in 1995 or later
Category 3	1 January 2003 for ships delivered in 1974 or earlier 1 January 2004 for ships delivered in 1975 and 1976 1 January 2005 for ships delivered in 1977 and 1978 1 January 2006 for ships delivered in 1979 and 1980 1 January 2007 for ships delivered in 1981 1 January 2008 for ships delivered in 1982 1 January 2009 for ships delivered in 1983 1 January 2010 for ships delivered in 1984 1 January 2011 for ships delivered in 1985 1 January 2012 for ships delivered in 1986	
	1 January 2013 for ships delivered in 1987 and 1988 1 January 2014 for ships delivered in 1989, 1990 and 1991 1 January 2015 for ships delivered in 1992 or later	1 January 2013 for ships delivered in 1987 1 January 2014 for ships delivered in 1988 1 January 2015 for ships delivered in 1989 and 1990 1 January 2016 for ships delivered in 1991, 1992 and 1993 1 January 2017 for ships delivered in 1994 or later

(5) A Category 1 oil tanker of 25 years and over after its date of delivery shall comply with either of the following provisions:

- (a) wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of regulation 13E(4), cover at least 30% of L_t , for the full depth of the ship on each side or at least 30% of the projected bottom shell area within the length L_t , where L_t is as defined in regulation 13E(2); or
 - (b) the tanker operates with hydrostatically balanced loading, taking into account the guidelines developed by the Organization³.
- (6) (a) The Administration may allow continued operation of a Category 1 oil tanker beyond [25 years after its date of delivery][2005], and of a Category 2 oil tanker beyond 2010, subject to compliance with the condition assessment scheme adopted by the Marine Environment Protection Committee by resolution MEPC ... (...), as may be amended, provided that such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention relating to amendment procedures applicable to an appendix to an Annex.
- (b) The Administration of a State which allows the application of this paragraph to a ship entitled to fly its flag shall forthwith communicate to the Organization for circulation to the Parties to the present Convention particulars thereof, for their information and appropriate action, if any.

Alternative text of paragraph (6) above:

[(6) An oil tanker of [20] years and over after its date of delivery shall be subject to special survey scheme in accordance with resolution A.744(18) as amended, provided that such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention relating to amendment procedures applicable to an appendix to an Annex.]

³ Refer to the Guidelines for Approval of Alternative Structural or Operational Arrangements adopted by resolution MEPC.64(36).

ANNEX 10**RESOLUTION MEPC.93(45)****Adopted on 5 October 2000****AMENDMENTS TO THE STANDARD SPECIFICATION
FOR SHIPBOARD INCINERATORS**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE:

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the function of the Committee,

RECALLING ALSO that Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), provides regulations for the prevention of pollution by garbage from ships,

RECOGNIZING that the Conference of Parties to MARPOL 73/78, held in September 1997, adopted the Protocol of 1997 to amend MARPOL 73/78 with the addition of a new Annex VI on the Prevention of Air Pollution from Ships,

RECOGNIZING ALSO that the Committee, at its fortieth session, adopted resolution MEPC.76(40) - Standard Specification for Shipboard Incinerators,

BEING AWARE that the regulation 16(2)(a) on shipboard incinerators within Annex VI to MARPOL 73/78 requires that all shipboard incinerators installed on board ships on or after 1 January 2000 comply with the relevant operating limits as specified in Appendix VI of Annex VI to MARPOL 73/78 and are approved by the Administration based on the requirements contained in resolution MEPC.76(40) on Standard Specification for Shipboard Incinerators,

ALSO BEING AWARE that while this requirement cannot be enforced before the entry into force of the Protocol of 1997, it is clearly understood that incinerators installed on ships on or after 1 January 2000 will have to meet these requirements once the Protocol of 1997 enters into force,

HAVING CONSIDERED the need to simplify the verification of compliance with regulation 16(2) of Annex VI, once the Protocol of 1997 enters into force,

1 ADOPTS the amendments to the Form of IMO Type Approval Certificate for Shipboard Incinerators with Capacities of up to 1,500 kW, as set out in annex to this resolution;

2 URGES Administrations to take into consideration the introductory statement when issuing certificates in accordance with Annex VI of MARPOL 63/78, whether or not the type approval certificate was issued by their Administration or organization acting on their behalf, or by other Governments; and

3 INVITES Administrations to inform the Organization of those incinerators that have been type approved in accordance with resolution MEPC. 76(40), and their dates of approval.

ANNEX

**AMENDMENTS TO THE FORM OF IMO TYPE APPROVAL
CERTIFICATE FOR SHIPBOARD INCINERATORS
WITH CAPACITIES OF UP TO 1,500 kW**

The introductory paragraph of the model Form of IMO Type Approval Certificate for Shipboard Incinerators with Capacity of up to 1,500 kW, as contained in the annex to resolution MEPC.76(40), is amended to read:

“This is to certify that the shipboard incinerator listed has been examined and tested in accordance with the requirements of the Standard for Shipboard Incinerators for disposing of ship-generated waste appended to the Guidelines for the Implementation of Annex V of MARPOL 73/78 as amended by resolution MEPC.76(40) and referenced by regulation 16 of Annex VI to MARPOL 73/78.”

ANNEX 11

**WORK PROGRAMMES OF THE FSI AND BLG SUB-COMMITTEES AND
PROVISIONAL AGENDA FOR THEIR FORTHCOMING SESSIONS**

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

		Target completion date/number of sessions needed for completion	Reference
1	Reporting under IMO instruments and analysis/evaluation of reports(other than port State control reports)	Continuous	FSI 8/19, section 10
	.1 Mandatory reports under MARPOL 73/78	Continuous	MSC 70/23 paragraph 20.12.1; FSI 8/19, section 10
2	Casualty statistics and investigations	Continuous	MSC 68/23 paragraphs 7.16 to 7.24; FSI 8/19, section 11
3	Port State control	Continuous	MSC 68/23 paragraphs 7.10 to 7.15
	.1 regional co-operation on port State control	Continuous	FSI 8/19, section 12
	.2 reporting procedures on port State control detentions and analysis and evaluation of reports	Continuous	MSC 71/23 paragraph 20.16; FSI 8/19, paragraph 16.6.3
	.3 PSC on seafarers' working hours	2 sessions	MSC 70/23 paragraph 20.12.3; FSI 7/14, paragraphs 7.11 to 7.13; MSC 71/23, paragraph 13.13
4	Technical assistance	Continuous	MSC 68/23, paragraphs 12.1 to 12.7; FSI 8/19, section 15
5	Survey and certification	Continuous	MSC 67/22 paragraph 19.5
	.1 review of resolution A.744(18) and A.746(18)	2002	MSC 69/22, paragraph 10.9; FSI 8/19, section 7; MSC 72/23, paragraph 21.27

			Target completion date/number of sessions needed for completion	Reference
(L)	.2	introduction of the HSSC into MARPOL Annex VI on prevention of air pollution	2001	MEPC 41/20, paragraph 8.22.1; MSC 69/22, paragraph 20.28; FSI 8/19, section 9
H.1	Implementation of IMO instruments		Continuous	
	.1	responsibilities of Governments and measures to encourage flag State compliance	Continuous	MSC 68/23, paragraphs 7.2 to 7.8; FSI 8/19, section 3
	.2	comprehensive analysis of difficulties encountered in the implementation of IMO instruments	Continuous	MSC 69/22, paragraph 20.28; FSI 8/19, section 4
	.3	self-assessment of flag State performance	2001	MSC 70/23, paragraphs 9.2 to 9.14; MSC 71/23, paragraph 20.15; FSI 8/19, section 5
H.2	Implications arising when a vessel loses the right to fly the flag of a State		2001	MSC 68/23, paragraph 7.7; MSC 70/23, paragraph 22.12.4; FSI 8/19, section 6
H.3	Revision of the SOLAS expression “ships constructed”		2002	MSC 71/23, paragraph 20.19; FSI 8/19, paragraph 16.7
H.4	Use of the Spanish language in SOLAS certificates, manuals and other documents		2002	MSC 72/23, paragraph 21.26
H.5	Illegal, unreported and unregulated fishing (IUU) and related matters		2002	MSC 72/23, paragraph 21.28
L	Development of Guidelines for survey and certification for anti-fouling paints		2 sessions	MEPC 45/20, paragraph 17.1

Provisional agenda for FSI 9

- Opening of the session
- 1 Adoption of the agenda
- 2 Decisions of other IMO bodies
- 3 Responsibilities of Governments and measures to encourage flag State compliance
- 4 Self-assessment of flag State performance
- 5 Implications arising when a vessel loses the right to fly the flag of a State
- 6 Regional co-operation on port State control
- 7 Reporting procedures on port State control detentions and analysis and evaluation of reports
- 8 Mandatory reports under MARPOL 73/78
- 9 Introduction of the HSSC into MARPOL Annex VI on prevention of air pollution
- 10 Casualty statistics and investigations
- 11 Revision of the SOLAS expression “ships constructed”
- 12 Review of resolutions A.744(18) and A.746(18)
- 13 Technical assistance
- 14 Use of the Spanish language in SOLAS certificates, manuals and other documents
- 15 Illegal, unregulated and unreported (IUU) fishing and related matters
- 16 Work programme and agenda for FSI 10
- 17 Election of Chairman and Vice-Chairman for 2002
- 18 Any other business
- 19 Report to the Committees

SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

		Target completion date/number of sessions needed for completion	Reference
1	Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments	Continuous	BLG 1/20, section 3; BLG 4/18, section 11
2	Casualty analysis (co-ordinated by FSI)	Continuous	MSC 70/23, paragraphs 9.17 and 20.4
H.1	Revision of MSC/Circ.677	2001	MSC 63/23, paragraph 18.4; BLG 5/14, section 11
H.2	Matters related to the probabilistic methodology for oil outflow analysis	2001	BLG 1/20 paragraphs 8.7 to 8.11; BLG 4/18, section 5
H.3	Review of Annex I of MARPOL 73/78	2002	BLG 1/20, section 9; BLG 4/18, paragraph 15.2.5
H.4	Review of Annex II of MARPOL 73/78	2004	BLG 1/20, section 9; BLG 5/14, section 11
H.5	Environmental and safety aspects of alternative tanker designs under MARPOL 73/78 regulation I/13F		BLG 3/18, paragraph 15.7
.1	development of the final guidelines	2 sessions	BLG 1/20, paragraph 8.15
.2	assessment of alternative tanker designs, if any	Continuous (as necessary)	BLG 1/20, section 16; BLG 4/18, paragraph 15.3

Notes: 1 "H" means a high priority item and "L" means a low priority item. However, within the high and low priority groups, items have not been listed in any order of priority.

2 Items printed in bold letters have been selected for the provisional agenda for BLG 6.

		Target completion date/number of sessions needed for completion	Reference
H.6	Requirements for personnel protection involved in the transportation of cargoes containing toxic substances in all types of tankers	2002	BLG 1/20, section 12; BLG 5/14, section 11
H.7	Evaluation of IMO Greenhouse gas emission study	2001	MEPC 45/20, paragraph 17.4
H.8	Oil tagging systems	2003	MEPC 45/20, paragraph 17.4
L.1	Development of guidelines for ships operating in ice-covered waters (co-ordinated by DE)	2 sessions	DE 43/18, section 12 MSC 71/23; paragraph 20.43 BLG 5/14, section 11
L.2	Application of MARPOL requirements to FPSOs and FSUs	2002	MEPC 41/20, paragraph 7.7; MSC 69/22, paragraph 20.8.1; BLG 4/18, section 14
L.3	Amendments to requirements on electrical installations in the IBC and IGC Codes	2002	MSC 71/23, paragraph 20.3 BLG 5/14, section 11

Provisional agenda for BLG 6*

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Revision of MSC/Circ.677
 - 4 Matters related to the probabilistic methodology for oil outflow analysis
 - 5 Review of Annex I of MARPOL 73/78
 - 6 Review of Annex II of MARPOL 73/78
 - 7 Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments**
 - 8 Amendments to requirements on electrical installations in the IBC and IGC Codes
 - 9 Application of MARPOL requirements to FPSOs and FSUs
 - 10 Requirements for personnel protection involved in the transportation of cargoes containing toxic substances in all types of tankers
 - 11 Oil tagging systems
 - 12 Evaluation of IMO Greenhouse gas emissions study
 - 13 Work programme and agenda for BLG 7
 - 14 Election of Chairman and Vice-Chairman for 2002
 - 15 Any other business
 - 16 Report to the Committees

* Agenda item numbers do not necessarily indicate priority.
** Item under continuous review.

ANNEX 12

INSTRUCTIONS TO THE DE SUB-COMMITTEE

Include the following three items in the work programme of the DE Sub-Committee with a target completion date of 2002 and add them on the provisional agenda of DE 44:

- 1 Interpretation of regulation 16 of MARPOL Annex I on oil filtering equipment (MEPC 45/7/10);
- 2 Matters related to incinerators (MEPC 45/8/4, MEPC 45/8/5, MEPC 45/8/6); and
- 3 Guidelines for the sampling of fuel oil for combustion purposes (MEPC 45/9/4, MEPC 45/9/5).

ANNEX 13

**SUBSTANTIVE ITEMS TO BE INCLUDED IN THE AGENDAS
FOR MEPC 46, MEPC 47 AND MEPC 48**

No.	Item	MEPC 46 April 2001	MEPC 47 March 2002	MEPC 48 October 2002
1	Implementation of the OPRC Convention and the OPRC-HNS Protocol and relevant conference resolutions	X	X	X
2	Harmful aquatic organisms in ballast water	X	X	X
3	Harmful effects of the use of anti-fouling paints for ships:			
.1	Preparation for the Conference	X		
.2	Follow-up to the Conference		X	X
4	Consideration and adoption of amendments to mandatory instruments	X	X	X
5	Identification and protection of special areas and PSSAs			
.1	Completion of review of the procedure for PSSAs	X		
.2	Proposals for PSSAs	X	X	X
6	Inadequacy of reception facilities	X		X
7	Reports of sub-committees (FSI, BLG, DSC, DE, SLF, etc.)	X	X	X
8	Work of other bodies (Assembly, Council, MSC, FAL/SPI, TCC, etc.)	X	X	X

No.	Item	MEPC 46 April 2001	MEPC 47 March 2002	MEPC 48 October 2002
9	Status of Conventions	X		X
10	Prevention of air pollution from ships			
.1	IMO policy on greenhouse gasses	X	X	
.2	Follow-up to the Conference		X	X
11	Interpretation and amendments of MARPOL 73/78 and related Codes	X	X	X
12	Preparation for RIO + 10	X	X	
13	Promotion of implementation and enforcement of MARPOL and related Codes	X	X	X
14	INF Code related matters	X		
15	The role of the human element with regard to pollution prevention	X	X	X
16	Formal safety assessment, including environmental indexing of ships		X	
17	Application of the Committees' Guidelines	X	X	X
18	Work programme of the Committee and subsidiary bodies	X	X	X
.1	Work programme for 2002/2003	X		
.2	Work plan up to 2008	X		
19	Recycling of ships	X	X	X

No.	Item	MEPC 46 April 2001	MEPC 47 March 2002	MEPC 48 October 2002
20	Matters related to the 1973 Intervention Protocol	X		
21	Technical co-operation programme		X	
22	Any other business	X	X	X

ANNEX 14

STATEMENT BY THE DELEGATION OF GABON

Mr Chairman, honourable delegates, ladies and gentlemen,

First of all, on behalf of my country, Gabon, on behalf of my delegation, and on my own behalf, I should like to express the wish that you continue as our Chairman until 2001. In view of your experience, I am convinced that you will guide our work with great wisdom and competence, to the satisfaction of all.

As you know, Gabon is a country of forests, and has an extensive coastline. It is therefore natural that problems relating to the environment and to marine environment protection should be of major concern to our Government. You will thus understand why Gabon attaches particular importance to the work of this Committee.

I should like to thank the Organization for the institutional support it recently gave us by convening a seminar in Libreville and by meeting the costs incurred by officials of our maritime administration in attending seminars held in Africa.

Mr Chairman,

As you are aware, on 8 June 2000 the Greek timber carrier **Peter**, 6,940 deadweight tons, built in 1975 in Japan, flying the Maltese flag, en route from the port of Owendo-Libreville to Leixoes, Portugal, with a cargo of 7,800 m³ of wood and about 420 tonnes of engine fuel, was in collision with the container ship **Adeline**, owned by the Société Delmas, which was at anchor near the exit from the port of Owendo. Despite this collision (not reported to the maritime authorities) the **Peter** continued on its way.

At the mouth of the Gabon Estuary the ship listed, began to sink and finally on 9 June ran aground on a sandbank about eight (8) nautical miles from Cape Santa Clara. The water at this point is 9 metres deep. At the time of the grounding the tanks contained 290m of heavy fuel oil, 40 tonnes of diesel oil and about 300 litres of engine oil.

After the announcement of the grounding of the **Peter**, the Merchant Navy Office ordered an enquiry, and the Prime Minister and Head of Government asked the European Union to assist by carrying out an environmental impact assessment. The expert appointed by the European Union, Mrs Claudine Tiercelin du Cedre, did an excellent job, and I should like to take this opportunity to convey to her the gratitude of the Government of Gabon.

The survey carried out on the port side of the ship revealed the following:

- A rent 600cm x 3cm along the hull below the waterline;
- Serious warping of the derricks;
- Destruction of the life-raft and guardrail at deck level;
- Severe scraping along the hull.

The administrative enquiry and the environmental impact assessment mission revealed the presence of fuel oil and diesel oil slicks escaping from the ship's tanks, and since sea conditions prevent any kind of anti-pollution measures being taken, for example containment booms, it is impossible to halt the spread of pollution. The only way of stopping the flow would be to pump out the tanks. This operation is essential before the eventual removal of the wreck can be considered.

This wreck constitutes a danger to navigation, all the more so since the wind and waves might cause it to slip down the side of the sandbank and fall into the fairway, thus presenting a major threat to safety of navigation.

Currently, the extent of the pollution is visible both at sea and along the coast. At sea, an oil slick of considerable size extending over several hundred metres in a north-easterly direction has been observed. Another slick of diesel oil in the shape of a circle extends aft on the port side of the ship in a north-easterly and south-south-westerly direction over several kilometres. On the coast, lumps of oil have been reported on the beaches of Libreville. Traces of pollution have also been observed at Pointe Denis and in Equatorial Guinea, which like Gabon has a seacoast frontier.

The cargo of 7,800m³ of wood has been lost overboard and has drifted north-east to the north of Cape Santa Clara, which increases the risk of accident and endangers safety of navigation in the area.

In view of the seriousness of the situation, the ship having foundered at the entrance to the access fairway linking the port of Libreville-Owendo to the open sea, we are urgently requesting assistance from IMO and other international bodies, so that we can solve this problem and avoid ecological disaster to our beaches and seacoasts.

I would ask you to include this Declaration in the final report of your Committee. I wish you all success in your work and hope that it will result in the strengthening of marine environment protection.

I thank you.

Mburu Yi Ndjako
