

MARINE ENVIRONMENT PROTECTION
COMMITTEE
70th session
Agenda item 18

MEPC 70/18
11 November 2016
Original: ENGLISH

**REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE
ON ITS SEVENTIETH SESSION**

Section		Page
1	INTRODUCTION – ADOPTION OF THE AGENDA	4
2	DECISIONS OF OTHER BODIES	4
3	CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS	5
4	HARMFUL AQUATIC ORGANISMS IN BALLAST WATER	10
5	AIR POLLUTION AND ENERGY EFFICIENCY	20
6	FURTHER TECHNICAL AND OPERATIONAL MEASURES FOR ENHANCING THE ENERGY EFFICIENCY OF INTERNATIONAL SHIPPING	40
7	REDUCTION OF GHG EMISSIONS FROM SHIPS	44
8	IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PSSAs	51
9	POLLUTION PREVENTION AND RESPONSE (report of the third session of the Sub-Committee)	53
10	REPORTS OF OTHER SUB-COMMITTEES	55
11	TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT	58
12	CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES	59
13	ANALYSIS AND CONSIDERATION OF RECOMMENDATIONS TO REDUCE ADMINISTRATIVE BURDENS IN IMO INSTRUMENTS AS IDENTIFIED BY THE SG-RAR	60

14	APPLICATION OF THE COMMITTEES' GUIDELINES	60
15	WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES	62
16	ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2017	66
17	ANY OTHER BUSINESS	66
18	ACTION REQUESTED OF OTHER IMO ORGANS	70

LIST OF ANNEXES

ANNEX 1	RESOLUTION MEPC.276(70) – AMENDMENTS TO MARPOL ANNEX I (FORM B OF THE SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE)
ANNEX 2	RESOLUTION MEPC.277(70) – AMENDMENTS TO MARPOL ANNEX V (HME SUBSTANCES AND FORM OF GARBAGE RECORD BOOK)
ANNEX 3	RESOLUTION MEPC.278(70) – AMENDMENTS TO MARPOL ANNEX VI (DATA COLLECTION SYSTEM FOR FUEL OIL CONSUMPTION OF SHIPS)
ANNEX 4	DRAFT ALTERNATE AMENDMENTS TO REGULATION B-3 OF THE BWM CONVENTION AND ASSOCIATED DRAFT MEPC RESOLUTION
ANNEX 5	RESOLUTION MEPC.279(70) – 2016 GUIDELINES FOR APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS (G8)
ANNEX 6	RESOLUTION MEPC.280(70) – EFFECTIVE DATE OF IMPLEMENTATION OF THE FUEL OIL STANDARD IN REGULATION 14.1.3 OF MARPOL ANNEX VI
ANNEX 7	DRAFT AMENDMENTS TO MARPOL ANNEX VI (DESIGNATION OF THE BALTIC SEA AND NORTH SEA EMISSION CONTROL AREAS FOR NO _x TIER III CONTROL AND INFORMATION TO BE INCLUDED IN THE BUNKER DELIVERY NOTE)
ANNEX 8	INFORMATION TO BE INCLUDED IN THE EEDI DATABASE FOR THE NEXT REVIEW
ANNEX 9	RESOLUTION MEPC.281(70) – AMENDMENTS TO THE 2014 GUIDELINES ON THE METHOD OF CALCULATION OF THE ATTAINED ENERGY EFFICIENCY DESIGN INDEX (EEDI) FOR NEW SHIPS (RESOLUTION MEPC.245(66), AS AMENDED BY RESOLUTION MEPC.263(68))
ANNEX 10	RESOLUTION MEPC.282(70) – 2016 GUIDELINES FOR THE DEVELOPMENT OF A SHIP ENERGY EFFICIENCY MANAGEMENT PLAN (SEEMP)

- ANNEX 11 ROADMAP FOR DEVELOPING A COMPREHENSIVE IMO STRATEGY ON REDUCTION OF GHG EMISSIONS FROM SHIPS
- ANNEX 12 RESOLUTION MEPC.283(70) – DESIGNATION OF THE JOMARD ENTRANCE AS A PARTICULARLY SENSITIVE SEA AREA
- ANNEX 13 UNIFIED INTERPRETATIONS OF REGULATIONS 1.24, 12, 27 AND 28 OF MARPOL ANNEX I
- ANNEX 14 RULES OF PROCEDURE OF THE MEPC
- ANNEX 15 BIENNIAL AGENDA OF THE PPR SUB-COMMITTEE AND PROVISIONAL AGENDA FOR PPR 4
- ANNEX 16 BIENNIAL AGENDA OF THE CCC SUB-COMMITTEE AND PROVISIONAL AGENDA FOR CCC 4
- ANNEX 17 BIENNIAL AGENDA OF THE III SUB-COMMITTEE AND PROVISIONAL AGENDA FOR III 4
- ANNEX 18 BIENNIAL STATUS REPORT OF THE OUTPUTS OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE
- ANNEX 19 ITEMS TO BE INCLUDED IN THE AGENDAS OF MEPC 71 AND MEPC 72
- ANNEX 20 RESOLUTION MEPC.284(70) – AMENDMENTS TO THE 2012 GUIDELINES ON IMPLEMENTATION OF EFFLUENT STANDARDS AND PERFORMANCE TESTS FOR SEWAGE TREATMENT PLANTS
- ANNEX 21 RESOLUTION MEPC.285(70) – AMENDMENTS TO THE REVISED GUIDELINES AND SPECIFICATIONS FOR POLLUTION PREVENTION EQUIPMENT FOR MACHINERY SPACE BILGES OF SHIPS (RESOLUTION MEPC.107(49))
- ANNEX 22 STATEMENTS BY DELEGATIONS AND OBSERVERS

1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The seventieth session of the Marine Environment Protection Committee (MEPC) was held at IMO Headquarters from 24 to 28 October 2016, chaired by Mr. A. Domínguez (Panama). The Vice-Chair of the Committee, Mr. H. Saito (Japan), was also present.

1.2 The session was attended by delegations from Members and Associate Members; representatives from United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document MEPC 70/INF.1.

1.3 The session was also attended by the Chair of the Council, Mr. J.G. Lantz (United States), and the Chair of the Facilitation Committee, Mr. Y. Melenas (Russian Federation).

Opening address of the Secretary-General

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

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

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

Adoption of the agenda

1.6 The Committee adopted the agenda for the session (MEPC 70/1) and, having noted the annotations thereto (MEPC 70/1/1), agreed to be guided by the provisional timetable set out in annex 2 of the document, on the understanding that it was subject to adjustments depending on the progress made each day. The agenda, as adopted, including a list of documents considered under each agenda item, is set out in document MEPC 70/INF.42.

Credentials

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

2 DECISIONS OF OTHER BODIES

2.1 The Committee, having noted the decisions of FAL 40 (MEPC 70/2), MSC 96 (MEPC 70/2/1), C 116 (MEPC 70/2/2) and LEG 103 (MEPC 70/2/3) with regard to its work, agreed to take action as appropriate under the relevant agenda items and as indicated below.

Outcome of FAL 40

Draft amendments to the 2011 PSC Procedures related to electronic certificates

2.2 The Committee noted that MSC 96 had instructed III 3 to consider the draft amendments to the *Procedures for port State control, 2011* (resolution A.1052(27)) approved by FAL 40, aimed at promoting wider acceptance of electronic certificates, in the context of its ongoing comprehensive review of the PSC procedures. The Committee also noted that III 3 had not been able to consider the draft amendments, owing to time constraints, and had sought authorization from the Committees to report the outcome of the work of III 4 on the aforementioned draft amendments directly to A 30 for consideration with a view to adoption. The Committee agreed with the course of action taken by MSC 96 and III 3 (see also paragraph 10.22).

Outcome of MSC 96

Unified interpretation relating to the IBC Code

2.3 The Committee, having noted the concurrent decision by MSC 96 (MSC 96/25, paragraph 11.30 and annex 21), approved MSC-MEPC.5/Circ.11 on *Unified interpretation relating to the IBC Code*.

Certificate of Protection for products requiring oxygen-dependent inhibitors

2.4 The Committee, having noted the concurrent decision by MSC 96 (MSC 96/25, paragraph 13.1 and annex 23), approved MSC-MEPC.2/Circ.16 on *Example of a Certificate of Protection for products requiring oxygen-dependent inhibitors*.

Outcome of C 116

IMO Member State Audit Scheme

2.5 With regard to the request by C 116 to consider the tenth consolidated audit summary report, the Committee, having noted that the report, along with all the previous consolidated audit summary reports, had already been analysed by III 3 and that the Committee was invited to take action on the results, agreed to consider this matter under agenda item 10 (see paragraphs 10.11 to 10.18).

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Amendments to mandatory instruments

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

- .1 MARPOL Annex I, appendix II, related to Form B of the Supplement to the International Oil Pollution Prevention (IOPP) Certificate;
- .2 MARPOL Annex V, related to HME substances and the Form of the Garbage Record Book; and
- .3 MARPOL Annex VI, related to the data collection system for fuel consumption.

3.2 The Committee noted that the text of the aforementioned amendments had been circulated, in accordance with article 16(2)(a) of MARPOL, to all IMO Members and Parties to MARPOL by Circular Letter No.3635 of 22 April 2016.

Draft amendments to MARPOL Annex I, appendix II

3.3 The Committee recalled that MEPC 69 had considered and approved draft amendments to MARPOL Annex I related to Form B of the Supplement to the IOPP Certificate, with a view to adoption at this session, as set out in document MEPC 70/3 (Secretariat).

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

3.5 The Committee agreed that the entry-into-force date of the above-mentioned amendments should be 1 March 2018.

Draft amendments to MARPOL Annex V

3.6 The Committee recalled that MEPC 69 had considered and approved draft amendments to MARPOL Annex V related to substances that are harmful to the marine environment (HME) and the Form of the Garbage Record Book, with a view to adoption at this session, as set out in document MEPC 70/3/1 (Secretariat).

3.7 The Committee considered and agreed to the modifications to the approved amendments regarding the garbage categories for HME cargo residues proposed by III 3, as set out in document MEPC 70/3/4 (Secretariat).

3.8 Having noted that document MEPC 70/17/8 and Corr.1 (India) concerned the approved amendments to MARPOL Annex V, the Committee agreed to consider the document under this agenda item. India proposed therein modifications to the *2012 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.219(63), as amended by resolution MEPC.239(65)) to include a definition for electronic waste, as well as corresponding changes to the *Standard format of the advance notification form for waste delivery to port reception facilities* (appendix 2 of MEPC.1/Circ.834 on *Consolidated guidance for port reception facility providers and users*) with the addition of new categories for electronic waste.

3.9 The Committee, having recalled that MEPC 69 had agreed, in principle, to add electronic waste as a category to the Form of the Garbage Record Book, concurred with the inclusion of a definition for electronic waste as part of the approved draft amendments to MARPOL Annex V. In discussing the definition proposed by India, the Committee noted a view that it was too broad and that the definition set out in document MEPC 65/7/7 (India) should instead be considered. Having also noted that the terms "electronic waste" as well as "E-waste" were used in these two documents, the Committee agreed to refer them both to the drafting group to assist in finalizing the definition of electronic waste and also requested the group to harmonize the terminology accordingly throughout the draft amendments.

3.10 The Committee further agreed to entrust the consequential changes to the aforementioned *Standard format of the advance notification form for waste delivery to port reception facilities* related to electronic waste to the Secretariat, with a view to issuing a revision of MEPC.1/Circ.834 following the entry into force of the amendments to MARPOL Annex V. The Committee also concurred that, further to the above, the Secretariat would amend the structure of the Global Integrated Shipping Information System (GISIS) Port Reception Facility module accordingly.

3.11 The Committee, further to comments made by one delegation, agreed to delete the examples in parentheses following the entry for domestic waste in the table of garbage categories included in Part I of the Record of Garbage Discharges, noting that this deletion had been agreed by MEPC 69. The Committee also agreed to delete the word "Operational" in the headings of the tables in Parts I and II of the Form so as to retain only the word "Discharges", noting that the former might cause confusion as there was already a category for operational waste included in the Form.

3.12 Having concluded its discussions and agreed to the aforementioned modifications to the draft amendments to MARPOL Annex V, subject to editorial improvements, if any, the Committee concurred that the entry-into-force date of the amendments should be 1 March 2018.

Draft amendments to MARPOL Annex VI

3.13 The Committee recalled that MEPC 69 had considered and approved draft amendments to MARPOL Annex VI related to the data collection system for fuel consumption of ships, with a view to adoption at this session, as set out in the annex to document MEPC 70/3/2 (Secretariat).

3.14 In this regard, the Committee considered and agreed to the proposals in document MEPC 70/3/3 (Bahamas), to modify the definition for "calendar year" in regulation 22A of the draft amendments and further editorial amendments to draft regulations 22A.4 and 22A.5, to provide more clarity on the date range covered by the regulation.

3.15 With regard to a proposal in the same document for the inclusion of information on fired steam generating equipment and hours of operation, in appendix IX of the draft amendments, having noted the lack of support for the proposal the Committee decided that this information should not be included in the amendments. The Committee did, however, concur with the proposal to include information related to the period of validity of the Statement of Compliance related to fuel oil consumption reporting in draft appendix IX.

3.16 The Committee considered document MEPC 70/3/6 (India et al.), which proposed the replacement of all references to "Registered Owner" by "Company" in the draft amendments, given that the Company is the legal entity responsible for a ship's safety management system, of which the *Ship energy efficiency management plan* (SEEMP) is a part, and is also defined in the ISM Code; together with the part of document MEPC 70/3/3 suggesting the same change of terms.

3.17 As there was general support for this proposal, the Committee agreed to replace all references to "Registered Owner" by "Company", throughout the draft amendments.

3.18 The Committee further considered document MEPC 70/3/5 (China) proposing modifications to appendix IX of the draft amendments, in particular regarding the interpretation of distance travelled as "over ground" rather than "through water", as well as the addition of "year of construction" in the list of technical characteristics of the ship.

3.19 Having noted that there was general support for the proposal to interpret distance travelled as "over ground" rather than "through water" and the corresponding elimination of footnote 5 in the draft amendments to reflect this, as well as the inclusion of a definition in the amendments for "distance travelled", the Committee agreed to these proposed modifications, further agreeing that this issue should be elaborated in the *2012 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* which would be reviewed under agenda item 6 (see paragraph 6.10).

3.20 The Committee, however, did not agree to include the year of construction of the ship in draft appendix IX, having noted that this would potentially compromise the anonymity of the ship with regard to data collection.

3.21 The Committee noted a comment by the observer from IMarEST that the draft amendments should refer to the defined term "fuel oil" set out in regulation 2.9 of MARPOL Annex VI, rather than "fuel" as was currently reflected in the draft amendments. Having agreed that this was an editorial matter, the Committee tasked the drafting group to make the necessary modifications in the text of the draft amendments to replace the term "fuel" with "fuel oil" throughout.

3.22 The Committee also agreed to the inclusion of a paragraph, in the covering draft MEPC resolution, encouraging voluntary early implementation of data collection and submission, in order to assist ships and Administrations in familiarizing themselves with the data collection process

prior to the expected start date of January 2019. The Committee further agreed that any data submitted during this time would not form part of any analysis, but were intended solely to facilitate preparations for the implementation of the new requirements. The Committee consequently requested the drafting group to reflect this in the resolution.

3.23 The Committee also noted comments by the observer from IACS on the new draft paragraph 4.5 of regulation 5 and paragraph 2 of regulation 22 in MARPOL Annex VI, especially concerning the need for Administrations, or recognized organizations authorized to act on their behalf, to verify compliance with the requirement that all SEEMPs include a description of the methodology used to collect the data and the process to report them. The Committee noted, in particular, IACS' concern that Administrations, or recognized organizations, may face an abundance of SEEMPs submitted for review just prior to the start of the first reporting period, creating a significant administrative burden, and invited Member Governments to be cognizant of this matter.

3.24 Having agreed to the modifications to the draft amendments as set out in the preceding paragraphs, subject to editorial amendments, if any, the Committee agreed that the entry-into-force date of the above-mentioned amendments should be 1 March 2018.

Establishment of a drafting group

3.25 Consequently, the Committee established the Drafting Group on Amendments to mandatory instruments and instructed it, taking into account comments, proposals and decisions made in plenary, to prepare the final text of the following draft amendments, together with the requisite MEPC resolutions for their adoption:

- .1 MARPOL Annex I, appendix II;
- .2 MARPOL Annex V; and
- .3 MARPOL Annex VI.

Report of the drafting group

3.26 Having considered the report of the drafting group (MEPC 70/WP.6), the Committee approved it in general and took action as indicated below.

Amendments to MARPOL Annex I, appendix II

3.27 The Committee considered the final text of the draft amendments to MARPOL Annex I, appendix II, related to Form B of the Supplement to the IOPP Certificate, prepared by the drafting group (MEPC 70/WP.6, annex 1), and adopted the amendments by resolution MEPC.276(70), as set out in annex 1.

3.28 In adopting resolution MEPC.276(70), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to appendix II of MARPOL Annex I shall be deemed to have been accepted on 1 September 2017 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 March 2018, in accordance with article 16(2)(g)(ii) of the Convention.

3.29 Having noted that, consequent to the adoption of the amendments to MARPOL Annex I, the *Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments* (MSC-MEPC.5/Circ.6) would require revision, the Committee requested the Secretariat to prepare a draft revision of the Guidance, for consideration at MEPC 71.

Amendments to MARPOL Annex V

3.30 The Committee considered the final text of the draft amendments to MARPOL Annex V related to HME substances and the Form of the Garbage Record Book, prepared by the drafting group (MEPC 70/WP.6, annex 2) and agreed to:

- .1 remove the square brackets and retain the subtitles in Parts I and II in the Form of Garbage Record Book;
- .2 delete the definition of "E-waste" in the draft amendments, being of the view that it remained too broad; and
- .3 address the definition of E-waste, along with other consequential modifications arising from the amendments, through amendments to the *2012 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.219(63)), and request the Secretariat to prepare a draft revision of the Guidelines, for consideration at MEPC 71.

3.31 Consequently, the Committee adopted the amendments to MARPOL Annex V related to HME substances and the Form of the Garbage Record Book by resolution MEPC.277(70), as set out in annex 2.

3.32 In adopting resolution MEPC.277(70), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to MARPOL Annex V shall be deemed to have been accepted on 1 September 2017 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 March 2018, in accordance with article 16(2)(g)(ii) of the Convention.

Draft amendments to MARPOL Annex VI

3.33 The Committee considered the final text of the draft amendments to MARPOL Annex VI related to the data collection system for fuel oil consumption of ships, prepared by the drafting group (MEPC 70/WP.6, annex 3) and took the following decisions:

- .1 having considered the date range reference in square brackets in regulation 22 of the draft amendments, it agreed to delete the brackets and retain the text;
- .2 having considered an intervention by the Chair of the Working Group on Air pollution and energy efficiency informing it that the group had agreed to convert the terms "distance travelled from berth to berth" to "distance travelled" and "hours not at berth" to "hours underway" when finalizing the text of the 2016 SEEMP Guidelines (see paragraph 6.10), it agreed to apply the same changes to appendix IX of the draft amendments to Annex VI for harmonization purposes; and

- .3 having considered the footnote to the term "recognized organizations" in regulations 6, 8 and 22A referring to the *Code for Recognized Organizations* (RO Code) (resolutions MSC.349(92) and MEPC.237(65)), and having noted that the RO Code was mandatory under MARPOL Annexes I and II only and taken into account that another footnote, referring to the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18)) and the *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration* (resolution A.789(19)), had been used in other regulations of MARPOL Annex VI, it agreed to use the latter footnote in the current draft amendments, for purposes of harmonization.

3.34 Consequently, the Committee adopted the amendments to MARPOL Annex VI related to the data collection system for fuel oil consumption of ships, by resolution MEPC.278(70), as set out in annex 3.

3.35 In adopting resolution MEPC.278(70), the Committee determined, in accordance with article 16(2)(f)(iii) of MARPOL, that the adopted amendments to MARPOL Annex VI shall be deemed to have been accepted on 1 September 2017 (unless, prior to that date, objections are communicated to the Secretary-General of the Organization, as provided for in article 16(2)(f)(iii) of the Convention) and shall enter into force on 1 March 2018, in accordance with article 16(2)(g)(ii) of the Convention.

Instructions to the Secretariat

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

4 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

General

4.1 The Committee noted that the entry-into-force conditions of the BWM Convention had been met on 8 September 2016 with the accession of Finland, and that the Convention will therefore enter into force on 8 September 2017. The Committee further noted that the number of Contracting Governments was 53 on the date of this report, representing 53.28% of the world's merchant fleet tonnage.

Consideration and approval of ballast water management systems

4.2 The Committee noted that the thirty-third meeting of the GESAMP-Ballast Water Working Group (GESAMP-BWWG 33) was held from 23 to 26 May 2016 at IMO Headquarters, under the chairmanship of Mr. J. Linders, and that its report had been issued as document MEPC 70/4/6. During the meeting, the GESAMP-BWWG had reviewed two proposals for approval of ballast water management systems (BWMS) that make use of Active Substances, submitted by Denmark and the Republic of Korea.

Basic Approval

4.3 The Committee approved the report of GESAMP-BWWG 33 (MEPC 70/4/6) in general and, having considered the recommendation contained in annex 4 of the report, agreed to grant Basic Approval to the ClearBal Ballast Water Management System proposed by Denmark in document MEPC 70/4.

4.4 The Committee invited the Administration of Denmark to take into account all the recommendations made in the aforementioned report of GESAMP-BWWG 33 (MEPC 70/4/6, annex 4) during further development of the system.

Final Approval

4.5 The Committee, having considered the recommendation contained in annex 5 of the report of GESAMP-BWWG 33 (MEPC 70/4/6), agreed to grant Final Approval to the ECS-HYCHEM™ System proposed by the Republic of Korea in document MEPC 70/4/1.

4.6 The Committee invited the Administration of the Republic of Korea to verify that all recommendations contained in the report of GESAMP-BWWG 33 (MEPC 70/4/6, annex 5) are fully addressed prior to the issue of the Type Approval Certificate.

GESAMP-BWWG Database of chemicals most commonly associated with treated ballast water

4.7 Having considered the relevant recommendation of GESAMP-BWWG 33 (MEPC 70/4/6, paragraph 3.3), the Committee encouraged applicants and Administrations to use the online version of the GESAMP-BWWG Database of chemicals most commonly associated with treated ballast water, as soon as it has been completed and made available in GISIS.

Future meetings of the GESAMP-BWWG

4.8 The Committee noted that the next regular meeting of the GESAMP-BWWG (i.e. the 34th meeting) had been scheduled for 5 to 9 December 2016, and that Members had been invited to submit proposals for approval (application dossiers) and non-confidential descriptions of their BWMS to MEPC 71 not later than 21 October 2016, as specified in circular BWM.2/Circ.58.

4.9 The Committee further noted that the GESAMP-BWWG, in case it was not able to review all proposals submitted for review and subsequent approval by MEPC 71, had expressed its availability for an additional meeting (GESAMP-BWWG 35), tentatively scheduled for 6 to 10 February 2017, to accommodate as many proposals as possible, provided that all the necessary conditions for organizing such a meeting were met. Any proposal for approval which, due to time constraints, cannot be reviewed at the 34th and the additional meeting (i.e. the 35th meeting), will be reviewed at the earliest meeting of the group after MEPC 71 and reported to MEPC 72 (MEPC 70/4/6, section 3 of the report of GESAMP-BWWG 33).

Type-approved BWMS

4.10 The Committee noted the information regarding the latest type-approved BWMS provided by China, Singapore and France in the following documents:

- .1 MEPC 70/INF.4 (China) on the type approval of the PACT Marine™ Ballast Water Management System;

- .2 MEPC 70/INF.5 (China) on the type approval of the LeesGreen® Ballast Water Management System;
- .3 MEPC 70/INF.22 (Singapore) on the type approval of the Semb-Eco LUV 500 ballast water management system; and
- .4 MEPC 70/INF.24 (France) on the type approval of the BIO-SEA® Ballast Water Treatment System,

which increases to 69 the total number of type-approved BWMS.

Organizational arrangements related to the evaluation and approval of BWMS

4.11 Having considered a proposal by Norway (MEPC 70/4/13) on Final Approval of BWMS and the inclusion of new data on freshwater testing of BWMS with Final Approval, the Committee noted some concerns expressed with regard to the workload of the GESAMP-BWWG and the need to avoid delaying evaluations of new proposals for Basic and Final Approval. The Committee requested the GESAMP-BWWG to consider the proposal and, if necessary, develop a procedure for submission of new data on freshwater testing of BWMS with Final Approval, as a revision to the GESAMP-BWWG Methodology.

Review of the Guidelines for approval of BWMS (G8)

Report of the Intersessional Working Group

4.12 The Committee noted that the Intersessional Working Group (IWG) on the Review of Guidelines (G8) met from 17 to 21 October 2016 at IMO Headquarters under the chairmanship of Mr. C. Wiley (Canada) and that its report had been issued as document MEPC 70/WP.5.

4.13 The Committee further noted that the IWG had continued the review of Guidelines (G8), based on the report of the relevant Correspondence Group (MEPC 70/4/3, submitted by the United Kingdom), and relevant parts of documents MEPC 70/4/7 and MEPC 70/INF.18 (China).

4.14 Having considered the report of the IWG (MEPC 70/WP.5), the Committee agreed to the revised Guidelines (G8) set out in the annex to the report, subject to editorial improvements. However, comments were made with regard to the draft MEPC resolution on the adoption of the revised Guidelines (G8), specifically that the words "to be installed" could be interpreted in different ways. Comments were also made with regard to port State control implications, as well as the dates mentioned in the resolution, considering also their relationship with the ongoing review of regulation B-3 of the BWM Convention.

4.15 Following discussion, the Committee instructed the Ballast Water Review Group (BWRG), taking into account the comments made, to review the draft MEPC resolution on adoption of the revised Guidelines (G8).

4.16 Furthermore, the Committee took action as follows:

- .1 invited submissions to MEPC 71 containing information on the experience of Administrations with the BWMS scaling, with a view to urgently reviewing the *Guidance on scaling of ballast water management systems* (BWM.2/Circ.33), if deemed appropriate;

- .2 instructed PPR 4 to consider annex 1 of the report of the Correspondence Group (MEPC 70/4/3), to determine if any of the options for a matrix on System Design Limitations could be usefully developed into separate guidance for use in conjunction with Guidelines (G8);
- .3 agreed that compliance with regulation D-2 of the BWM Convention should be validated in conjunction with commissioning of individual BWMS and invited submissions on the matter for consideration at MEPC 71; and
- .4 agreed to initiate a review of the *Interim Survey Guidelines for the purpose of the International Convention for the Control and Management of Ships' Ballast Water and Sediments under the Harmonized System of Survey and Certification* (resolution A.948(23)), in light of the revised Guidelines (G8), and invited submissions to MEPC 71 on how to structure the review.

Mandatory status of Guidelines (G8)

4.17 The Committee recalled that MEPC 68 had, in principle, supported the view that Guidelines (G8) should provide mandatory guidance, but had agreed that their review should be finalized before deciding on possible mandatory status (MEPC 68/21, paragraph 2.22). MEPC 68 had consequently agreed to revisit this issue in the future, including the question of how mandatory status could be realized.

4.18 Following discussion, the Committee agreed that the revised Guidelines (G8) should be made mandatory and renamed as "Code for approval of ballast water management systems", taking into account resolution A.911(22) on *Uniform wording for referencing IMO instruments*, after the entry into force of the BWM Convention. Consequently, the Committee instructed the Secretariat to prepare, for consideration by MEPC 71, any consequential amendments to Guidelines (G8) and draft amendments to regulation D-3 of the Convention to reflect the mandatory status, for circulation upon entry into force of the Convention.

Report of the Correspondence Group

4.19 Following consideration of the action requested of it by the Correspondence Group on the review of Guidelines (G8) (MEPC 70/4/3, paragraph 75), with the exception of paragraph 75.1 which had already been addressed by the IWG, the Committee:

- .1 invited submissions to PPR 4 on the methodologies that may be used for determining the viability of organisms, taking into account the outcome of the review of Guidelines (G8) and the principles contained in paragraph 28 of document MEPC 69/WP.8;
- .2 agreed to relax the deadline for the above submissions to PPR 4 by two weeks to 25 November 2016; and
- .3 requested the GESAMP-BWWG, at their next Stocktaking Workshop, to review what kind of precursors are involved in the process of disinfection by-product (DBP) production and total residual oxidant (TRO) consumption and are considered important during Procedure (G9) assessments, in order to ensure compatibility between Guidelines (G8) and Procedure (G9).

4.20 The Committee noted the information provided in document MEPC 70/INF.16 (Germany) about a project to build a round-robin facility for the performance evaluation of test facilities and sampling and analysis devices.

Roadmap for the implementation of the BWM Convention

4.21 The Committee recalled that MEPC 68 had agreed to the *Roadmap for implementation of the BWM Convention* (MEPC 68/WP.8, annex 2), which contains an agreement not to penalize early movers but also invites the Committee to develop guidance on contingency measures as well as expand the trial period associated with the *Guidance for sampling and analysis of ballast water for trial use in accordance with the BWM Convention and Guidelines (G2)* (BWM.2/Circ.42/Rev.1) into an experience-building phase.

Experience-building phase

4.22 The Committee considered documents MEPC 70/4/14 (Canada et al.) on structuring the experience-building phase associated with the Roadmap, and MEPC 70/4/18 (ICES) commenting on the collection of data as proposed in document MEPC 70/4/14.

4.23 While the Committee supported the proposal on structuring the experience-building phase, the following were among the additional views expressed:

- .1 a clear timeline for implementing the experience-building phase needs to be developed;
- .2 the proposed "Convention review stage" should also be applied to relevant guidelines;
- .3 agreement on "critical amendments" to the Convention should not preclude proposals of other amendments to the Convention;
- .4 any standardized data collection developed by ICES should be approved by the Committee before usage in the experience-building phase; and
- .5 to facilitate a data rich environment (MEPC 70/4/14, paragraph 9), there needs to be trust between all stakeholders. Data gathering, and in particular sampling for data gathering purposes during the experience-building phase, needs to be separated from PSC sampling. Sampling, analysis and the results thereof need to be managed extremely carefully between the stakeholders involved, respecting shipowner confidentiality and ensuring there are no negative impacts on ship operations.

4.24 Following discussion, the Committee agreed to instruct the BWRG to develop a structured plan for the data-gathering and analysis stages of the experience-building phase associated with the BWM Convention, taking into account the proposals in documents MEPC 70/4/14 and MEPC 70/4/18, which should define the roles of the BWRG and the Secretariat and should include standardized templates for data submission.

Contingency measures

4.25 The Committee had for its consideration the following documents on contingency measures related to the BWM Convention:

- .1 MEPC 70/4/5 (India) on contingency measures for ships to comply with the BWM Convention;

-
- .2 MEPC 70/4/7 (China), (paragraph 15.2) on contingency measures for situations where the by-pass arrangements and alarms of BWMS are activated owing to extreme TSS or temperature conditions; and
 - .3 MEPC 70/4/9 (Republic of Korea) on a supplementary treatment method using ballast water exchange together with a BWMS.

4.26 While the discussion confirmed the need for guidance on contingency measures, some concerns were expressed regarding certain proposals in the above documents, including aspects of the application of ballast water exchange and the linking of system design limitations to automatic bypass arrangements.

4.27 Consequently, the Committee instructed the BWRG, taking into account the comments made in plenary, to initiate the development of guidance on contingency measures under the BWM Convention, incorporating the proposals contained in documents MEPC 70/4/5, MEPC 70/4/7 and MEPC 70/4/9, and to propose a way forward for the urgent finalization of the guidance at MEPC 71.

Proposed amendments to the BWM Convention

4.28 The Committee recalled that MEPC 69 had approved draft amendments to regulation B-3 of the BWM Convention and an associated draft MEPC resolution on determination of the date referred to in regulation B-3, as amended, and had instructed the Secretariat to keep the draft amendments in abeyance for circulation immediately upon entry into force of the Convention, with a view to adoption together with the aforementioned MEPC resolution.

4.29 The Committee considered documents MEPC 70/4/15 (India et al.) proposing further amendments to regulation B-3, and MEPC 70/4/17 (Liberia) proposing a revision of the draft MEPC resolution on determination of the date referred to in regulation B-3.

4.30 During an extensive discussion, the majority of delegations that spoke expressed the view that the amendments approved by MEPC 69, which were based on resolution A.1088(28), *Application of the BWM Convention*, should be further amended in accordance with one of the options in documents MEPC 70/4/15 and MEPC 70/4/17. Many of these delegations also supported the view that the matter could be further considered in the BWRG.

4.31 Other delegations did not support the proposals to further amend regulation B-3. Views were, inter alia, expressed that since the amendments approved by MEPC 69 were based on an Assembly resolution, any modifications to the implementation schedule set out in regulation B-3 would require further instructions from the Assembly.

4.32 Taking into account the limited time available for the BWRG to consider the issue in depth, the Chair decided that no clear policy instructions could be given to the group and pointed out that, due to its scheduling, no further instructions could be received from the next Assembly prior to the agreed date of circulation of the approved amendments. The Chair therefore suggested retaining the decision of MEPC 69 with regard to regulation B-3.

4.33 After further consideration, the Committee agreed to the following way forward proposed by the Chair:

- .1 to maintain the decision of MEPC 69 on the approved amendments to regulation B-3 for circulation upon entry into force of the BWM Convention;

- .2 to include draft alternate amendments to regulation B-3 and an associated draft MEPC resolution, developed by delegations which supported further amendments to regulation B-3, as an annex to this report; and
- .3 to revisit the issue at MEPC 71 with a view to making a final decision before the date for circulation of the draft amendments to regulation B-3 (i.e. 8 September 2017).

4.34 Following the above agreement, interested parties developed text for alternate amendments to regulation B-3 (MEPC 70/WP.12), as set out in annex 4. The Committee invited submissions from Member States and interested stakeholders to MEPC 71 with a view to developing a compromise solution at that session.

Exceptions and exemptions under the BWM Convention

4.35 The Committee recalled (MEPC 70/4/2) that, owing to time constraints, MEPC 69 had deferred consideration of the matter of exceptions and exemptions under the BWM Convention, including documents MEPC 69/4/11 and MEPC 69/INF.25, MEPC 69/4/12, MEPC 69/4/15 and MEPC 69/INF.20/Rev.1, to the current session.

Regulation A-4 (Exemptions)

Same risk area

4.36 The Committee had for its consideration the following documents deferred from MEPC 69 and submitted to this session, respectively, related to the same risk area (SRA) concept proposed in relation to regulation A-4 (Exemptions) of the BWM Convention:

- .1 MEPC 69/4/11 and MEPC 69/INF.25 (Denmark and INTERFERRY) proposing a mechanism for an area-based risk approach, outlining the parameters for a risk assessment in order to justify a decision between two or more coastal States to delineate a "same risk area", and presenting a comprehensive study on the same risk concept, respectively;
- .2 MEPC 69/4/15 (Canada) commenting on the proposal on the SRA concept contained in document MEPC 69/4/11;
- .3 MEPC 70/4/8 and MEPC 70/INF.21 (Singapore) containing a study and providing a general methodical approach for applying the "same risk area" that aligns with documents MEPC 69/4/11 and MEPC 69/INF.25, and proposing that the BWRG be instructed to consider draft guidelines for the same risk area (MEPC 70/INF.21, annex) when developing guidance on the matter;
- .4 MEPC 69/INF.20/Rev.1 (Indonesia et al.) informing of a regional technical workshop on the BWM Convention which discussed the SRA concept for short sea shipping;
- .5 MEPC 70/INF.11 (Malaysia) reporting on baseline studies conducted in Malaysian ports; and
- .6 MEPC 70/INF.25 (Denmark) reporting on work related to the same risk area concept carried out in Denmark, including the development of a website for SRA calculations and a plan for a study to be carried out in Danish and Swedish waters.

4.37 Several comments were made supporting the SRA concept, in particular for short sea shipping, but also highlighting matters such as:

- .1 need for conducting risk assessments;
- .2 importance of species specific monitoring;
- .3 risk of secondary spread (including the spread of biofouling organisms);
- .4 selection of target species; and
- .5 importance of carefully defining the limits of same risk areas.

4.38 Following discussion, the Committee supported the SRA concept and instructed the BWRG to develop guidance on the matter, using the annex to document MEPC 69/4/11 as the basis and taking into account the comments and information contained in documents MEPC 70/INF.21, MEPC 69/4/15, MEPC 69/INF.25 and MEPC 70/INF.25.

Criteria for ships operating exclusively in a specified area

4.39 Having considered document MEPC 70/4/12 (Brazil) proposing alternative criteria for ships operating exclusively in a specified area, the Committee noted that circulars BWM.2/Circ.44 (Options for ballast water management for Offshore Support Vessels in accordance with the BWM Convention) and BWM.2/Circ.52 (Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party) may already contain guidance that addresses the proposal made by Brazil.

4.40 Taking the above into account, the Committee instructed the BWRG to consider the proposal made in document MEPC 70/4/12 to develop a BWM circular containing guidance on ballast water management for ships operating exclusively in one area, when performing international positioning and repositioning voyages to dry-docking repair or maintenance, and advise the Committee as appropriate.

Regulation A-3 (Exceptions)

4.41 The Committee considered document MEPC 69/4/12 (India) concerning exceptional discharge of ballast water carried on oil tankers in cargo tanks, which was deferred from MEPC 69, and instructed the BWRG to consider the proposal in the document and advise the Committee as appropriate.

Other Methods of ballast water management

4.42 The Committee considered the following documents:

- .1 MEPC 70/4/4 (India) on draft guidance for using Ballast Water Treatment Boats (BWTBoat) as an Other Method of ballast water management in accordance with regulation B-3.7 of the BWM Convention; and
- .2 MEPC 70/4/19 (Islamic Republic of Iran) commenting on document MEPC 70/4/4.

4.43 Following discussion, the Committee instructed the BWRG to consider the proposal in document MEPC 70/4/4 on the use of facilities for delivering treated ballast water, taking into account the comments in document MEPC 70/4/19, and advise the Committee as appropriate.

Unified Interpretation for implementing regulation B-4

4.44 The Committee, having considered document MEPC 70/4/10 (Republic of Korea) proposing a unified interpretation for implementing regulation B-4 (Ballast water exchange) of the BWM Convention, instructed PPR 4 to consider the matter under its agenda item on "Unified interpretation to provisions of IMO environment-related Conventions" and advise the Committee accordingly.

Sampling, analysis and monitoring of BWMS

4.45 Having considered document MEPC 70/4/16 (Turkey) on uncertainties related to ballast water sampling for compliance, the Committee instructed PPR 4 to consider the matter under its agenda item on "Revised guidance on ballast water sampling and analysis" and advise MEPC 71 accordingly.

4.46 The Committee also considered document MEPC 70/4/11 (Republic of Korea) on a standardized format for operation logging data of BWMS and instructed PPR 4, under its agenda item on "Revised guidance on ballast water sampling and analysis", to consider the proposal in document MEPC 70/4/11 and advise MEPC 71 accordingly.

4.47 The Committee further noted the information contained in documents MEPC 70/INF.17 (Canada and Germany) on the outcome of a project on the reliability of ballast water test procedures and MEPC 70/INF.26 (Denmark) on a continuously operating self-monitoring device for ballast water management systems.

Establishment of the Ballast Water Review Group

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

- .1 review the draft MEPC resolution on adoption of revised Guidelines (G8) (MEPC 70/WP.5, annex), for adoption by the Committee together with the draft revised Guidelines;
- .2 develop a structured plan for the data-gathering and analysis stages of the experience-building phase associated with the BWM Convention, which should take the proposals in documents MEPC 70/4/14 and MEPC 70/4/18 into account, define the roles of the Ballast Water Review Group and the Secretariat and include standardized templates for the submission of data;
- .3 initiate the development of guidance on contingency measures under the BWM Convention, incorporating the proposals contained in documents MEPC 70/4/5, MEPC 70/4/7 and MEPC 70/4/9, and propose a way forward for the urgent finalization of the guidance at MEPC 71;
- .4 develop guidance on exemptions under regulation A-4 of the BWM Convention, using the annex to document MEPC 69/4/11 as the basis and taking into account the comments and information contained in documents MEPC 70/INF.21, MEPC 69/4/15 and MEPC 69/INF.25;
- .5 consider the proposal in document MEPC 70/4/12 to develop guidance for ballast water management for ships operating exclusively in one area, when performing international positioning and repositioning voyages for dry-docking repair or maintenance, and advise the Committee as appropriate;

- .6 consider the proposal in document MEPC 69/4/12 on exceptional discharge of ballast water carried in cargo tanks of oil tankers and advise the Committee as appropriate; and
- .7 consider the proposal in document MEPC 70/4/4 on the use of facilities for delivering treated ballast water, taking into account the comments in document MEPC 70/4/19, and advise the Committee as appropriate.

Report of the Ballast Water Review Group

4.49 Having considered the report of the Ballast Water Review Group (MEPC 70/WP.10), the Committee approved it in general and took action as outlined below.

Review of Guidelines (G8)

4.50 The Committee adopted resolution MEPC.279(70) on *2016 Guidelines for approval of ballast water management systems (G8)*, as set out in annex 5, superseding the guidelines adopted by resolution MEPC.174(58).

Roadmap for the implementation of the BWM Convention

Experience building phase

4.51 The Committee established a correspondence group under the coordination of Canada¹ to further develop the experience building phase associated with the BWM Convention, with the following terms of reference:

- .1 develop a plan for gathering and analysing data during the experience building phase;
- .2 develop a proposed timeline for the data gathering, analysis and review stages;
- .3 draft a document that sets out the structure of the experience building phase, taking into account documents MEPC 70/4/14 and MEPC 70/4/18; and
- .4 submit a report to MEPC 71.

Contingency measures

4.52 The Committee invited submissions to MEPC 71 with draft text for guidance on contingency measures under the BWM Convention, taking into consideration the outline and the relevant topics set out in annex 2 of document MEPC 70/WP.10, with a view to finalizing the guidance at that session.

4.53 The Committee agreed to amend the *Guidelines for ballast water exchange (G6)* to incorporate the ballast water reporting form set out in appendix 1 of resolution A.868(20) as an appendix to the Guidelines. In this regard, the Committee instructed the Secretariat to prepare draft revised Guidelines (G6), together with an associated draft MEPC resolution, for consideration and adoption at MEPC 71.

¹ **Coordinator:**
Dr. Colin Henein
Transport Canada
Marine Policy
Email: colin.henein@tc.gc.ca
Tel: +1 (613) 991 9871

Exceptions and exemptions under the BWM Convention

Regulation A-4 (Exemptions)

4.54 The Committee endorsed the view of the BWRG that the same risk area (SRA) concept is in line with the *Guidelines for risk assessment under regulation A-4 of the BWM Convention* (G7), that no further guidance on the matter is necessary and that Administrations may grant exemptions in accordance with regulation A-4 based on the SRA concept, subject to consultation and agreement between States that may be affected by such exemptions.

4.55 In this regard, the Committee invited submissions to MEPC 71 proposing minor amendments to Guidelines (G7), in order to better clarify the relationship between the Guidelines and the SRA concept, with a view to their adoption at that session. This should specifically entail a definition of SRA and a clarification that SRA may be applied within the context of Guidelines (G7).

4.56 The Committee endorsed the view of the BWRG that the guidance proposed in document MEPC 70/4/12 is not needed as it is already covered by circular BWM.2/Circ.52 on *Guidance on entry or re-entry of ships into exclusive operation within waters under the jurisdiction of a single Party*.

Regulation A-3 (Exceptions)

4.57 The Committee endorsed the conclusion of the BWRG that the discharge of ballast water carried in cargo tanks of oil tankers is already covered by MARPOL Annex I, and that no amendments to the BWM Convention are needed in this regard.

Other Methods of ballast water management

4.58 The Committee endorsed the view of the BWRG that the "treated water delivering facility" concept is covered within the regulatory framework of the BWM Convention and that no approval as an Other Method in accordance with regulation B-3.7 of the BWM Convention is required.

Future work

4.59 The Committee agreed to re-establish the BWRG at MEPC 71, in accordance with the provisions of regulation D-5 of the BWM Convention.

5 AIR POLLUTION AND ENERGY EFFICIENCY

5.1 The Committee agreed to consider under this agenda item, in addition to the 53 documents submitted, the following documents:

- .1 four documents submitted under agenda item 9 concerning the outcome of PPR 3, i.e. MEPC 70/9 (Secretariat), MEPC 70/9/2 (IMarEST), MEPC 70/9/3 (IACS) and MEPC 70/9/4 (IBIA); and
- .2 MEPC 70/10/2 (Secretariat) concerning the outcome of III 3 on the *2009 Guidelines for port State control under the revised MARPOL Annex VI*.

OUTCOME OF PPR 3

5.2 The Committee considered the action requested of it by PPR 3 concerning air pollution prevention (MEPC 70/9, paragraphs 3.6, 3.8, 3.9 and 3.12).

Impact on the Arctic of Black Carbon emissions from international shipping

5.3 The Committee recalled that MEPC 68 had approved a definition of Black Carbon for international shipping (Bond et al. definition); agreed to the need for a protocol for any voluntary measurement studies to collect data; and invited interested Member Governments and international organizations to submit additional relevant proposals/information to PPR 3.

5.4 The Committee noted that PPR 3 had developed a measurement reporting protocol for voluntary data collection on Black Carbon and had invited interested Member Governments and international organizations to use the protocol and submit data to PPR 4.

Supply of fuel oil not in compliance with regulation 14 of MARPOL Annex VI

5.5 The Committee recalled that MEPC 67, having considered a proposal to insert an additional sentence in appendix V (Information to be included in the bunker delivery note (BDN)) to MARPOL Annex VI, taking into account the "equivalent" provisions set forth in regulation 4 thereof, had instructed PPR 2 to consider the proposal and prepare relevant draft MARPOL amendments.

5.6 The Committee also recalled that MEPC 68, having considered the outcome of PPR 2 on this matter, together with document MEPC 68/12/14 (India), had instructed PPR 3 to further consider the issue. In this connection, the Committee noted that PPR 3 had agreed to draft amendments to appendix V of MARPOL Annex VI, for approval at this session with a view to subsequent adoption.

5.7 In this regard, the Committee considered document MEPC 70/9/4 (IBIA) proposing further modifications to the aforementioned draft amendments prepared by PPR 3 in order to prevent misunderstandings and errors that might occur in respect of the legal documentation and ensure clarity regarding the responsibility of ships and fuel oil suppliers.

5.8 Several delegations did not support the proposed further modifications to the draft amendments for various reasons, including that the draft amendments prepared by PPR 3 were adequate, that the proposed modifications would shift responsibility from the fuel oil supplier to the ship and that they would increase the administrative burden on the ship.

5.9 Consequently, the Committee approved the draft amendments to appendix V of MARPOL Annex VI, as set out in annex 7, and requested the Secretary-General to circulate them in accordance with MARPOL Article 16(2), with a view to adoption at MEPC 71.

Guidelines for onboard sampling and verification of the sulphur content of the fuel oil used on board ships

5.10 The Committee recalled that MEPC 68 had instructed PPR 3 to initiate work on the development of guidelines for onboard sampling and verification of the sulphur content of the fuel oil used on board ships (MEPC 68/21, paragraph 3.58.1); and noted that PPR 3 had finalized a draft MEPC circular on *Guidelines for onboard sampling for the verification of the sulphur content of fuel oil used on board ships*, for approval at this session.

5.11 In this regard, the Committee considered the following documents:

- .1 MEPC 70/9/2 (IMarEST) commenting on the safety of onboard fuel oil sampling required to be undertaken in accordance with the draft guidelines and informing that onboard fuel oil sampling is already a routine engine room task which is undertaken in a safe and secure manner; and
- .2 MEPC 70/9/3 (IACS) proposing modifications to the draft guidelines.

5.12 The delegation of the Bahamas, supported by the delegation of Panama, reiterated its view that the PPR Sub-Committee had incorrectly amended the title of the output given to it by the Committee to include "sampling and verification" and furthermore, since the matter potentially affected the safety of the ship, that the draft guidelines as completed by PPR 3 should be considered by the appropriate Sub-Committee of the MSC.

5.13 Several delegations supported approval of the draft guidelines as prepared by PPR 3 together with the inclusion of the IACS proposed modifications (MEPC 70/9/3), as some classification society rules already include provisions for sampling and the proposed modifications were logical and appropriate technical additions.

5.14 Following discussion, the Committee, having agreed to incorporate the modifications proposed by IACS in the draft guidelines, approved MEPC.1/Circ.864 on *Guidelines for onboard sampling for the verification of the sulphur content of fuel oil used on board ships*.

5.15 The Committee agreed to remind the PPR Sub-Committee that, unless instructed to do so by the Committee, it should not amend the title of an output given to it; and noted the concerns expressed by the delegations of the Bahamas and Panama regarding the issue of this circular without the scrutiny of the Organization's body responsible for maritime safety (see paragraph 5.12).

Unified interpretations to the NO_x Technical Code 2008 related to the approval of SCR systems

5.16 The Committee noted that PPR 3 had developed a draft MEPC circular on unified interpretations to the NO_x Technical Code 2008 related to the approval of SCR systems, for approval at this session.

5.17 Following consideration, the Committee approved MEPC.1/Circ.865 on *Unified interpretations to the NO_x Technical Code 2008 related to the approval of SCR systems*.

OUTCOME OF III 3

2009 Guidelines for port State control under the revised MARPOL Annex VI

5.18 The Committee noted that III 3, having considered document III 3/5/3 (China et al.) proposing amendments to the *2009 Guidelines for port State control under the revised MARPOL Annex VI* (resolution MEPC.181(59)) ("the 2009 PSC Guidelines") in relation to regulations on energy efficiency for ships, had noted that the proposed draft amendments did not cover the full revision of MARPOL Annex VI and went beyond the limited scope of control contained in the Annex; and had invited the Committee to consider the matter and provide further instructions on the coordinating role of the III Sub-Committee in the preparation of the PSC Procedures and the associated technical review by the PPR Sub-Committee.

5.19 In this regard, the Committee recalled that MEPC 68, having approved draft amendments to regulation 13 of MARPOL Annex VI regarding record requirements for operational compliance with NO_x Tier III emission control area, had instructed the III Sub-Committee to review and amend, if necessary, the 2009 PSC Guidelines, in light of the amendments concerned (MEPC 68/21, paragraph 3.92). The Committee noted that the III Sub-Committee had not yet considered this matter.

5.20 Following consideration, the Committee agreed that amendments to the 2009 PSC Guidelines would require a new output to define the scope of the work, and invited interested Member Governments to submit a proposal for a relevant new output to a future session of the Committee.

ENERGY EFFICIENCY OF SHIPS

EEDI reviews required under regulation 21.6 of MARPOL Annex VI

Background

5.21 The Committee recalled that, in accordance with regulation 21.6 of MARPOL Annex VI, at the beginning of phase 1 and at the midpoint of phase 2 the Organization is required to review the status of technological developments and, if proven necessary, amend the time periods, the EEDI reference line parameters for relevant ship types and the reduction rates.

5.22 The Committee also recalled that MEPC 69, having considered the interim report of the correspondence group on EEDI review established at MEPC 67 (MEPC 69/5/5), had:

- .1 instructed the correspondence group to continue its work under the terms of reference as set out in paragraph 5.5 of document MEPC 69/21 and to submit a report to this session; and
- .2 agreed to keep the consideration of additional information to be included in the EEDI database and capacity correction factor for ice class ships proposed by the group in abeyance until this session.

Report of the correspondence group and related submissions

5.23 The Committee considered the report of the Correspondence Group on EEDI review, submitted by Japan, as follows:

- .1 MEPC 70/5/15, providing a summary of the report;
- .2 MEPC 70/5/16, providing part 1 of the report and the discussion on the achievability of the phase 2 criteria and the correction factor for ro-ro cargo and ro-ro passenger ships.

In this regard, the Committee noted that the second part of paragraph 6.2.4 of the document should be replaced with the following: "It should be noted that the reference line for ro-ro cargo ships is based on a limited number of ships with deadweight capacity ranging from 345 tonnes to 22,437 tonnes (fig. 4). As two of the case study designs are significantly larger than those making up the reference line, it is not clear whether the extrapolation of the curve beyond 22,437 tonnes is valid.";

- .3 MEPC 70/5/17, providing part 2 of the report and the discussion on the correction factor for ice class ships;
- .4 MEPC 70/5/18, providing part 3 of the report and the discussion on the recommendation for the phase 2 review related to time periods, the EEDI reference line parameters and reduction rates (as referred to in paragraph 13 of document MEPC 70/5/15); and
- .5 MEPC 70/INF.29, containing participants' comments and information provided in the group.

5.24 The Committee also had for its consideration the following commenting documents:

- .1 MEPC 70/5/14 and MEPC 70/INF.32 (Netherlands) providing an overview and the full version, respectively, of the results of a study on EEDI reduction factors for bulk carriers, containerships and general cargo ships;
- .2 MEPC 70/5/21 (Finland et al.) providing the outcome of a first assessment of the EEDI reference lines for ro-ro cargo and ro-ro passenger ships, using datasets validated by shipyards and shipowners as the basis and inviting the Committee to note that additional studies would be carried out by the co-sponsors for submission to MEPC 71;
- .3 MEPC 70/5/22 and MEPC 70/INF.37 (INTERFERRY) providing the outcome of a comprehensive data validation exercise in order to improve the quality of the data used to establish the reference lines for ro-ro cargo and ro-ro passenger ships, which indicated that the current reference lines should be significantly raised;
- .4 MEPC 70/5/34 (INTERFERRY) commenting on the report of the correspondence group; expressing the view that the requirements for ro-ro cargo and ro-ro passenger ships should not be finalized at this session; and proposing to extend the waiver in regulation 19 of MARPOL Annex VI for these ship types until the end of phase 1;
- .5 MEPC 70/5/28 (Denmark) commenting on documents MEPC 70/5/21 and MEPC 70/5/22 and proposing to revise the reference lines for ro-ro cargo and ro-ro passenger ships and to include specific wording on a goal-based approach to the approval of the energy efficiency of these ship types in chapter 4 of MARPOL Annex VI, together with the development of guidelines to support this approach; and
- .6 MEPC 70/5/31 and MEPC 70/INF.36 (CSC) proposing to amend the reduction rate of the phase 2 requirement for bulk carriers, tankers, general cargo ships and containerships, based on a study on Readily Achievable EEDI Requirements for 2020.

5.25 The Committee also noted document MEPC 70/INF.27 (Republic of Korea) providing results of case studies on calculation results of the EEDI values for ro-ro cargo ships which have been delivered by, or are under construction in, shipyards in the Republic of Korea.

Ro-ro cargo and ro-ro passenger ships

5.26 The Committee considered the four options for ro-ro cargo and ro-ro passenger ships identified by the correspondence group (MEPC 70/5/15, paragraph 22.1) and noted, inter alia, that:

- .1 some delegations supported the retention of the reduction rates whilst others proposed amendments, e.g. extending the 5% reduction rate applicable in phase 1 to be applied also in phase 2;
- .2 some delegations supported amendments of the reference lines whilst others considered that amending reference lines and correction factors changed the basis of the regulations and made it difficult to compare future ships with those being built today, and furthermore that there was a need to consider the feasibility and rationality of not extending the reference lines to larger tonnage ships;
- .3 several delegations did not support amending the waiver clause in regulation 19.4 of MARPOL Annex VI and some supported suspension of the requirements for these ship types;
- .4 several delegations supported the proposal to exempt con-ro ships;
- .5 several delegations supported the use of a goal-based approach but others expressed concern about such an approach being applied to address the energy efficiency of a ship; and
- .6 the use of alternative metrics for energy efficiency of ro-ro cargo and ro-ro passenger ships, e.g. gram CO₂ per lane metre, should be considered.

5.27 Following discussion, the Committee, having noted that the ensuing discussion had identified the need for further information, experience and data, invited interested Member Governments and international organizations to submit to MEPC 71 concrete proposals for relevant amendments to the EEDI requirements and/or relevant guidelines for ro-ro cargo and ro-ro passenger ships.

Correction factors for ice class ships

5.28 The Committee considered the coefficient for ice class ships for phase 2 identified by the correspondence group (MEPC 70/5/15, paragraph 22.2) and noted, inter alia, the following comments:

- .1 additional studies were being undertaken and should be completed by the end of 2016, enabling submission of the findings to be reported to MEPC 71; and
- .2 consideration should be given to extending the ice-class capacity correction factors to other ship types.

5.29 Following discussion, the Committee, having noted the ensuing discussion, invited interested Member Governments and international organizations to submit concrete proposals for amendments to the relevant guidelines for ice class ships to MEPC 71.

EEDI reference line parameters, reduction rates and time periods

5.30 The Committee considered whether or not the EEDI reference line parameters and the time periods should be retained, including possible adjustments for relevant ship types, except for ro-ro cargo and ro-ro passenger ships (MEPC 70/5/15, paragraph 22.3 and MEPC 70/5/18, paragraph 23) and also considered the recommendations of the coordinator of the correspondence group for reduction rates (MEPC 70/5/15, paragraph 20), noting, inter alia, the following comments:

- .1 the improvement in energy efficiency design for some ship types had been significantly better than expected but the complex architecture of modern ships meant that there was a need to recognize potential impacts of amending phase 2 requirements, therefore consideration should be given to more stringent phase 3 reduction rates, an early start for phase 3, and the addition of a phase 4 to the requirements;
- .2 reduction rates for containerships along with some other ship types could be strengthened to demonstrate greater ambition;
- .3 whilst some studies demonstrate that the most energy efficient ships readily meet the requirements, it should be recalled that current reference lines are determined from the mean regression line value and so should not be amended;
- .4 amendments should not be considered using a statistical approach only, as it was important to have achievable requirements which recognize the specific challenges for specific ship types, in particular, slower and ice-classed ships; that minimum power requirements needed to be taken into account; and that, while phase 2 requirements could be achieved through hydrodynamic and engine modifications, in the case of phase 3 innovative technologies and alternative fuels would need to be introduced;
- .5 due to safety concerns the ice-class correction factors for power should be reconsidered;
- .6 requirements need to encourage the uptake of energy efficiency technologies to reduce emissions further, especially as the cost of fuel oil provides less incentive for development; therefore, it is important to use the review to strengthen the reduction rate requirements for ships including containerships, bulk carriers, tankers and general cargo ships, a matter which should be considered at this session;
- .7 should amendments be made to phase 2 requirements, there would be a need to consider grandfathering for ships whose construction contracts have already been agreed;
- .8 review of the data submitted to the EEDI database indicates that bulk carriers face the most significant challenge in meeting the EEDI requirements in phase 2 and phase 3;
- .9 in addition to providing regulatory certainty to the industry, there is a need for certainty at the level of the safety provided by the ship designs developed, and operational experience should be taken into account; therefore the current requirements should not be amended, but if so, then it should be done as part of a new phase 4;

- .10 there is limited ability to reduce the engine power further or use cost-effective energy saving technology to improve energy efficiency whilst maintaining the reference design speed, and it would mean the installation of smaller engines; and
- .11 tightening of requirements should provide appropriate lead time and so reduction rates and time periods should be retained for phase 2.

5.31 Following discussion, the Committee, having recalled that ro-ro cargo and ro-ro passenger ships had been considered earlier (see paragraph 5.27), agreed to retain the current reduction rates, time periods and EEDI reference line parameters in the phase 2 requirements for ship types other than ro-ro cargo and ro-ro passenger ships. The Committee also agreed to consider a proposal by the United States to bring forward the time periods for phase 3 to 2022 and to include a phase 4 in the EEDI framework, and instructed the working group to consider the submitted documents, as well as comments and decisions made in plenary, and examine proposals and options for EEDI reduction rates and dates beyond phase 2.

EEDI database

5.32 The Committee noted document MEPC 70/INF.14 (Secretariat) containing a summary of data and information in the EEDI database and requested the Secretariat to continue submitting this information to the Committee.

5.33 The Committee recalled that MEPC 69 had considered proposals for additional information to be included in the EEDI database and, having agreed that this additional information should be used for the review at the midpoint of phase 2 required by regulation 21.6 of MARPOL Annex VI, had agreed to keep the matter in abeyance until this session (MEPC 69/21, paragraph 5.42). Having noted that the current EEDI review had completed its consideration of phase 2, the Committee instructed the working group to consider the aforementioned additional information for inclusion in the EEDI database.

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

EEDI calculation method for ships using gas as non-primary fuel

5.34 The Committee had for its consideration the following documents:

- .1 MEPC 70/5/4 (China) providing an improved calculation method for the attained EEDI for ships with dual-fuel engines that use gas as non-primary fuel, for inclusion in the *2014 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships* (2014 EEDI Calculation Guidelines) (resolution MEPC.245(66), as amended);
- .2 MEPC 70/5/9 (EUROMOT) commenting on document MEPC 70/5/4 and proposing the assignment of reference lower calorific values for the calculation of the attained EEDI; and
- .3 MEPC 70/5/23 (United States) expressing the view that the EEDI adjustments for ships equipped with dual-fuel engines that do not use gas as a primary fuel, proposed in document MEPC 70/5/4, would be inconsistent with the intention of the EEDI standards and would weaken their environmental effectiveness.

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

- .1 it was not possible to define a formula for dual-fuel ships on design parameters only and guidelines would provide flexibility for Administrations and could incentivize the adoption of gas as a fuel for ships;
- .2 currently, ships using gas as a fuel were not given credit in the EEDI calculation for using a cleaner fuel and the proposed approach could potentially reduce administrative burden, as guidelines could be referenced rather than consideration having to take place on a ship-by-ship basis;
- .3 consideration should be given to having dual certification for those ships with dual-fuel marine diesel engines installed; and
- .4 it was highly unlikely that a ship would be constructed with expensive gas fuelling equipment and storage to enable gas to be used as a fuel for the purpose of obtaining an improved attained EEDI value, and that the ship would then use liquid fuel, a situation that could already occur without amendment of the guidelines.

5.36 Following discussion, the Committee instructed the working group to consider the proposed draft amendments to the 2014 EEDI Calculation Guidelines concerning the calculation method for the EEDI for ships with dual-fuel engines that use gas as non-primary fuel, using document MEPC 70/5/4 as the basis, and taking into account documents MEPC 70/5/9 and MEPC 70/5/23, and advise the Committee accordingly.

Correction factor for wood chip carriers

5.37 The Committee considered document MEPC 70/5/19 (Australia et al.), proposing draft amendments to the 2014 EEDI Calculation Guidelines to include a correction factor for wood chip carriers, as they have structural design features characteristic of a small DWT and a large cubic capacity that negatively affects their attained EEDI.

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

- .1 the two important differences between wood chip carriers and bulk carriers are that they carry lighter, less dense cargo, and their loading and unloading is more uniform, resulting in less stress on the ship's structure. Therefore, this initiative is welcomed and timely and is in line with previous decisions by the Committee to agree correction factors for other ship types, as was, for example, done with chemical tankers;
- .2 a cubic correction factor for "bulk carrier light cargo" is appropriate, as these ships have a smaller draught and it is therefore difficult to install the large propeller which enables bulk carriers to comply with the EEDI requirements;
- .3 the approach highlights a potential loophole that should not be utilized for every cargo-carrying ship type; and
- .4 consideration of correction factors for specific ship types should, as agreed by MEPC 61 (MEPC 61/24, paragraph 5.27), take into account the criteria provided in paragraph 21 of document MEPC 61/5/17.

5.39 Following discussion, the Committee instructed the working group to review document MEPC 70/5/19 on a proposed correction factor for wood chip carriers and, taking into account the criteria provided in paragraph 21 of document MEPC 61/5/17, advise the Committee accordingly.

Minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions

5.40 The Committee recalled that MEPC 68, having adopted amendments to the *2013 Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (resolution MEPC.262(68)) (2013 Interim Guidelines), had agreed that there was no support to amend the level 2 assessment until related international research projects have been completed.

5.41 In this regard, the Committee noted the following documents:

- .1 MEPC 70/INF.33 (Denmark et al.) providing background information and results from the research project "Energy Efficient Safe Ship Operation" (SHOPERA); and
- .2 MEPC 70/INF.35 (Japan) providing the report of the JASNAOE research project for determining minimum propulsion power under adverse conditions,

and considered the following documents:

- .3 MEPC 70/5/20 and MEPC 70/INF.30 (Denmark et al.) providing information on the progress of the SHOPERA and Japan's projects and the outline of draft revised 2013 Interim Guidelines, informing that the full text would be submitted to MEPC 71, and providing supplementary information;
- .4 MEPC 70/5/30 (ICS) commenting on document MEPC 70/5/20 and proposing that further careful consideration would be required for the justification of environmental conditions used as the basis for defining "adverse conditions"; and
- .5 MEPC 70/5/13 and MEPC 70/INF.28 (Netherlands) providing an overview and the full report, respectively, of the outcome of a study on minimum power requirements through the research project "Maintaining Manoeuvrability in Adverse Conditions & Resistance Added in Waves" (MacRAW) in order to obtain better insights into the minimum propulsion power requirements of ships of less than 20,000 DWT.

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

- .1 the work to date has indicated sea-keeping problems in sea states resulting from winds stronger than force 9 on the Beaufort scale, but these problems are more associated with ship size than with ship power; the relationship between wave height and wind speed is complicated in coastal areas; and the weather conditions set out in the 2013 Interim Guidelines are appropriate;
- .2 key issues for consideration are "maintaining manoeuvrability" and "adverse conditions" and studies have found that significant risk occurs in "beam seas," with an alternative concept of "bollard pull" being identified which defines the power delivered by the propeller which can be used in design to ensure that the propeller delivers sufficient thrust;

- .3 ships regularly encounter environmental conditions more adverse than those which are set out in the 2013 Interim Guidelines and considered as "extreme conditions" in the analysis used in the studies; therefore, as the need to maintain position is critical, there is a need for reassurance that current levels of power are appropriate to ensure ship safety;
- .4 there is need to disengage the link between safety and environmental performance since, if the adverse conditions were set at wind force 9 and 10 on the Beaufort scale, ships would not be able to meet the EEDI requirements; to ensure sufficient power in such cases, an appropriately sized engine should be installed but locked in to the required EEDI and to the power available only in emergency conditions;
- .5 environmental conditions having been thoroughly discussed and the sea-keeping problems found not to be associated with a lack of power, the MEPC was the appropriate body to consider this matter;
- .6 other IMO conventions include provisions on load lines and intact stability that provide appropriately for extremely heavy sea conditions; a key consideration is sufficiency of propulsion power in coastal areas; IACS Recommendation 34 identifies designs for wind forces greater than force 8 on the Beaufort scale and exceedance of force 8 has a very low probability;
- .7 the scope of the 2013 Interim Guidelines should be kept the same and expansion to other ship types and sizes should be discussed further; "bollard pull" is an appropriate concept to use; the proposed requirement to maintain a speed of 6 knots is not considered appropriate; and
- .8 phase 3 assessment was the key issue, as the current requirements were already leading to the design of lighter propulsion shafts with larger propellers which are likely to lead to technical problems that earlier fleets do not have.

5.43 The Committee, having recalled that MEPC 68 had agreed to await the outcome of the research projects (MEPC 68/21, paragraph 3.81) and that the full text of the draft revised 2013 Interim Guidelines would be submitted to MEPC 71 (MEPC 70/5/20, paragraph 14), agreed to note all documents submitted to the current session on this issue and invited interested Member Governments and/or international organizations to take them, and the views expressed, into account when preparing the full text of the draft revised 2013 Interim Guidelines.

Review of reduction factors for existing ships which have undergone major conversion

5.44 The Committee, having considered document MEPC 70/5/10 (Republic of Korea) proposing that, when an existing ship has undergone a major conversion, the phase 0 requirements should be applied to the ship as EEDI reduction factor regardless of the time of the major conversion, instructed the working group to consider the document and advise the Committee accordingly.

Draft amendments to MARPOL Annex VI and the draft Exemption Certificate

5.45 The Committee considered document MEPC 70/5/12 (Republic of Korea) proposing draft amendments to MARPOL Annex VI to exempt a ship from the requirements in chapter 4 of MARPOL Annex VI, including a draft Exemption Certificate in the case where a ship not normally engaged on international voyages undertakes a single international voyage.

5.46 Having recalled its decision at MEPC 68 that this matter constitutes a new output (MEPC 68/21, paragraph 3.85.2), the Committee invited the Republic of Korea and/or other interested Member Governments to submit a relevant proposal to a future session, in accordance with the Committees' Guidelines.

Information portal for energy efficiency technologies for ships

5.47 The Committee considered document MEPC 70/5/8 (Secretariat) informing it of the information portal for energy efficiency technologies for ships established by the Secretariat, as requested by MEPC 69, and which provides users with information on existing energy efficiency technologies and highlights the wide spectrum of ways to potentially reduce ship fuel consumption. It can be accessed on the GloMEEP Project website through the following link: <http://glomeep.imo.org/resources/energy-efficiency-techologies-information-portal/>. Having noted the above information, the Committee invited interested Member States and international organizations to utilize the portal and to use the contact form available on the website for suggestions and additional technologies to be included.

AIR POLLUTION FROM SHIPS

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

Background

5.48 The Committee recalled that:

- .1 MEPC 68 had approved terms of reference for the review of fuel oil availability as required by regulation 14.8 of MARPOL Annex VI; established a Steering Committee; and requested the Secretariat to initiate the review in accordance with the agreed terms of reference, with a view to the final report being submitted to MEPC 70; and
- .2 MEPC 69 had noted the progress made by the Steering Committee and agreed, in principle, that a final decision on the date of implementation of the 0.50% sulphur limit should be taken at this session.

Submitted documents

5.49 The Committee considered the following documents submitted by the Steering Committee Coordinator and the Secretariat:

- .1 MEPC 70/5/6 containing the final report of the Steering Committee for the review of fuel oil availability and setting out that:
 - .1 the Steering Committee, by majority with some dissension, agreed that the assessment of fuel oil availability meets the terms of reference;
 - .2 the majority consensus was that the assessment carried out by the contractor (CE Delft Consortium) shall inform the decision to be taken regarding the implementation of the global 0.50% sulphur cap; and
 - .3 therefore, the assessment must be considered to be complete and eligible for submittal to MEPC 70;

- .2 MEPC 70/INF.13, prepared in line with paragraph 6.4.5 of the terms of reference for the assessment (i.e. "after receiving comments on the draft report, the contractor should address the comments and issue the final report") and providing comments received from members of the Steering Committee after the final report had been issued;
- .3 MEPC 70/5/3 and MEPC 70/INF.6 providing the executive summary and the complete final report, respectively, of the assessment of fuel oil availability, with the main result in all scenarios being that the refinery sector has the capability to supply sufficient quantities of marine fuels with a sulphur content of 0.50% m/m or less and with a sulphur content of 0.10% m/m or less to meet the demand for these products, while also meeting the demand for non-marine fuels.

In this regard, the Committee noted the following corrections to Table 26 in the annexes to documents MEPC 70/5/3 and MEPC 70/INF.6, respectively: "Gasoline⁽⁴⁾" and "Middle Distillate⁽⁴⁾" are replaced with "Gasoline⁽³⁾" and "Middle Distillate⁽³⁾", respectively; and "Other⁽⁵⁾" is replaced with "Other⁽⁴⁾"; and
- .4 MEPC 70/INF.39, providing additional clarification prepared by the contractor in relation to document MEPC 70/INF.13.

5.50 The Committee also had for its consideration the following commenting documents:

- .1 MEPC 70/5/5 and MEPC 70/INF.9 (BIMCO and IPIECA) providing the summary and the full version, respectively, of the results of a supplemental fuel availability study, guided by the terms of reference of the IMO assessment, whose findings differ from those of the IMO assessment, including that the global refining industry will lack sufficient capacity in one critical respect in 2020, namely sulphur plant and to a lesser degree hydrogen plant, to fully respond to the global sulphur cap;
- .2 MEPC 70/5/24 (ISO) providing comments on the results of the final report of the assessment of fuel oil availability regarding the modelling approach taken, in particular on how the fuels that have been modelled relate to ISO 8217:2012;
- .3 MEPC 70/5/25 (Belgium et al.) requesting the Committee to approve the assessment of fuel oil availability and providing insight into experience gained with the currently available ultra-low sulphur fuel oils with a maximum sulphur content of 0.10%;
- .4 MEPC 70/5/26 (Republic of Korea) expressing the view that while the assessment describes that the global refinery sector will be able to meet the 0.50% of low sulphur fuel oil by 2020 from the simulation studies, and that sufficient data is provided on the expectation of fuel oil demand and supply for ships in all regions of the world, some aspects of the practical situation of refinery industries were not reflected in the final report, and it would be more appropriate and realistic to estimate the supply availability of 0.50% of sulphur fuel oil from each refinery instead of estimating the regional supply;
- .5 MEPC 70/5/27 (Japan) commenting on documents MEPC 70/5/3 and MEPC 70/5/5, which come to different conclusions on the review of fuel oil availability, and providing a comparison between key assumptions behind the conclusions;

- .6 MEPC 70/5/33 (CSC) commenting on documents MEPC 70/5/5 and MEPC 70/INF.9 and highlighting four major perceived shortcomings within the supplemental fuel availability study, namely that the model employed is inappropriate for this type of analysis; it is at odds with business, economic and environmental regulation of refineries; the economic impacts are widely overstated; and the report does not demonstrate that refineries cannot produce the required quantities of compliant fuels;
- .7 MEPC 70/5/35 (IBIA) briefly outlining issues that can be expected to emerge if trying to achieve a shift from the current 3.50% to a 0.50% sulphur cap virtually overnight and proposing ways for a phased approach to facilitating a smoother transition while maintaining the regulation's intended benefits; and
- .8 MEPC 70/5/2 (Japan et al.) briefly outlining issues that can be expected to arise with the implementation of the 0.50% sulphur limit and inviting the Committee to consider a process to examine how the limit may be effectively implemented,

and noted the following documents:

- .9 MEPC 70/INF.34 (Finland) providing the results of a study indicating some key findings regarding possible health impacts due to a delay in the implementation of the 0.50% global sulphur standard from 2020 to 2025 and focusing on the detrimental impact of fine particulate matter concentrations on coastal communities in proximity to major shipping lanes; and
- .10 MEPC 70/INF.41 (EC) providing the results and experience gathered during 18 months of sulphur enforcement by EU Member States in EU waters, including the stricter sulphur limit for fuel oils applied in the Baltic Sea and the North Sea SO_x emission control areas.

5.51 The Committee noted, inter alia, the following comments made during the introduction of the documents:

- .1 while not objecting to the conclusion of the IMO assessment, one viewpoint stated that there was a need to consider possible imbalances in supply and demand, and that future analysis may wish to consider the supply capacity of individual refineries rather than make regional assessments;
- .2 the assessment had concluded on the basis that demand would be wholly met using blended fuel oils, whereas the supplemental study had considered MDO to meet part of the demand;
- .3 the assessment had confirmed there would be sufficient compliant fuel oil, which would support the clarity of the decision-making, there was a reputational risk to the Organization should it decide to delay to 2025, and a compromise solution would cause confusion;
- .4 there is no certainty in modelling and it is hard to make predictions about the future; whichever date was chosen, there is little reason to delay a decision but there are major concerns, including transitional challenges due to the unprecedented nature of a virtually overnight shift in the type of fuel oil used, and possible severe market distortions leading to price spikes for both shipping and other markets; and
- .5 the scope of the subject meant that preliminary discussion of the implementation was required.

5.52 The Committee thanked the coordinator of the Steering Committee, Mr. H. Conway (Liberia), and its members; and the delegations of Australia, the United Kingdom and the United States for their financial contributions to the assessment of fuel oil availability.

Consideration and decision on effective date of implementation

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

- .1 it was questionable whether the fuel oil blends proposed to meet the demand were suitable; the use of such fuel oils could potentially increase the safety risks for ships; 2020 was premature for large bunkering countries as such a major transition would not be workable by then; an unbalanced market could lead to unfair competition; ECAs have struggled to overcome difficulties in implementation of low sulphur fuel oils and waiting to 2025 would permit experience of the EU's implementation of the 0.50% sulphur limit in EU waters to be reviewed;
- .2 problems with blended fuel oils were not clearly demonstrated whereas the health benefits of lower sulphur fuel oils had been clearly shown in document MEPC 70/INF.34; safety was very important and experience gained with ECAs was good; making a decision now would provide three more years to prepare for the shipping industry and for further harmonization of enforcement procedures to identify high-risk ships to provide a level playing field;
- .3 human health aspects were very important and with the 0.50% global sulphur limit having been adopted in 2008 it was important for the shipping industry, of which awareness has grown, not to be seen to be out of step, and a firm decision for 2020 would help improve the perception of the sector;
- .4 there was a need for legal and practical certainty and a decision was required at this session; there had been positive experience with the use of new fuels to date; safety concerns could be managed but still needed to be considered; and document MEPC 70/5/2 had identified that consistent and effective implementation needed further consideration;
- .5 for ships that do not have an exhaust gas cleaning system, a specific prohibition on carrying high sulphur fuel oil (fuel oil exceeding 0.50% sulphur) as bunkers should be considered and added to the possible actions for discussion proposed in paragraph 7 of document MEPC 70/5/2;
- .6 all the fuel oils modelled in the IMO assessment are considered safe and, regardless of the date chosen, there would be a need to discuss implementation following the decision;
- .7 the IMO assessment indicated that sufficient quantities of fuel oil can be supplied; the assessment is a robust and thoroughly analysed study that supports the conclusions; and a global cap would provide equal competition;
- .8 the supply/demand modelling is not based on real market data and there is a substantial difference between theory and practice in the context of falling oil prices; there is no clear understanding by the Organization of the term "fuel oil availability", which is not defined; there will be a surplus in some countries and deficits in others, with imbalances addressed by transportation, but this cannot be assumed, with possible impacts on fuel oil prices and increase in transport

- costs; there should be a compromise between capital expenditure and benefit; not all coastal States will be obliged to comply, leading to potential competition issues; and, as shipping is governed by the needs of global trade, cost of carriage may increase, leading to diversion of cargo flows;
- .9 the information provided in the IMO assessment can inform the decision to be made by the Parties; the environmental benefits are obvious but questions on implementation and safety concerns need to be addressed; agreement on 2020 would enhance sustainable shipping;
- .10 serious concerns exist regarding unstable fuel oils and the extensive use of blends, leading to fuel oil quality problems and safety issues including the use of non-SOLAS compliant fuel oils, due to use of cutter stock with low flashpoint and the potential increased presence of refinery catalyst fines;
- .11 early implementation would encourage the use of alternative fuels; ISO concerns about viscosity and compatibility can be addressed and experience in ECAs can be taken into account; engine manufacturers have already issued instructions for the management of fuel oils with different grades;
- .12 the assumptions made in the IMO assessment are not highlighted in the conclusions, especially the shortage of hydrogen/sulphur plant required to produce sufficient quantities of the compliant fuel oil required;
- .13 the IMO assessment was conducted according to the terms of reference approved by the Committee; its unambiguous conclusions provide necessary evidence that the required fuel oil will be available in 2020; and a level playing field will ensure the environmental benefits;
- .14 a standardized system for reporting non-availability would be useful for effective implementation; and transitional arrangements could be introduced to assist;
- .15 the concerns raised are not significant enough to delay implementation to 2025, but raising them has assisted in raising awareness to a point where there is now sufficient understanding;
- .16 there are no technical obstacles to implementation in 2020; a shortage of sulphur plant capacity is addressed by the lower cost of these plant and the fact that refiners build in redundant capacity to avoid constraints; the refinery industry knows how to produce low sulphur fuel oils but there is a need to reduce uncertainty and provide clarity;
- .17 the supplemental study did not demonstrate clear grounds to confirm that blended fuels oil cannot be used and supplied; there has been sufficient time for the refinery industry to prepare since adoption of the requirements in 2008; and pursuant to regulation 18.1 of MARPOL Annex VI the Secretariat should be requested to collate and advise on the availability of compliant fuel oils;
- .18 analysis suggests that one million barrels per day will need to be taken out of other sectors to meet the demand for compliant fuel oil from shipping and more time is required to assess the safety of the new fuels being used in ECAs;

- .19 as part of effective implementation there is a need to consider enhanced capacity building regarding port State control and in terms of production and storage;
- .20 the issue is very complex and it is not possible to have complete confidence, as the availability of fuel oil is dependent on another industry doing something that shipping needs and it can only be hoped that it will deliver; the IMO assessment only confirms that it is more probable than not that capacity will exist; a stepped reduction of the sulphur limit would be a better approach but without that option certainty needs to be provided to the fuel oil supply industry; a robust process is needed to accommodate ships unable to obtain compliant fuel oil;
- .21 2020 is potentially premature without equal fuel oil production capacity in all the regions; a strategy is needed to guarantee supply to those fitting abatement technology; a standard format for exemptions recognized by port State control for ships using fuel oil exceeding 0.50% is needed;
- .22 impacts on developing countries need to be considered, especially any economic impact which might jeopardize living standards;
- .23 the need for practical certainty that, in supporting the 2020 implementation date, full and complete effect may continue to be given to the obligations under SOLAS, not least on the requirement for a minimum flash point of 60°C; and
- .24 it needs to be recognized that the development, testing and market introduction of new fuel formulations takes time.

5.54 The full text of relevant statements by the delegations of the Cook Islands and the observers from INTERCARGO and IPIECA is set out in annex 22.

5.55 Following discussion, the Committee:

- .1 noted the final report of the Steering Committee;
- .2 approved the assessment of fuel oil availability as set out in documents MEPC 70/5/3 and MEPC 70/INF.6;
- .3 agreed to the date of 1 January 2020 as the effective date of implementation for ships to comply with the 0.50% m/m sulphur content of fuel oil requirement, as set out in regulation 14.1.3 of MARPOL Annex VI; and
- .4 in recognizing the concerns expressed regarding implementation, agreed to forward document MEPC 70/5/2 and relevant comments made in plenary to PPR 4 for further consideration and to draft a justification and scope for a new output on what additional measures may be developed to promote consistent implementation of the 0.50% global sulphur limit, for consideration at MEPC 71.

5.56 Consequently, the Committee requested the Secretariat to prepare a draft MEPC resolution on its decision that the standard in regulation 14.1.3 of MARPOL Annex VI shall become effective on 1 January 2020 and, having considered the draft resolution prepared by the Secretariat (MEPC 70/WP.11), adopted resolution MEPC.280(70) on *Effective date of implementation of the fuel oil standard in regulation 14.1.3 of MARPOL Annex VI*, as set out in annex 6.

Proposals to designate additional ECAs for NO_x Tier III control

5.57 The Committee had for its consideration the following documents:

- .1 MEPC 70/5/Rev.1 (Belgium et al.) proposing to designate the North Sea as an emission control area (ECA) for NO_x control in accordance with regulation 13 and appendix III of MARPOL Annex VI, to take effect from 1 January 2021; and to include exemptions to allow ships not complying with the NO_x Tier III requirements to be built, converted, repaired and/or maintenance work to be done on such ships at shipyards located in NO_x Tier III emission control areas;
- .2 MEPC 70/5/1 (Denmark et al.) proposing to designate the Baltic Sea as an ECA for NO_x control in accordance with regulation 13 and appendix III of MARPOL Annex VI, to take effect from 1 January 2021; and to include exemptions to allow ships not complying with the NO_x Tier III requirements to be built, converted, repaired and/or maintenance work to be done on such ships at shipyards located in NO_x Tier III ECAs.

In this regard, the Committee noted the following corrections to the document: the title of Figure 5-18 in annex 2 is replaced by "Difference between the 99th percentile for NO_x concentrations for emission scenarios Tier II (without NECA) and Tier III (with NECA), Unit: µg.h/m³" and "Figure 5-12" in paragraph 5.4.1 of annex 2 should read "Figure 5-21";

- .3 MEPC 70/5/29 (United States) supporting the need for an amendment to MARPOL Annex VI to allow ships fitted with dual-fuel engines or with only Tier II engines to be built, converted, repaired and/or maintained at shipyards located in NO_x Tier III ECAs, subject to certain conditions; and proposing draft amendments to MARPOL Annex VI to include such provisions; and
- .4 MEPC 70/5/32 (CSC) supporting the proposals to establish NO_x Tier III control ECAs in the North Sea and Baltic Sea and providing information on a study on projections for NO_x emissions and an assessment of the feasibility and use of abatement technology,

and noted document MEPC 70/INF.3 (Denmark et al.) providing supplementary information on available technology to meet the NO_x Tier III standard.

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

- .1 the High-level Action Plan of the Organization (HLAP) outputs under which these proposals were submitted for consideration were not appropriate for their content and, if there was ambiguity, the referenced output should be amended to ensure clarity; also, unlike the situation with previous NECA proposals, the process for considering the proposals for approval did not include an appropriate assessment to consider the contents;
- .2 approval of the proposals was supported and the outputs referenced were appropriate, in particular as the proposals were not seeking to amend the criteria and procedures for designation of ECAs set out in appendix III of MARPOL Annex VI;

- .3 whilst there might be a need to consider modifications of the output if it was not entirely clear, a new output was not required and the criteria for designation had been met;
- .4 the proposal to provide an exemption for non-Tier III ships as set out in the annex to document MEPC 70/5/29 provided a more detailed and better formulated draft amendment to MARPOL Annex VI; and
- .5 the exemption of non-Tier III ships was supported but the use of commercial contractual terms should be considered instead of banning the carriage of cargo as proposed.

5.59 Following discussion, the Committee:

- .1 agreed to the proposals to designate the North Sea and the Baltic Sea as emission control areas for NO_x Tier III control with an effective date of 1 January 2021 and the related proposed amendments to MARPOL Annex VI, as set out in annex 1 to document MEPC 70/5/Rev.1 and annex 1 to document MEPC 70/5/1 respectively;
- .2 agreed to the need for exemption provisions to allow ships fitted with dual-fuel engines or with only Tier II engines to be built, converted, repaired and/or maintained at shipyards located in NO_x Tier III ECAs and the related proposed amendments to MARPOL Annex VI, as set out in the annex to document MEPC 70/5/29;
- .3 approved draft amendments to regulation 13 of MARPOL Annex VI to designate the North Sea and the Baltic Sea as emission control areas for NO_x Tier III control with an effective date of 1 January 2021, including exemption provisions to allow ships fitted with dual-fuel engines or with only Tier II engines to be built, converted, repaired and/or maintained at shipyards located in NO_x Tier III ECAs, as set out in annex 7, and requested the Secretary-General to circulate them in accordance with MARPOL Article 16(2), with a view to adoption at MEPC 71; and
- .4 agreed to amend the title of HLAP output 7.1.2.2 to read "Designated Special Areas, Emission Control Areas and PSSAs and associated protective measures".

Ozone-depleting substances used to service ships

5.60 The Committee recalled that MEPC 68 had requested the Secretariat to forward document MEPC 68/3 on ozone-depleting substances to the Technology and Economic Assessment Panel (TEAP) for information only; to continue liaising with the Ozone Secretariat; and to provide an update on the work of the Montreal Protocol for consideration at this session (MEPC 68/21, paragraph 3.64).

5.61 Having noted document MEPC 70/5/7 (Secretariat) providing information on the action taken by the Secretariat and an update of the work of the Parties to the Montreal Protocol, the Committee requested the Secretariat to continue liaising with the Ozone Secretariat and provide an update on the work of the Montreal Protocol for consideration at MEPC 71.

5.62 The Committee also noted information provided by the Secretariat on recent developments in respect of the Montreal Protocol, in particular that the twenty-eighth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP 28), held from 10 to 14 October 2016 in Kigali, Rwanda, had adopted the Kigali Amendments, which amended the Protocol to include control measures for hydrofluorocarbons (HFCs) and a new Annex F listing the controlled HFCs.

Interpretations of MARPOL Annex VI on the application of NO_x Tier III standards to marine diesel engines

5.63 Having considered document MEPC 70/5/11 (Republic of Korea) proposing an interpretation of MARPOL Annex VI regarding the applicable NO_x emission standard for a replaced non-identical marine diesel engine or additionally installed marine diesel engine on or after 1 January 2016, the Committee agreed that no interpretation was required as the requirements of MARPOL Annex VI adequately addressed the issue.

Relevant studies on air pollution from ships

5.64 The Committee, having noted the following documents:

- .1 MEPC 70/INF.12 (INTERTANKO) providing a report on a study of marine fuel quality delivered to ships based on test results and investigating the causes and consequences resulting in the delivery of off-specification fuels; and
- .2 MEPC 70/INF.40 (EC) providing a report on the final results of a study commissioned by the EC on the completion of an EU framework on LNG-fuelled ships and its related fuel supply infrastructure,

agreed to forward document MEPC 70/INF.12 to the Correspondence Group on Fuel oil quality (MEPC 69/21, paragraph 5.21) for consideration.

ESTABLISHMENT OF A WORKING GROUP

5.65 The Committee established the Working Group on Air pollution and energy efficiency and instructed it, taking into account comments and decisions made in plenary, to:

- .1 consider documents, comments and decisions made in plenary in order to examine proposals and options for EEDI reduction rates and dates beyond phase 2;
- .2 consider the additional information to be included in the EEDI database for the review at the midpoint of phase 2;
- .3 consider the proposed draft amendments to the *2014 Guidelines on the method of calculation of the attained EEDI for new ships* concerning the calculation method for the EEDI for ships with dual-fuel engines that use gas as non-primary fuel, using document MEPC 70/5/4 as the basis, taking into account documents MEPC 70/5/9 and MEPC 70/5/23, and advise the Committee accordingly;
- .4 review document MEPC 70/5/19 on a proposed correction factor for wood chip carriers and, taking into account the criteria provided in paragraph 21 of document MEPC 61/5/17, advise the Committee accordingly; and
- .5 consider document MEPC 70/5/10 on reduction factors for existing ships which have undergone major conversion and advise the Committee accordingly.

REPORT OF THE WORKING GROUP

5.66 Having considered the report of the working group (MEPC 70/WP.8), the Committee approved it in general and took action as indicated below.

EEDI reduction rates and dates beyond phase 2

5.67 The Committee:

- .1 noted the group's discussion on EEDI reduction rates and dates beyond phase 2;
- .2 agreed that it would be necessary to start a thorough review of EEDI phase 3 requirements and their early implementation, and of the possibility of establishing a phase 4, soon after MEPC 71;
- .3 agreed that the aforementioned review should be finalized in time for adoption of the necessary amendments to MARPOL Annex VI with a view to early implementation of phase 3 in 2022 and, if agreed, introduction of phase 4 as soon as possible; and
- .4 noted that some delegations had requested that the Committee in the future allocate more time to the group to discuss EEDI reduction rates and dates beyond phase 2.

Information to be included in the EEDI database for the next EEDI review

5.68 The Committee:

- .1 endorsed the information to be included in the EEDI database for the next EEDI review, as set out in annex 8;
- .2 agreed that data already submitted for inclusion in the EEDI database do not need to be updated when additional data and information are added to the database; and
- .3 agreed that EEDI information, including the additional data items, should be submitted from 1 April 2017 and invited Member Governments and recognized organizations to continue submitting EEDI data to the Secretariat to support the mandatory EEDI review.

Amendments to the 2014 Guidelines on the method of calculation of the attained EEDI for new ships

5.69 The Committee adopted resolution MEPC.281(70) on *Amendments to the 2014 Guidelines on the method of calculation of the attained EEDI for new ships* (resolution MEPC.245(66), as amended by resolution MEPC.263(68)), as set out in annex 9, and instructed the Secretariat to issue a consolidated text of the Guidelines, as amended, for dissemination as MEPC.1/Circ.866.

Reduction factors for existing ships which have undergone major conversion

5.70 The Committee, having noted the discussions of the group concerning reduction factors for existing ships having undergone major conversion (MEPC 70/5/10) (see paragraph 5.44), agreed to keep this proposal in abeyance and invited interested Member Governments and international organizations to submit concrete proposals with sufficient background information to MEPC 71.

6 FURTHER TECHNICAL AND OPERATIONAL MEASURES FOR ENHANCING THE ENERGY EFFICIENCY OF INTERNATIONAL SHIPPING

6.1 The Committee recalled that MEPC 69 had reaffirmed the agreement that data collection was the first step in a three-step approach, the second step being data analysis and the third being decision-making on what further measures, if any, are required. The Committee also recalled that MEPC 69 had approved draft amendments to chapter 4 of MARPOL Annex VI, adding a new regulation 22A to establish mandatory requirements for ships to record and report data on their fuel consumption, together with additional data on proxies for the "transport work" undertaken by the ship. The Committee further recalled that MEPC 69 had established a correspondence group on the data collection system for fuel consumption, under the coordination of Japan, with terms of reference as set out in document MEPC 69/21, paragraph 6.26.

6.2 The Committee noted that MEPC 69 had agreed that ship energy efficiency indices should be considered under step 3 of the aforementioned three-step approach and that, consequently, document MEPC 69/6/6 (Argentina et al.) should continue to be held in abeyance until a future session.

6.3 The Committee had for its consideration the following documents:

- .1 MEPC 70/6 and MEPC 70/INF.15 (Japan) presenting the report of the correspondence group on the data collection system for fuel consumption, including draft amendments to the SEEMP Guidelines (MEPC 70/6, annex 1), draft guidelines for Administration data verification procedures (MEPC 70/6, annex 2), a draft electronic communication and standardized data reporting format (MEPC 70/6, annex 1, appendix C) and draft guidelines for the development and management of the IMO Ship Fuel Consumption Database (MEPC 70/INF.15, annex 3);
- .2 MEPC 70/6/1 (China) providing comments on the report of the correspondence group, identifying a set of principles that should be followed during the development of guidelines, and proposing modifications to the draft amendments to the SEEMP Guidelines and amendments to the draft guidelines for the Administration data verification procedures;
- .3 MEPC 70/6/2 (Republic of Korea) also commenting on the report of the correspondence group, in particular with respect to ensuring the reliability of the collected data, and suggesting that the consolidated verification guidelines should include quantitative and clear criteria on "materiality" and "risk assessment" to contribute to ensuring a level playing field among Administrations carrying out verifications;
- .4 MEPC 70/6/3 (Indonesia) providing comments and proposing revisions to the draft amendments to the SEEMP Guidelines, including the use of the term "ship" rather than "vessel" and the inclusion of units in the EEDI column (MEPC 70/6, annex 1, appendix C);

- .5 MEPC 70/6/4 (Brazil) providing comments on the problem of methane slip that occurs in LNG-fuelled engines and the need for information on emissions thereof to be taken into account by the data collection system in order to properly assess emissions from shipping; and
- .6 MEPC 70/6/5 (CSC) suggesting that for the data collection system to properly serve the needs of the Organization and the shipping industry, the Committee should revisit the issue of transparency and also ensure that data on actual transport work, as opposed to the proposed proxies, is collected.

6.4 The Committee first considered the proposal by Brazil (MEPC 70/6/4) that for each marine diesel engine using gas as a fuel the C_E methane slip factor be reported and recorded in the data collection system and that the methane slip factor be included in the draft appendix IX (Information to be submitted to the IMO Ship Fuel Oil Consumption Database) in the draft amendments to MARPOL Annex VI. In the ensuing discussion, the importance of the issue of methane slip was acknowledged and some delegations agreed with the proposal. However, several delegations expressed the view that this proposal could not be supported at this time, as it would not be in line with the data collection system's purpose, which is to analyse ships' energy efficiency rather than develop a detailed inventory of GHG emissions, as well as keeping the system simple and practical.

6.5 In conclusion, the Committee did not agree to include the C_E methane slip factor in the draft amendments to MARPOL Annex VI, while noting that methane slip is an important issue and further proposals on how to address it holistically may be considered at a more appropriate time in the future.

6.6 In considering the proposals contained in the remaining documents commenting on the report of the correspondence group, the Committee took decisions as follows:

- .1 concerning the issue of transparency raised in document MEPC 70/6/5, it reiterated that this matter had been extensively discussed and concluded at previous sessions; agreed to maintain its existing related decisions; and consequently agreed not to forward this document to the Working Group on Air pollution and energy efficiency;
- .2 with regard to the proposals contained in document MEPC 70/6/3 which were supported by several delegations, it agreed to forward them to the Working Group with a view to implementation in the SEEMP Guidelines, as they were of an editorial nature; and
- .3 following an extensive discussion on the proposals contained in documents MEPC 70/6/1 and MEPC 70/6/2, including a lengthy debate on the appropriateness of introducing references to ISO 14064 in the draft guidelines for Administration data verification procedures, and having noted that several delegations supported the use of this standard while other delegations expressed the view that it was not appropriate as its scope and purpose were different to those of the data collection system, it agreed to forward the two documents to the Working Group with a view to considering the concepts therein, including the need to ensure the reliability of the data to be collected, without necessarily referring directly to ISO standard 14064. In doing so, the Committee recognized that guidelines are developed to support the implementation of regulations and cannot go beyond the scope of the regulations. In this regard, the Committee agreed that only the principles of the parts of the aforementioned ISO standard that do not go beyond the scope of regulation 22A of MARPOL Annex VI would be considered.

Resources to implement the IMO Ship Fuel Oil Consumption Database

6.7 The Committee noted that, pursuant to the implementation of regulations 22A.10 to 22A.12 of the draft amendments to MARPOL Annex VI, additional resources would be required by the Secretariat in order to develop and maintain the database and produce an annual report for the Committee summarizing the data collected, the status of missing data, and such other information as may be requested by the Committee. Following discussion, the Committee agreed that additional human resources are required by the Secretariat and agreed to forward this matter to the Council for endorsement.

Instructions to the Working Group on Air pollution and energy efficiency

6.8 The Committee instructed the Working Group on Air pollution and energy efficiency established under agenda item 5, on the basis of the report of the correspondence group (MEPC 70/6 and MEPC 70/INF.15) and taking into account the relevant documents as well as comments and decisions made in plenary, to:

- .1 finalize the text of the draft revision of the *2012 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* and the associated draft electronic communication and standardized data reporting format, on the basis of annex 1 to document MEPC 70/6, taking into account documents MEPC 70/6/1 and MEPC 70/6/3;
- .2 further develop the draft guidelines for Administration data verification procedures, in accordance with draft regulation 22A.7 of MARPOL Annex VI, using annex 2 to document MEPC 70/6 as the basis and taking into account documents MEPC 70/6/1 and MEPC 70/6/2;
- .3 develop draft guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database, using annex 3 to document MEPC 70/INF.15 as the basis; and
- .4 prepare draft terms of reference for a correspondence group on the data collection system for fuel oil consumption to finalize the remaining draft guidelines and guidance and report to MEPC 71.

Report of the working group

6.9 Having considered the part of the report of the Working Group on Air pollution and energy efficiency related to this agenda item (MEPC 70/WP.8, paragraphs 28 to 46 and annexes 3 and 4), the Committee approved it in general and took action as indicated below. In this connection, the Committee noted an editorial correction to document MEPC 70/WP.8, namely that the following sentence is to be added under the heading of paragraph 8 of the draft *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)* set out in annex 3 to the report:

"Direct CO₂ emission measurement is not required by regulation 22A of MARPOL Annex VI."

Revision of the 2012 Guidelines for the development of a SEEMP

6.10 In its consideration of the draft revision of the *2012 Guidelines for the development of a SEEMP*, the Committee, having recalled its decision under agenda item 3 (see paragraph 3.33.2) to use the terms "distance travelled" and "hours underway" in appendix IX to MARPOL Annex VI,

agreed that the same terms should also be used in the revised text of the 2012 SEEMP Guidelines. Consequently, the Committee authorized the Secretariat, when preparing the final text of the SEEMP Guidelines, to make relevant changes. In conclusion, the Committee adopted resolution MEPC.282(70) on *2016 Guidelines for the development of a Ship Energy Efficiency Management Plan (SEEMP)*, as set out in annex 10. In addition, the Committee invited CLIA, interested Member States and/or international organizations to submit concrete proposals on a proxy for transport work for ships that do not carry cargo to a future session of the Committee.

Re-establishment of the correspondence group

6.11 The Committee noted the discussion on the draft guidelines for Administration data verification procedures and draft guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database, and considered the group's recommendation that these sets of guidelines be further developed by a correspondence group. Consequently, the Committee agreed to re-establish the correspondence group on the data collection system under the coordination of Japan² with the following terms of reference:

"Taking into account the decisions and discussions at MEPC 70, the correspondence group is instructed to:

- .1 finalize the draft guidelines for Administration data verification procedures, in accordance with regulation 22A.7 of MARPOL Annex VI, using the option 3 of annex 2 to document MEPC 70/6 as the basis;
- .2 further develop the draft guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database, including means to keep the ships anonymized and to ensure the completeness of the database, in accordance with regulations 22A.9, 22A.11 and 22A.12, using annex 3 to document MEPC 70/INF.15 as the basis;
- .3 develop a draft MEPC circular to address non-Party ships submitting data to the IMO Ship Fuel Oil Consumption Database; and
- .4 submit a report to MEPC 71."

7 REDUCTION OF GHG EMISSIONS FROM SHIPS

7.1 The Committee recalled that MEPC 69 had agreed to establish at this session a working group for an in-depth debate on how to progress the matter of reducing GHG emissions from ships, taking into account the documents submitted to this session and the related documents referred to this session by MEPC 69, i.e. MEPC 69/7/1 (ICS), MEPC 69/7/2 (Belgium et al.), MEPC 69/7/3 (CSC) and MEPC 69/7/4 (WSC et al.), as well as comments made at MEPC 69 and at this session.

²

Coordinator:

Mr. Kazuya Nakao
Ocean Development and Environment Policy Division, Maritime Bureau, MLIT
2-1-3 Kasumigaseki, Chiyodaku
Tokyo, 100-8918 Japan
Tel: +81-3-5253-8118
Email: nakao-k24d@mlit.go.jp

UNFCCC matters

7.2 The Secretariat informed the Committee of the outcomes of the United Nations Climate Change Conference held in Bonn, Germany, from 16 to 26 May 2016 (MEPC 70/7). This included the forty-fourth session of the UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA), which was retained as a body under the Paris Agreement and which has retained on its agenda the item "Emissions from fuel used for international aviation and maritime transport".

7.3 The delegation of Argentina supported the continuation of the current practice with regard to IMO's involvement in UNFCCC activities, noting that the Paris Agreement does not include sectoral approaches, and made reference to the principles of the Kyoto Protocol and UNFCCC and the need to avoid regional approaches and barriers to trade resulting from environmental protection measures, as well as to a statement made on behalf of a group of 92 developing countries at the aforementioned session of the SBSTA.

7.4 The Committee noted a statement by the UNFCCC Secretariat, set out in annex 22, providing an update on UNFCCC matters, including a summary of the status of the Paris Agreement and the forthcoming COP 22, to be held in Marrakesh, Morocco, from 7 to 18 November 2016.

7.5 The Committee noted the outcome of the United Nations Climate Change Conference and requested the Secretariat to continue its well-established cooperation with the UNFCCC Secretariat and its attendance at relevant UNFCCC meetings, and to continue to bring the outcome of IMO's work to the attention of appropriate UNFCCC bodies and meetings. The Committee also welcomed the forthcoming entry into force of the Paris Agreement on 4 November 2016.

Reduction of GHG emissions from international shipping

7.6 The Committee noted information provided by Panama (MEPC 70/7/1) on the contributions of the Panama Canal to the efforts of the Organization and the international maritime transportation sector in relation to climate change mitigation, including the establishment of the Panama Canal Green Route as an early measure for GHG emissions reduction from the maritime industry.

7.7 The Committee considered document MEPC 70/7/2 (IMarEST) highlighting a perceived regulatory barrier to the use of non-petroleum fuel oils, related to the general application of regulation 18.3.2 of MARPOL Annex VI. The Committee noted the information provided by IMarEST and invited Member Governments and international organizations to submit relevant proposals for a new output in accordance with the Committee's Guidelines. In this regard, the Committee also noted information provided by the observer from ISO with regard to a currently ongoing revision of ISO 8217:2012 related to specifications of marine fuels, including changes in its scope allowing it to include synthetic and renewable fuels and their blends.

7.8 The Committee had for its consideration the following documents discussing the way forward for addressing the reduction of GHG emissions from ships:

- .1 MEPC 70/7/3 (Japan) proposing that a GHG emissions reduction target for international shipping be developed based on actual energy efficiency, so as to encourage investments in the development and dissemination of new technologies to improve the carbon footprint of the fleet;

- .2 MEPC 70/7/4 (Angola et al.) discussing key issues that need to be addressed when considering how to progress the matter of reducing GHG emissions from ships, including maritime transport demand, efficiency and fuel, and, on the basis of these considerations, inviting the Committee to develop a roadmap for further enhancing the energy efficiency of international shipping;
- .3 MEPC 70/7/5 (Norway and United States) proposing to develop a long-term strategy to address GHG emissions from international shipping, entailing analysis of scenarios including the economic, environmental and human health costs and benefits and identification and assessment of emission reduction opportunities in the international shipping sector;
- .4 MEPC 70/7/6 (Antigua and Barbuda et al.) suggesting that the "fair share" concept is complementary to the three-step approach already endorsed by the Organization and can be developed in parallel, and that transport costs should be carefully considered in any future discussion of measures;
- .5 MEPC 70/7/7 (Turkey) proposing a work plan with a timetable based on the three-step approach, suggesting that the data collection system had been agreed by the Committee within this logic and that parallel work plans that ignore the three-step approach would not be evidence-based and achievable;
- .6 MEPC 70/7/8 (ICS et al.) proposing that the Committee develop a roadmap to determine a possible IMO fair share contribution, which would initially focus on the development of a timeline consistent with the three-step approach;
- .7 MEPC 70/7/9 (IAPH) supporting document MEPC 70/7/8 with regard to the development of a roadmap initially focusing on a timeline for the development of this work and on the need for the Committee to agree some guiding principles;
- .8 MEPC 70/7/10 (ICHCA) encouraging the Organization to consider whether the approach adopted by ICAO for the aviation sector, focusing on addressing GHG emissions via operational and fuel efficiency measures first and then using offsetting to address the remaining emissions, could be replicated in the maritime sector as a potential way forward;
- .9 MEPC 70/7/11 (CSC) acknowledging the widespread Member State engagement on the issue as a basis for a substantive discussion, while expressing concerns arising from some submissions, including the level of ambition and a perceived lack of urgency;
- .10 MEPC 70/7/12 (CLIA) supporting document MEPC 70/7/8 and noting that the priority for the Committee should be the adoption of the CO₂ data collection system and the finalization of the associated guidelines, as these efforts are fundamentally necessary for the Organization to fulfil its mandate to address GHG emission reductions from shipping;
- .11 MEPC 70/7/13 (Antigua and Barbuda et al.) inviting the Committee to establish a dedicated working group to develop a work plan including a timeline for shipping's fair share/objective to reduce GHG emissions, and to consider intersessional work to launch the implementation of that work plan in due time; and

- .12 MEPC 70/7/14 (Canada) proposing the development of a roadmap that sets out the steps for the Organization to take to ensure that the shipping sector contributes meaningful emissions reductions to the global efforts, including setting a quantifiable target as a central component of a strategy for GHG emissions reductions from international shipping.

7.9 The Committee noted in particular the following points made during the introduction of the documents:

- .1 an absolute sectoral target would not reflect the principle of common but differentiated responsibilities (CBDR), and therefore the focus of the Organization's work should be on energy efficiency and the uptake of alternative fuels;
- .2 the Committee needed reliable and comparable data for further work to be undertaken to inform and support the three-step approach without prejudging step 3 and a roadmap could be developed for long-term action with a focus on energy efficiency;
- .3 more must be done to address GHG emissions from ships, but taking into account that the shipping sector is unique and therefore will need a unique strategy;
- .4 the Organization must show leadership and significant progress and recognize that the challenge of the expected significant growth in emissions from international shipping cannot be addressed by the three-step approach alone;
- .5 an ambitious work plan is needed to enable the Organization to report to the 2018 stocktake of the collective efforts of the Parties to the Paris Agreement;
- .6 as with other sectors it is necessary to define the shipping sector's "fair share" and any negative effect on the cost of shipping is not a consequence of such a definition, but would be a result of the measures adopted;
- .7 exploratory work on the reduction of GHG emissions from ships should be undertaken concurrently with the three-step approach, with any final decision made only on completion of the data analysis step;
- .8 in determining a "fair share" contribution it should be recognized that shipping is dependent on fossil fuels and that there are currently no apparent alternatives;
- .9 the shipping sector should consider the approach adopted by the aviation industry for "carbon neutral growth" from 2020, as setting a cap on GHG emissions is difficult for a sector with expected growth in demand, and the focus should therefore be on new technology, operational measures and alternative fuels; and
- .10 there are potentially different types of targets that could be considered and these should be reviewed as part of a long-term strategy.

7.10 The Committee also noted document MEPC 70/INF.2 (Secretariat) providing information on the outcome of the Council of Ministers of Transport at the 2016 Summit of the International Transport Forum.

7.11 Before considering the submissions, the Committee recalled that MEPC 69 had agreed to establish at this session a working group to consider the matters under this agenda item in depth and recommend to the Committee an appropriate way forward. In the ensuing discussion, the following comments were, inter alia, made:

- .1 the Organization should develop a strategy for the short, medium and long term that recognized the concerns and needs of least developed countries (LDCs) and small island developing States (SIDS) and should focus on trading efficiency and all aspects of sustainability, working in parallel with the three-step approach and using a work plan that could include updating resolution A.963(23) on *IMO policies and practices related to the reduction of GHG emissions from ships*;
- .2 the Organization is the competent international body to develop and adopt a work plan with a preliminary timeline to 2018, to be able to demonstrate real progress to the UNFCCC;
- .3 urgency and ambition are watchwords, action is required and the needs of LDCs and SIDS should be recognized;
- .4 goal 13 of the United Nations (UN) Sustainable Development Goals (SDGs) recognizes that any mechanisms to improve energy efficiency or measures effecting fossil fuel subsidies must take into account the specific needs of developing countries and minimize adverse impacts on poor communities;
- .5 the Paris Agreement has been rapidly ratified and its entry into force on 4 November 2016 will provide an opportunity for innovation and, whilst the Organization has already been active, the Agreement will increase the willingness of Member States to address climate change. A failure to take action on shipping will disappoint, and whilst the international maritime sector has its own characteristics, ICAO has demonstrated that it is possible for an international sector to act;
- .6 the Organization should not adopt principles under international conventions of other UN bodies, and the fundamental principles agreed by MEPC 57 (MEPC 57/21, paragraphs 4.73 to 4.77) and identified in paragraphs 16 to 19 of document MEPC 70/7/8 should apply to the Organization's future work to address GHG emissions from ships;
- .7 no "fair share" for shipping is recognized in the nationally determined contributions declared by Member States under the Paris Agreement, and the work of the Organization should follow the guiding principles enshrined in the UNFCCC and its Kyoto Protocol, with due regard to developing countries;
- .8 the development of a long-term strategy would provide an opportunity for a more structured and holistic approach to address GHG emissions from ships, including consideration of energy efficiency technologies and alternative fuels, raising awareness of new developments, addressing barriers to the adoption of new technologies, and recognizing developments in the Organization's major projects including GloMEEP and MTCCs;
- .9 there is a need to balance ambition with realism, by ensuring that no action has a negative effect on shipping activity or ship safety, and a cautious approach to the use of prescriptive measures should be observed;

-
- .10 the Organization has already taken action but there are increasing expectations to do more, including action to guide the third step, which is supported, provided that it respects and informs the three-step approach in a constructive way; therefore, whilst decisions on target-setting are premature, such interim work could include analysing emission reduction opportunities, impacts and costs, and stimulate technical innovation and research and development;
- .11 decision-making on further measures should be aligned with step 3 of the data collection system using the analysed data, but should also initiate discussions on GHG reduction objectives to encourage short and long-term actions as well as investment, in which the actions to be identified are not necessarily regulatory;
- .12 a flexible and inclusive approach to enable full participation by smaller delegations is needed, for example through a standalone group established for a fixed term;
- .13 the Organization's mandate given in article 2.2 of the Kyoto Protocol focuses on "equality of opportunity and equity" when addressing GHG emissions from international shipping; and the effect that a limit on international transport would have on growth of trade, sustainable development, bearing in mind distance to markets, food security and economies;
- .14 the issue of climate change is an evolving matter and whilst it is good to be aspirational and dream, an unrealistic dream is a hallucination;
- .15 a progressive and effective response is required whilst ensuring consistency between UN bodies regarding the application of principles. Scientific data and technical information is required to inform the three-step approach and clarity is needed on how the "fair share" approach is applied to developing and developed countries; funding is required for new technologies;
- .16 the concept of differentiation is woven systematically through the Paris Agreement, and how to harmonize the CBDR principle with the IMO principle of non-discrimination remains an issue;
- .17 the identification of peak emissions resulting from growth in world trade is impossible, therefore the analogy between shipping's potential contribution and nationally determined contribution is unwarranted; the fundamentals are not in place to develop a "fair share" but common elements can be galvanized in a work plan that includes informing the three-step approach without prejudging the outcome, including preparation of a new IMO GHG Study for the years 2012 to 2018;
- .18 all proposals should be taken into account for an inclusive, balanced consideration;
- .19 other international or regional bodies should not determine international shipping's "fair share" of GHG emissions;
- .20 a roadmap should be prepared identifying the most appropriate approach to address GHG emissions from ships;
- .21 the proposal for a long-term strategy in document MEPC 70/7/5 bridges the various points of view to enable a list of tasks and a time frame to be identified so that the Organization can communicate a clear vision; and

- .22 caution should be applied as shipping is the lifeblood of the global economy and economic implications depend on the measures taken, so there is a need to establish precisely how far to target interventions.

7.12 The full text of statements made by the delegations of Argentina, the Cook Islands and Spain in this regard is set out in annex 22.

7.13 The Committee noted that there was a lot of commonality in the documents submitted and the views expressed, and agreed that consideration should be given to the most appropriate way forward to make the work as inclusive as possible, to take account of any concerns, especially from SIDS, and to consider principles raised by industry; and agreed that detailed deliberations in a working group would be the best way to address these issues.

Establishment of a working group

7.14 The Committee established the Working Group on Reduction of GHG emissions from Ships and instructed it, taking into account the comments and decisions made in plenary at this session and at MEPC 69, and the documents submitted to this session (MEPC 70/7/3, MEPC 70/7/4, MEPC 70/7/5, MEPC 70/7/6, MEPC 70/7/7, MEPC 70/7/8, MEPC 70/7/9, MEPC 70/7/10, MEPC 70/7/11, MEPC 70/7/12, MEPC 70/7/13 and MEPC 70/7/14) and those deferred from the previous session (MEPC 69/7/1, MEPC 69/7/2, MEPC 69/7/3 and MEPC 69/7/4), to consider how to progress the matter of reduction of GHG emissions from ships and advise the Committee as appropriate.

Report of the working group

7.15 Having considered the report of the working group (MEPC 70/WP.7), the Committee approved it in general and took action as indicated below, having noted that in addition to the countries listed in paragraph 2 of the report, the delegation of Vanuatu had also participated in the group.

Roadmap for developing a comprehensive IMO strategy on the reduction of GHG emissions from ships

7.16 The delegation of the Cook Islands, supported by the delegations of Palau, Papua New Guinea, the Solomon Islands, Tuvalu and Vanuatu, expressed concern with regard to the lack of an explicit reference to consideration of the special needs of SIDS and LDCs, in line with the Samoa Pathway, in the draft Roadmap for developing a comprehensive IMO strategy on the reduction of GHG emissions from ships, which instead makes reference to the consideration of impacts on States taking into account the Organization's HLAP (MEPC 70/WP.7, annex 1); that the issue should not have been discussed by the Working Group as it had already been addressed at MEPC 68; that an opportunity had been lost for the Organization to show that it was considering approaches that would extend beyond the more traditional modes of work in this particular matter to ensure both progress and inclusiveness of Member States; and that the establishment of a standalone group would have sent a very public signal to the international community of the importance the Organization has placed on this issue. The delegation of Norway, in supporting the view of the delegation of the Cook Islands, noted that document MEPC 70/7/5 identifies that the concerns of SIDS and LDCs needed to be considered, and that the reference to the HLAP captures the concerns of other States. The delegation of the Bahamas, while recognizing the compromise achieved, agreed with the delegation of the Cook Islands and noted that Strategic Direction 9 of the HLAP identifies that "IMO will pay special attention to the shipping needs of Small Island Developing States (SIDS) and the least developed countries (LDCs)".

7.17 The Committee noted clarifications by the Chair of the working group and several delegations that the group had held extensive deliberations about explicit reference to SIDS and LDCs, and other developing countries, in the Roadmap; that the aforementioned consideration was implicitly captured by making reference to the HLAP; and that the final draft was a result of consensus within the group as it is inclusive of all special categories of countries.

7.18 The Committee also recalled that it had recognized at MEPC 68 (MEPC 68/21, paragraphs 4.18 and 4.19) the special needs of SIDS and LDCs and reaffirmed that view. The Committee further noted the comments of the delegation of the Cook Islands and others in relation to the discussions of the working group on modalities for intersessional work reflected in paragraph 20 of the group's report (MEPC 70/WP.7); acknowledged that the subject may be further addressed; and invited delegations to submit proposals for consideration.

7.19 In conclusion, the Committee approved the *Roadmap for developing a comprehensive IMO strategy on the reduction of GHG emissions from ships*, as set out in annex 11.

Intersessional working group on the reduction of GHG emissions from ships

7.20 The Committee, having noted that UNFCCC will hold deliberations (United Nations Climate Change Conference, including the 46th session of SBSTA) in Bonn, Germany, from 8 to 18 May 2017 which would be concurrent with the tentative dates for MEPC 71 (8 to 12 May 2017), agreed that this should be taken into account for the final scheduling of MEPC 71 (see paragraph 15.27).

7.21 The Committee agreed to the establishment of an intersessional working group on the reduction of GHG emissions from ships, subject to endorsement by C 117, with the following terms of reference:

"The Intersessional Working Group on Reduction of GHG emissions from ships is instructed, with a view to implementing the *Roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships* approved at MEPC 70 (MEPC 70/18/Add.1, annex 12) and taking into account documents submitted, to:

- .1 consider how to progress the matter of reduction of GHG emissions from ships and advise the Committee as appropriate; and
- .2 submit a report for consideration at MEPC 71."

7.22 The Committee recognized that the establishment of this intersessional working group, which will be scheduled to meet before MEPC 71, will enable the Organization to promptly begin its work on implementing the Roadmap. Taking into account the upcoming UNFCCC meetings (see paragraph 7.20) and the intention to establish the aforementioned intersessional working group back-to-back with MEPC 71, the Committee agreed that this should also be considered in the final scheduling of the next session (see paragraph 15.27). In addition, the Committee agreed that a further intersessional working group should be held in autumn 2017 and therefore invited C 117 to endorse the holding of two intersessional working groups in 2017.

7.23 Following a recommendation by the working group, the Committee invited C 117 to endorse, in principle, the holding of further intersessional meetings on the reduction of GHG emissions from ships during the current and the next biennium. The Committee also noted that endorsement of further intersessional meetings for multiple years during the implementation of the Roadmap may be necessary, recognizing that, due to the urgency, importance and complexity of this topic, there would be a need for significant intersessional work in the coming years.

8 IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PSSAS

Designation of the Jomard Entrance as a PSSA

8.1 The Committee considered document MEPC 70/8 (Papua New Guinea) proposing to designate the region surrounding the Jomard Entrance, part of the Louisiade Archipelago at the south eastern extent of Milne Bay Province, Papua New Guinea, as a Particularly Sensitive Sea Area (PSSA). The region is one in which ecological, environmental, economic and cultural attributes are seriously threatened by merchant shipping that passes through the Jomard Entrance. The Committee noted that the proposal includes newly established routing systems (four two-way routes and a precautionary area) which were adopted at MSC 94 as Associated Protective Measures (APMs) and entered into force on 1 June 2015.

8.2 The Committee also noted that the objective of the proposed PSSA is to protect the area's unique and threatened species as well as to preserve, as far as practicable, its critical habitat and diversity, while allowing for projected increased shipping traffic using the Jomard Entrance. A risk assessment has indicated that the APMs could reduce the frequency of collisions by 50%. The APMs also reduce the risk of physical damage to sensitive reef areas and marine pollution caused by groundings. In addition to addressing the increasing risk through the implementation of the APMs, PSSA designation is considered necessary to increase community and seafarers' awareness of the area's sensitivity and associated risks of navigation.

8.3 In the ensuing discussion, many delegations expressed their support for the proposal and recommended that it be forwarded to the Technical Group on PSSAs for review.

Establishment of the Technical Group on PSSAs

8.4 Subsequently, the Committee established a Technical Group on PSSAs and instructed it to review the proposal by Papua New Guinea to designate the Jomard Entrance as a PSSA (MEPC 70/8), with a view to assessing whether it meets the provisions of the *Revised Guidelines for the identification and designation of Particularly Sensitive Sea Areas* (resolution A.982(24), as amended by resolution MEPC.267(68)) (Revised PSSA Guidelines) and whether all the information required by the *Guidance document for submission of PSSA proposals to IMO* (MEPC.1/Circ.510) has been provided, and advise the Committee on action as appropriate.

Report of the Technical Group

8.5 Having considered the report of the Technical Group (MEPC 70/WP.9), the Committee approved it in general and took the following action:

- .1 noted that the proposal by Papua New Guinea (MEPC 70/8) meets the requirements of the *Revised PSSA Guidelines*, as detailed in annex 1 to document MEPC 70/WP.9; and
- .2 adopted resolution MEPC.283(70) on *Designation of the Jomard Entrance as a Particularly Sensitive Sea Area*, as set out in annex 12.

Evaluation of effectiveness of Special Areas and PSSAs

8.6 The Committee considered document MEPC 70/8/1 (Russian Federation) proposing to introduce requirements to regularly evaluate the status and effectiveness of Special Areas and PSSAs. The Committee noted that the document discussed the range of environmental, social or economic criteria used to justify the designation of Special Areas under MARPOL and/or PSSAs and the need to evaluate how the designated areas have contributed to reducing the impact on such criteria.

8.7 The Committee noted that with regard to the evaluation of existing PSSAs, in particular the effectiveness of APMs, MEPC 65 had requested Member Governments to submit such evaluations in accordance with paragraph 8.4 of the Revised PSSA Guidelines, or to bring any concerns with the APMs to the Organization's attention, so that any necessary adjustments may be made (MEPC 65/22, paragraph 9.7). It was noted that to date no specific evaluations have been received.

8.8 With regard to Special Areas, the Committee noted that there are no requirements to evaluate the effectiveness of such areas once they have been designated, although such an evaluation procedure could be incorporated in the *2013 Guidelines for the designation of Special Areas under MARPOL* (resolution A.1087(28)).

8.9 In the ensuing discussion the Committee noted that:

- .1 a number of delegations supported the views presented in document MEPC 70/8/1 and agreed that a regular review was necessary to evaluate the effectiveness of existing measures within Special Areas and PSSAs. PSSA reviews could be undertaken using the World Heritage review process, particularly in those PSSAs holding World Heritage Site status, and they could be of interest to other UN bodies. Recognizing that amendments would need to be made to the relevant guidelines and to the Annexes of MARPOL, it was noted that a new output would be required to commence this work;
- .2 several other delegations, being of the view that the Revised PSSA Guidelines contained sufficient references to encourage Member Governments to bring any concerns or proposals for additional, or modifications to, measures within PSSAs to the attention of the Committee as a result of evaluations, did not consider it necessary to introduce mandatory or regular reviews to evaluate the effectiveness or efficiency of Special Areas or PSSAs. They noted that each area contained unique ecosystems with different socio-economic features and that a review based on an arbitrary time frame could be scientifically invalid; and
- .3 some delegations found it difficult to understand how the Committee would be able to adopt a generally applicable guideline to address these unique areas and noted that, additionally, this may impose unnecessary burdens on Administrations to undertake such reviews.

8.10 Following discussion, the Committee:

- .1 noted the proposals made by the Russian Federation in document MEPC 70/8/1;
- .2 reminded Member Governments with PSSAs that they are required, in accordance with paragraph 8.4 of the Revised PSSA Guidelines, to bring any concerns and proposals for additional measures or modifications to any APMs or PSSAs to the attention of the Organization, particularly if the levels of threat from shipping have changed, so that any necessary adjustments may be made; and
- .3 invited interested Member Governments wishing to amend the *2013 Guidelines for the Designation of Special Areas under MARPOL*, which currently do not contain an evaluation of the effectiveness of Special Areas under MARPOL, to submit proposals for a new output to a future session, in accordance with the Committees' Guidelines.

9 POLLUTION PREVENTION AND RESPONSE

Outcome of PPR 3

9.1 The Committee recalled that MEPC 69, having considered urgent matters emanating from PPR 3 concerning the work programme of the Sub-Committee, took action as recorded in paragraphs 19.8, 19.9 and 19.19.2 of its report on that session (MEPC 69/21).

9.2 In considering the remaining outcome of the third session of the Sub-Committee (MEPC 70/9), the Committee approved the report of PPR 3 (PPR 3/22 and PPR 3/22/Add.1) in general and took action as indicated below.

9.3 The Committee noted that, of the action requested of it as listed in paragraph 3 of document MEPC 70/9:

- .1 point .1, concerning the draft MSC-MEPC circular on *Example of a Certificate of Protection for products requiring oxygen-dependent inhibitors*, had been dealt with under agenda item 2 (see paragraph 2.4);
- .2 points .6, .8, .9 and .12, concerning air pollution from ships, together with commenting documents MEPC 70/9/2, MEPC 70/9/3 and MEPC 70/9/4, had been dealt with under agenda item 5 (see paragraphs 5.2 to 5.17); and
- .3 points .7 and .13, concerning the work programme of the Sub-Committee, together with commenting document MEPC 70/9/1, had been dealt with under agenda item 15 (see paragraphs 15.13 to 15.15 and 15.17).

Categorization of liquid substances

Evaluation of products

9.4 The Committee endorsed the evaluation of products and their respective inclusions in lists 1, 2 and 3 of MEPC.2/Circ.21 on *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code* with validity for all countries and with no expiry date.

Addition of new biofuels

9.5 The Committee endorsed the addition of four new biofuels to the list of recognized biofuels set out in annex 11 to MEPC.2/Circ.21.

Evaluation of cleaning additives

9.6 The Committee endorsed the evaluation of cleaning additives and their inclusion in MEPC.2/Circ.21 and MEPC.2/Circ.22 (to be issued in December 2016).

Section II of the Manual on Oil Pollution – Contingency Planning

9.7 The Committee approved section II of the *Manual on Oil Pollution – Contingency Planning*, as set out in annex 5 to document PPR 3/22/Add.1, and requested the Secretariat to carry out final editing and publish section II of the Manual through the IMO Publishing Service.

Guide on oil spill response in ice and snow conditions

9.8 The Committee approved the *Guide on oil spill response in ice and snow conditions*, as set out in annex 6 to document PPR 3/22/Add.1, and requested the Secretariat to carry out final editing and publish the Guide through the IMO Publishing Service.

10 REPORTS OF OTHER SUB-COMMITTEES

Remaining matters emanating from III 2

10.1 The Committee recalled that MEPC 69 had deferred further consideration of the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, prepared by III 2, to this session, having noted that the input of the HTW Sub-Committee had not been taken into account in its preparation, and had requested the Secretariat to provide the relevant outcome of HTW 2 to MEPC 70, so that an informed decision could be taken by the Committee with a view to approval of the Guidelines. The Committee noted that MSC 96 had concurred with that decision.

10.2 The Committee had for its consideration document MEPC 70/10 (Secretariat) providing the outcome of HTW 2 and III 2 on the matter and the action taken by the two sub-committees.

10.3 Following discussion, the Committee approved the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* as prepared by III 2 (III 2/16, annex 5), for concurrent approval by MSC 97.

Outcome of SDC 3

10.4 The Committee noted (MEPC 70/10/1) that SDC 3 had considered and agreed to draft unified interpretations to regulations 27 and 28 of MARPOL Annex I with regard to the treatment of ventilators fitted with weathertight closing appliances serving machinery spaces, and an associated draft MEPC circular (SDC 3/21, annex 18).

10.5 The Committee noted also that identical interpretations had been approved by MSC 96 relating to the Load Line Convention, the 2008 IS Code, the International Gain Code, SOLAS chapter II-1, the IBC Code and IGC Code (MSC 96/24, section 11) and recalled that it had already concurrently approved the relevant unified interpretations to the IBC Code during its consideration of the outcome of MSC 96 under agenda item 2 (see paragraph 2.3).

10.6 Consequently, the Committee approved the unified interpretations of regulations 27 and 28 of MARPOL Annex I, as set out in annex 13, and requested the Secretariat to issue them as MEPC.1/Circ.867.

Outcome of III 3

10.7 The Committee approved, in general, the report of the third session of the Sub-Committee on Implementation of IMO Instruments (III 3/14 and MEPC 70/10/2) and took action as indicated below.

Consolidated guidance for port reception facility providers and users

10.8 The Committee recalled that this matter had been dealt under agenda item 3 in connection with the amendments to MARPOL Annex V (see paragraphs 3.8 to 3.11).

Casualty analysis and statistics

10.9 The Committee noted the issue of document III.3/Circ.4 on *Casualty analysis and statistics*, containing observations on the quality of casualty investigation reports.

Methodology for developing guidelines on port State control

10.10 The Committee, having noted the methodology for developing guidelines for port State control (PSC) proposed by the III Sub-Committee, namely that the development of new guidelines and amendments thereto which fall within the scope of the consolidated set of Guidelines on PSC should be carried out by the Sub-Committee on a continuous basis, endorsed this methodology, subject to concurrent decision by MSC 97. In this respect, the Committee recalled its earlier decision regarding the *2009 Guidelines for port State control under the revised MARPOL Annex VI* (resolution MEPC.181(59)) (see paragraphs 5.18 to 5.20).

Outcome of analysis of consolidated audit summary reports

Areas of recurrent findings

10.11 The Committee endorsed, subject to concurrent decision by MSC 97, the five identified areas, i.e. flag State surveyors, delegation of authority, initial actions/legislations, implementation and enforcement, where the implementation and enforcement of mandatory IMO instruments, in particular the *Code for the implementation of mandatory IMO instruments*, were found recurrently to lack effectiveness (III 3/14, paragraph 7.19.1).

Identified highest numbers of non-conformities

10.12 The Committee noted the identified highest numbers of non-conformities recorded against specific provisions of mandatory instruments, i.e. SOLAS 1974 (articles I and III and regulations I/6, V/7, XI-1/1); MARPOL (articles 1, 8, 11 and 12, regulation 39 of Annex I, regulation 18 of Annex II and register of fuel oil suppliers of Annex VI); STCW 1978 (articles I, IV and VIII and regulation I/8); Load Lines 1966 (articles 1, 6 and 26); and Tonnage 1969 (article 15), which demonstrate a lack of effective implementation of the relevant requirements (III 3/14, paragraph 7.19.2).

Areas of root causes

10.13 The Committee noted the four main areas of root causes identified in relation to major recurrent areas of audit findings, i.e. legislation, policies and procedures, management and implementation, that contribute to lack of effective implementation of the relevant requirements (III 3/14, paragraph 7.21).

Identified areas in need of technical assistance

10.14 The Committee noted the identified areas in need of additional technical assistance to Member States, i.e. legislation, policies and procedures, management and implementation, and agreed to forward them to the Technical Cooperation Committee for consideration (III 3/14, paragraph 7.27 and annex 2).

Specific requirements of relevant IMO instruments

10.15 The Committee considered the request by III 3 for its agreement that the specific requirements of the relevant IMO instruments identified should be reviewed in terms of their appropriateness and effectiveness for implementation, subject to concurrent decision by MSC 97 (III 3/14, paragraph 7.28 and annex 3).

10.16 In this regard, having noted that, among the instruments under its responsibility, this concerns only Article 11 of MARPOL, the Committee recalled that MEPC 69 had already considered the specific requirements of Article 11 under the agenda item "Analysis of recommendations to reduce administrative burdens in environment-related IMO instruments" and had taken action as set out in section 17 of the report of MEPC 69 (MEPC 69/21).

10.17 In this connection, the Committee recalled that C 116 had requested the MSC and the MEPC to consider the tenth consolidated audit summary report and advise the Council, in due course, of the outcome of their consideration, in particular on the appropriateness and effectiveness of the provisions of IMO instruments cited in audit findings (paragraph 5.2.4 of the *Framework and procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)) (C 116/D, paragraph 6.3) (see paragraph 2.5). In accordance with paragraph 5.2.4 of the Framework, the audits will systematically feedback any lessons learned, as appropriate, for further consideration by the Organization of the effectiveness and appropriateness of its legislation.

10.18 Having discussed the reviewing methodology for consolidated audit summary reports, taking into account the aforementioned Council framework, the Committee requested the III Sub-Committee to review the methodology in line with the Council framework and make suggestions for consideration by the Committee; and invited MSC to take note of this decision.

Exemption of UNSP barges from MARPOL survey and certification

10.19 The Committee noted the progress made by III 3 concerning the exemption of unmanned non-self-propelled (UNSP) barges from survey and certification requirements under MARPOL and that the matter would be further considered at III 4 (III 3/14, paragraph 8.25).

Polar code-related amendments to the Survey Guidelines

10.20 The Committee, having considered the draft Polar Code-related amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification, 2015* (Survey Guidelines) (resolution A.1104(29) (III 3/14, paragraph 8.27), taking into account that the amendments will be incorporated by the III Sub-Committee in the draft Assembly resolution on amendments to the Survey Guidelines to be considered by A 30 for adoption, approved, subject to concurrent approval by MSC 97, the draft MSC-MEPC.5 circular on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2015, for ships operating in polar waters*, as set out in the report of III 3 (III 3/14, annexes 4 and 5).

Unified interpretation of the expiration date of statutory certificates

10.21 The Committee approved, subject to concurrent approval by MSC 97, the draft MSC-MEPC.5 circular on *Unified interpretation on the expiration date of statutory certificates* (III 3/14, paragraph 8.28 and annex 6).

Reporting to A 30

10.22 The Committee authorized the III Sub-Committee, subject to concurrent decision by MSC 97, to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 30 (III 3/14, paragraph 11.7).

List of certificates and documents required to be carried on board ships

10.23 The Committee, having noted that insurance certificates under the 2010 HNS Convention have not been included in the draft revised *List of certificates and documents required to be carried on board ships* (FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462) since the Convention is not yet in force, approved, subject to concurrent approval by MSC 97, FAL 41 and LEG 104, the consolidated draft FAL.2-MEPC.1-MSC.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships*, which will supersede FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462 as a joint FAL, MSC, MEPC and LEG circular (III 3/14, paragraph 13.9 and annex 9).

11 TECHNICAL COOPERATION ACTIVITIES FOR THE PROTECTION OF THE MARINE ENVIRONMENT

11.1 The Committee noted the information provided in document MEPC 70/11 (Secretariat) on the Organization's technical cooperation activities related to the protection of the marine environment implemented between 16 January and 22 July 2016 under the Integrated Technical Cooperation Programme (ITCP) as well as under major projects financed through external sources. The Committee noted in particular that these activities were aimed at assisting Member States to implement the provisions of relevant IMO Conventions (AFS, BWM, MARPOL, OPRC, OPRC-HNS, Ship Recycling), also including the London Protocol; and that several regional organizations were partnered with the Secretariat and contributed towards the implementation of these activities, including BSC, CPPS, PEMSEA, PERSGA, RAC-REMPEITC-Caribe, REMPEC, ROPME, SACEP and SPREP.

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

11.3 The Committee also noted the information provided in document MEPC 70/11/1 (Secretariat) on additional activities carried out during the reporting period with support from REMPEC, related to implementation of the "Protocol to the Barcelona Convention concerning cooperation in preventing pollution from ships and, in case of emergency, combating pollution of the Mediterranean Sea".

11.4 The Committee noted document MEPC 70/INF.19 (Chile) providing a report on a Course on the Compliance Monitoring and Enforcement of the BWM Convention, with a focus on ballast water sampling and analysis, held from 9 to 11 December 2015 in Valparaíso, Chile.

11.5 The Committee took note of the information provided by the delegation of Singapore that the joint IMO-Singapore Conference on Future-Ready Shipping (FRS-2017) will be held in Singapore from 25 to 26 September 2017. The Committee also took note of the information provided by the delegation of Croatia regarding the International Conference on Ballast Water Management to be held in Zagreb, Croatia, from 14 to 15 November 2016.

11.6 Several delegations expressed their appreciation for the GEF-UNDP-IMO GloMEEP Project and urged IMO to extend the current project until June 2018 while pursuing a follow-up phase of the current project and also to increase the geographical scope. The delegation of

Georgia requested the Secretariat to consider including capacity-building activities related to the data collection and reporting on fuel consumption in such a follow-up phase. The delegation of the Cook Islands noted that the project had been nominated for the Lloyd's Register Outstanding Contribution to Ship Efficiency Award 2016 and congratulated the project team and the Organization on their achievements.

11.7 Having noted that the GEF-UNDP-IMO GloBallast Partnerships Project would come to an end by June 2017, the Committee encouraged the Secretariat to hold discussions with potential donors to explore funding possibilities that would allow some of the critical outcomes and outputs of the GloBallast Project to be sustained, as the need for technical assistance in this area is expected to increase. The delegation of India encouraged the Secretariat to consider this as a priority area of the TC funds allocated for the 2018-2019 biennium.

11.8 The Committee also noted that the IMO-Norad projects would come to successful completion by end of 2016. The delegations of Indonesia, Malaysia and the Philippines expressed their appreciation for the projects and highlighted the substantial benefits that had resulted in accelerated accession to some of the projects' focus conventions and facilitated the preparatory work for submission of PSSA proposals to the Organization.

11.9 The Committee took note of the information provided by the delegation of Antigua and Barbuda on the important role played by the RAC-REMPEITC in the Wider Caribbean Region in terms of implementation of technical cooperation activities.

11.10 Several delegations expressed their appreciation for the technical cooperation intervention models and the programmatic approach used by the major technical cooperation projects and requested the Secretariat to continue exploring opportunities for more such project-based interventions.

11.11 More detailed information on the issues raised in the preceding paragraphs can be found in statements made by the delegations of Georgia, India and Indonesia, set out in annex 22.

11.12 Summarizing, the Chair recalled that the constituent programmes of the ITCP could only be delivered if the required funding was secured from internal resources and/or external donor contributions; expressed appreciation for all the financial and in-kind contributions to the ITCP and major projects; and invited Member States and international organizations to continue and, if possible, increase their support for the Organization's technical cooperation activities so that successful delivery of the programme could be achieved.

12 CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

12.1 The Committee recalled that MEPC 69 (MEPC 69/21, paragraph 16.3) had requested the Vice-Chair of the Committee, in consultation with the Chair and assisted by the Secretariat, to submit to MEPC 70 a preliminary assessment of the capacity-building implications or technical assistance needs related to the amendments to mandatory instruments and the new outputs related to proposed new measures that had been approved at that session.

12.2 The Committee considered document MEPC 70/12 (Vice-Chair) providing the outcome of the preliminary assessment referred to above and noted that, generally, the items in annex 2 to the document relating to amendments to mandatory instruments had been found to have no capacity-building implications. However, there was an identified need for technical assistance related to updates to domestic legislation that could be undertaken through the Organization's technical cooperation and assistance to Member States.

12.3 The Committee, having considered the assessment of capacity-building measures in respect of the implementation of the draft amendments to MARPOL Annex VI related to the data collection system for fuel oil consumption of ships and, in particular, the recommendation that the capacity-building implications should be revisited once experience had been gained with the application of the system, took the following action:

- .1 changed the assessment of items 3.2.2 (requirements for new equipment and/or systems) and 3.2.4 (additional human resources or new skill) (MEPC 70/12, annex 2) from "Possibly" to "YES";
- .2 agreed to revisit the assessment for these two items in 2018;
- .3 requested the Secretariat to submit to MEPC 71 information on ongoing projects to assist Member States with implementation of the requirements of MARPOL Annex VI; and
- .4 invited TCC 67 to note the possible need for assistance to Member States regarding implementation of the data collection system for fuel oil consumption of ships, especially with respect to the drafting of national legislation.

12.4 With regard to assessing the capacity implications of the draft amendments to MARPOL Annex V (MEPC 70/12, annex 2, section 2), the Committee noted an intervention by the observer from INTERCARGO on the need for Member States to make available adequate port reception facilities for HME residues.

12.5 The Committee, having agreed that it would not be necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG), requested the Vice-Chair, in consultation with the Chair and with the assistance of the Secretariat, to submit to MEPC 71 a preliminary assessment of capacity-building implications or technical assistance needs related to the amendments to mandatory instruments and the new outputs related to proposed new measures approved at the current session.

13 ANALYSIS AND CONSIDERATION OF RECOMMENDATIONS TO REDUCE ADMINISTRATIVE BURDENS IN IMO INSTRUMENTS AS IDENTIFIED BY THE SG-RAR

13.1 The Committee recalled that MEPC 69, having considered the Secretariat's analysis on reducing administrative burdens in environment-related IMO instruments (MEPC 69/17), had endorsed its recommendations for each reporting requirement identified as an administrative burden.

13.2 The Committee recalled further that MEPC 69 had invited Member Governments and international organizations to submit further comments and proposals on how best to deal with the perceived administrative burdens of the remaining reporting requirements (MEPC 69/17, annex) to this session, and that it would consider the work on this item as completed in the case that no proposals are received.

13.3 The Committee noted that, in respect of the extension of the GISIS modules on "Pollution prevention equipment" to cover anti-fouling systems and on "Port reception facilities" to enable Member States to self-manage (MEPC 69/21, paragraph 17.3.2), the Secretariat was currently working on updating the respective GISIS modules and that a Circular Letter with details of the new features of the above-mentioned modules would be issued when this work is completed.

13.4 The Committee, having noted that no further proposals on the matter had been received for this session, agreed that the work under this output had been completed and consequently deleted it from the Committee's biennial agenda.

14 APPLICATION OF THE COMMITTEES' GUIDELINES

Revised Rules of Procedure of the Committee

14.1 The Committee noted that C 116 had agreed to harmonize the terms of office in the Rules of Procedure of committees (and by extension sub-committees); to limit the total term of office of the Chairman and Vice-Chairman to five years; and to establish the use of the new gender-neutral term "Chair" in the Rules of Procedure of the committees, and requested the Council and the relevant committees to amend their Rules of Procedure accordingly. The Committee also noted that the Chairmen of the MSC and the MEPC, having considered the Council's request, had agreed to revise and harmonize the Rules of Procedure of the two Committees accordingly, so that the same Rules would apply to both Committees.

14.2 In this regard, the Committee considered the draft revised Rules of Procedure as set out in documents MEPC 70/14/1 and MEPC 70/INF.10 (Chairs of the MSC and the MEPC), prepared by the Chairmen in consultation with the Secretariat.

14.3 In the brief discussion that followed, the Committee took note of the following clarifications:

- .1 the required number of Members to call for an extraordinary session (Rule 3 of the draft revised Rules of Procedure) and with respect to the quorum for a session (Rule 34) had been kept deliberately low to reduce any excessive procedural burden for the Committee, since these mechanisms had so far never been activated; and
- .2 the possibility for Members to propose any item for the provisional agenda for each session, as set out in Rule 14.3, reflected the right of Members to make proposals in relation to Conventions to which they are a Party, in accordance with the IMO Convention.

14.4 In conclusion, the Committee approved the revised *Rules of Procedure of the MEPC*, as set out in annex 14.

14.5 In this respect, the Committee noted that MSC 97 will consider its own identical draft revised Rules of Procedure (MSC 97/18/1 and MSC 97/INF.5).

Amendments to the Committees' Guidelines

14.6 The Committee recalled that A 29 had adopted, inter alia, resolution A.1099(29) on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, which requested the Council and the committees to review and revise, during the 2016-2017 biennium, their guidelines on the organization and method of work, taking account of the resolution, as appropriate.

14.7 The Committee further recalled that MEPC 69, noting that draft amendments to the Committees' Guidelines would be considered at MSC 96, had deferred the consideration of possible amendments to the Guidelines (MEPC 69/18) to MEPC 70, when the outcome of MSC 96 on the matter would be available. In this regard, the Committee noted that MSC 96 had approved a draft revision of the Committees' Guidelines (MSC 96/25/Add.1, annex 24) with a view to concurrent approval by MEPC 70.

14.8 The Committee considered the draft revised Committees' Guidelines approved by MSC 96 and agreed that, in line with the agreement to use gender-neutral terms in the revised Rules of Procedure (see paragraphs 14.1 to 14.4), the same should be applied to the Committees' Guidelines, i.e. the terms "Chairman" and "Vice-Chairman" are replaced with the terms "Chair" and "Vice-Chair".

14.9 In conclusion, the Committee approved the draft MSC-MEPC.1 circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC 96/25/Add.1, annex 24), subject to the changes described in paragraph 14.8 above, for concurrent approval by MSC 97.

15 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Proposals for new outputs

15.1 The Committee took into account the provisions of the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4) and of the *Application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1099(29)) for the assessment of proposals for new outputs. In this regard, the Committee noted in particular that A 29, in resolution A.1099(29), had directed that the normal action for accepted outputs should be their placement on the post-biennial agenda of the Committee.

Document of approval for the stability instruments required on tankers

15.2 The Committee considered document MEPC 70/15 (India) proposing a new output to develop a standard format of the document of approval for the stability instrument required on tankers based on MARPOL Annex I, regulation 28.6; the IBC Code, section 2.2.6; and the BCH Code, section 2.2.1.2.

15.3 Having considered the views expressed by several delegations that the letters of approval for stability instruments currently issued by Administrations and recognized organizations are sufficient and that, therefore, there was no need for a standard format, the Committee did not approve the proposal.

Update of the Guidelines for the application of the revised MARPOL Annex I requirements to floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs)

15.4 The Committee considered document MEPC 70/15/1 (United States), proposing a new output to update the *Guidelines for the application of the revised MARPOL Annex I requirements to floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs)* (resolution MEPC.139(53), as amended).

15.5 Having discussed the proposal taking into account the Chair's preliminary assessment (MEPC 70/WP.4), the Committee agreed to include a new output on "Revised Guidelines for the application of the revised MARPOL Annex I requirements to floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs)" in the post-biennial agenda of the Committee, assigning the PPR Sub-Committee as the associated organ, with two sessions required to complete the work.

Guide on practical method to implement the OPRC Convention and the OPRC-HNS Protocol

15.6 The Committee considered document MEPC 70/15/2 (Norway) proposing a new output to develop a guide on practical methods for the implementation of the OPRC Convention and the OPRC-HNS Protocol, for use by developing countries and others.

15.7 Having discussed the proposal taking into account the Chair's preliminary assessment (MEPC 70/WP.4), the Committee agreed to include a new output on "Guide on practical methods for the implementation of the OPRC Convention and the OPRC-HNS Protocol" in the post-biennial agenda of the Committee, assigning the PPR Sub-Committee as the associated organ, with two sessions required to complete the work.

Amendments to regulation 14 of MARPOL Annex VI

15.8 The Committee considered document MEPC 70/15/3 (Norway) proposing a new output on amending regulation 14 of MARPOL Annex VI to require a dedicated sampling point to draw fuel oil samples.

15.9 The observer from ICS, supported by the observers from BIMCO and CLIA, stated that sampling or verification should be carried out in a safe, pragmatic and consistent manner and only follow from objective evidence which raises reasonable cause for concern relating to possible non-compliance; sampling and analysis should not be a means to penalize ships that have purchased and used correctly fuel oil that, to the best of their knowledge, is fully compliant; any cost or fee associated with sampling and analysis should not be charged to ship owners; and there are increasing needs for adequate regulatory and quality control of marine fuel suppliers so as to ensure that fuel supply to ships is compliant, as stated in the associated documentation provided to ships.

15.10 Following discussion, having noted the support of several delegations for the proposal and having taken into account the Chair's preliminary assessment (MEPC 70/WP.4), the Committee agreed to include a new output on "Amendments to regulation 14 of MARPOL Annex VI to require a dedicated sampling point for fuel oil" in the post-biennial agenda of the Committee, assigning the PPR and SSE Sub-Committees as associated organs and the PPR Sub-Committee as coordinator, with two sessions required to complete the work.

Review of the Integrated Bilge Treatment System (IBTS) Guidelines

15.11 The Committee considered document MEPC 70/15/4 (Liberia et al.) proposing a new output to review and amend the *2008 Revised guidelines for systems for handling oily wastes in machinery spaces of ships incorporating guidance notes for an integrated bilge waste treatment system (IBTS)* (IBTS Guidelines) (MEPC.1/Circ.642, as amended by MEPC.1/Circ.676 and MEPC.1/Circ.760) and develop consequential amendments to the IOPP Certificate and Oil Record Book.

15.12 Having discussed the proposal, taking into account the preliminary assessment of the Chair (MEPC 70/WP.4), the Committee agreed to include a new output on "Review of the IBTS Guidelines and amendments to the IOPP Certificate and Oil Record Book" in the post-biennial agenda of the Committee, assigning the PPR Sub-Committee as the associated organ, with three sessions required to complete the work.

Amendments to the 2011 SCR Guidelines

15.13 The Committee considered the request by PPR 3 to include a new output on "Revision of the 2011 Guidelines addressing additional aspects to the NO_x Technical Code 2008 with regard to particular provisions related to marine diesel engines fitted with selective catalytic reduction (SCR) systems (2011 SCR Guidelines) (resolution MEPC.198(62), as amended by resolution MEPC.260(68))", in the Sub-Committee's biennial agenda and the provisional agenda for PPR 4 (MEPC 70/9, paragraph 3.13).

15.14 In this regard, the Committee also considered the following commenting documents:

- .1 MEPC 70/9/1 (EUROMOT) supporting the new output and providing further background to several technical issues in the proposal and in particular how to deal with the testing, approval and certification of engine/Selective Catalytic Reduction (SCR) systems based on the current SCR Guidelines while they are being reviewed; and
- .2 MEPC 70/15/6 (India et al.) supporting the new output and enclosing draft revised text of the 2011 SCR Guidelines.

15.15 Following discussion, taking into account the Chair's preliminary assessment (MEPC 70/WP.4) and the two aforementioned commenting documents, the Committee agreed to include a new output on "Revision of the 2011 SCR Guidelines" in the biennial agenda of the PPR Sub-Committee and in the provisional agenda for PPR 4, with a target completion year of 2018, and to forward documents MEPC 70/9/1 and MEPC 70/15/6 to PPR 4 for consideration under the new output.

Sub-Committee on Pollution Prevention and Response (PPR)

Biennial agenda of the PPR Sub-Committee and provisional agenda for PPR 4

15.16 The Committee recalled that MEPC 69 had approved the biennial agenda of the PPR Sub-Committee and the provisional agenda for PPR 4.

15.17 Having considered the request of PPR 3 to modify the title of output 7.3.1.2 (MEPC 70/9, paragraph 3.7), the Committee agreed that the title should read "Standards for shipboard gasification of waste systems and associated amendments to regulation 16 of MARPOL Annex VI".

15.18 Consequently, the Committee, having also recalled the approval of a relevant new output (see paragraph 15.15), approved the biennial agenda of the PPR Sub-Committee and the provisional agenda for PPR 4 as amended and set out in annex 15.

Sub-Committee on Carriage of Cargoes and Containers (CCC)

Biennial agenda of the CCC Sub-Committee and provisional agenda for CCC 4

15.19 The Committee approved the biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 4 (CCC 3/15, annexes 8 and 9), as set out in annex 16, subject to concurrent decision by MSC 97.

Sub-Committee on Implementation of IMO Instruments (III)

Biennial agenda of the III Sub-Committee and provisional agenda for III 4

15.20 The Committee approved the biennial agenda of the III Sub-Committee and the provisional agenda for III 4 (III 3/14, annexes 7 and 8), as set out in annex 17, subject to concurrent decision by MSC 97.

Status of outputs of the MEPC for the 2016-2017 biennium

15.21 Having recalled that the status of outputs would only be produced after the session as an annex to the Committee's report, in accordance with paragraph 9.1 of the *Application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1099(29)), to avoid any unnecessary duplication of work, the Committee invited the Council to note the biennial status report of the outputs of the Marine Environment Protection Committee, as set out in annex 18.

Activities, priorities, and plan of the meeting weeks of the Committees and their subsidiary bodies

15.22 The Committee recalled that paragraph 3.5 of the Committees' Guidelines requires that, at the end of the first year of the biennium, the Committee Chairmen should submit to their respective Committees a joint plan covering the activities, priorities and meetings of the Committees and their subsidiary bodies for the coming biennium, for consideration in the subsequent year, with a view to inclusion in the Secretary-General's relevant budget proposals.

15.23 The Committee considered the proposed planned meeting weeks as set out in document MEPC 70/15/7 (MSC and MEPC Chairmen) together with the adjustment of meeting days to the timetabling for the MSC and the MEPC proposed by Belgium and the Marshall Islands (MEPC 70/15/5).

15.24 Having not supported the adjustment of meeting days proposed in document MEPC 70/15/5, the Committee agreed that, for budgetary planning purposes, the number of meeting weeks for the coming biennium should be 21, and requested the Secretariat to inform C 117 accordingly, bearing in mind that the final decision by the Council will take into account the views of the MSC and the MEPC. Consequently, the Committee approved, subject to the concurrent decision of MSC 97, the plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the 2018-2019 biennium, as set out below, for inclusion in the Secretary-General's relevant budget proposals:

Year	MSC	MEPC	CCC	HTW	III	NCSR	SDC	SSE	PPR	Total
2018	2.5	2	1	1	1	1	1	1	1	11.5
2019	1.5	1	1	1	1	1	1	1	1	9.5
Grand total (weeks)										21

Items to be included in the agendas of MEPC 71 and MEPC 72

15.25 The Committee recalled that it had agreed to delete the item "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments as identified by the SG-RAR" from its biennial agenda since work on the item had been completed (see paragraph 13.4).

15.26 Having considered document MEPC 70/WP.3 and taken into account the decisions made at this session, the Committee approved the items to be included in the agendas of MEPC 71 and MEPC 72, as set out in annex 19.

Tentative dates for MEPC 71 and MEPC 72

15.27 The Committee noted that MEPC 71 and MEPC 72 have been tentatively scheduled to take place from 3 to 7 July 2017 and in spring 2018, respectively (see also paragraph 7.20).

Groups expected to be established at MEPC 71

15.28 The Committee, taking into account the decisions made under the respective agenda items, anticipated that the following groups may be established at MEPC 71:

- .1 Working Group on Air pollution and energy efficiency;
- .2 Working Group on GHG emissions from ships;
- .3 Drafting Group on Amendments to mandatory instruments; and
- .4 Ballast Water Review Group.
- .5 Technical Group on PSSAs.

Correspondence groups

15.29 The Committee recalled that it had decided, under agenda items 4 and 6, to establish the following correspondence groups, which would report to MEPC 71:

- .1 Correspondence Group on Further development of the experience building phase associated with the BWM Convention (see paragraph 4.51); and
- .2 Correspondence Group on Data collection system for fuel oil consumption of ships (see paragraph 6.11).

15.30 In this respect, the Committee recalled that the Correspondence Group on Fuel oil quality, established at MEPC 69, would also report to MEPC 71, in accordance with its terms of reference.

Intersessional meetings

15.31 The Committee recalled that C 116 had endorsed, as requested by MEPC 69, the holding of an intersessional meeting of the ESPH Working Group in 2017.

15.32 Having recalled that, under agenda item 7 (see paragraph 7.22), it had agreed to establish two meetings of the intersessional Working Group on Reduction of GHG emissions from ships in 2017, to meet before MEPC 71 and in autumn 2017, respectively, the Committee invited C 117 to endorse this decision.

15.33 Moreover, the Committee invited C 117 to endorse, in principle, the holding of further intersessional meetings on the reduction of GHG emissions from ships during the next biennium and to note that further intersessional meetings for multiple years during the implementation of the *Roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships* may be necessary, recognizing that, due to the urgency, importance and complexity of this topic, there would be a need for significant intersessional work in the coming years.

16 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2017

The Committee, in accordance with Rule 18 of its Rules of Procedure, unanimously re-elected Mr. A. Domínguez (Panama) as Chair and Mr. H. Saito (Japan) as Vice-Chair, both for 2017.

17 ANY OTHER BUSINESS

Amendments to the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants

17.1 The Committee recalled that MEPC 69, having considered IACS's proposals concerning uniform implementation of the *2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants* (resolution MEPC.227(64)), approved them in principle and requested the Secretariat to work with IACS intersessionally and submit relevant draft amendments to the Guidelines for consideration at this session.

17.2 In this regard, the Committee considered document MEPC 70/17 (Secretariat), containing draft amendments to the Guidelines, prepared by the Secretariat in consultation with IACS, together with a draft MEPC resolution on their adoption. The observer from IACS identified some minor corrections to the draft MEPC resolution, concerning issues of consistency or of an editorial nature, and the Committee requested the Secretariat to take these into account when preparing the final text of the amendments.

17.3 Consequently, the Committee adopted resolution MEPC.284(70) on *Amendments to the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants*, as set out in annex 20.

Amendments to the Revised Guidelines and specifications for pollution prevention equipment for machinery space bilges of ships

17.4 The Committee recalled that MEPC 69, having considered and approved in principle the interpretation contained in IACS UI MPC 127 concerning specifications related to 15 ppm bilge alarms, had instructed the Secretariat to prepare relevant draft amendments to the *Revised Guidelines and specifications for pollution prevention equipment for machinery space bilges of ships* (resolution MEPC.107(49)), for consideration at this session.

17.5 In this regard, the Committee considered document MEPC 70/17/1 (Secretariat), which contained in the annex draft amendments to the Guidelines, prepared by the Secretariat in consultation with IACS, together with a draft MEPC resolution on their adoption. The delegation of Germany and the observer from IACS identified some minor corrections to the draft MEPC resolution, concerning issues of clarity and/or of an editorial nature. Following discussion, the Committee requested the Secretariat to take these into account when preparing the final text of the amendments to the Guidelines.

17.6 Consequently, the Committee adopted resolution MEPC.285(70) on *Amendments to the Revised Guidelines and specifications for pollution prevention equipment for machinery space bilges of ships* by, as set out in annex 21.

17.7 In this respect, having noted that annex 3 to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015* (resolution A.1104(29)) makes reference to resolution MEPC.107(49), the Committee instructed the III Sub-Committee to prepare consequential amendments for inclusion in the next edition of the HSSC Guidelines.

Revised unified interpretations of regulation 12 of MARPOL Annex I

17.8 The Committee recalled that MEPC 68 had adopted, by resolution MEPC.266(68), amendments to regulation 12 of MARPOL Annex I, which will enter into force on 1 January 2017.

17.9 The Committee also recalled that MEPC 67, having noted that SSE 1 had prepared a draft revised unified interpretation of regulation 12.3.3 of MARPOL Annex I (SSE 1/21, annex 12), which was intended to replace the unified interpretation circulated by MEPC.1/Circ.753/Rev.1 when the aforementioned amendments to regulation 12 of MARPOL Annex I enter into force, had agreed to keep the draft revised unified interpretation in abeyance for approval at this session.

17.10 In this regard, the Committee noted that by 1 July 2016 no objection to the aforementioned amendments had been communicated to the Secretary-General and, therefore, they shall enter into force on 1 January 2017, in accordance with article 16(2) of the MARPOL.

17.11 The Committee considered document MEPC 70/17/2 (Secretariat) containing a consolidated draft MEPC circular on *Revised unified interpretations of regulation 12 of MARPOL Annex I* prepared by the Secretariat with a view to facilitating the implementation of regulation 12 and its associated unified interpretations, which had been revised a number of times in recent years.

17.12 The delegation of Japan identified a number of corrections to the draft revised UI, concerning issues of consistency and of an editorial nature, and the Committee requested the Secretariat to take these into account when preparing the final text. The Committee also noted that the draft text relating to regulation 3.3 could benefit from further clarification with regard to what constitutes "acceptable means" in the context of the regulation. As an illustrative example provided by the observer from IACS, the Committee noted that a screw-down non-return valve is one means by which this could be achieved, but it may not be the only means that is acceptable.

17.13 Following consideration, the Committee, having requested the Secretariat to effect the necessary changes as described in paragraph 17.12 above, approved the revised unified interpretations of regulation 12 of MARPOL Annex I, as set out in annex 13, and requested the Secretariat to include them in the unified interpretations to MARPOL Annex I to be issued as circular MEPC.1/Circ.867 (see paragraph 10.6).

Early entry into force of the Hong Kong Convention

17.14 The Committee noted that the number of Contracting Governments to the Hong Kong International Convention for the safe and environmentally sound recycling of ships, 2009, stood at five on the date of this report, representing 20.34% of the world's merchant fleet tonnage and a combined maximum annual ship recycling volume of 55,792 gross tonnage.

17.15 The Committee considered document MEPC 70/17/3 (Japan) calling for the Organization to consider actions to expedite the early entry into force of the Hong Kong Convention.

17.16 Several delegations expressed their support for the efforts to bring the Hong Kong Convention into force and informed the Committee of their progress towards ratification, and it was suggested that more information regarding experience gained in preparing for ratification or accession to the Convention should be submitted to future sessions.

17.17 In conclusion, the Committee requested the Secretariat to continue its technical cooperation efforts in relation to the entry into force and implementation of the Hong Kong Convention and encouraged Member States, in particular those with ship-recycling capabilities, to ratify the Convention at the earliest opportunity. The Committee also encouraged Member Governments and international organizations to offer suggestions aimed at assisting with further ratifications of the Convention.

Use of heavy fuel oil by ships in Arctic waters and other matters related to the Arctic

17.18 The Committee considered four relevant submissions: documents MEPC 70/17/4 and MEPC 70/17/10 (FOEI et al.) expressing concerns about the continued use of heavy fuel oil (HFO) in Arctic waters and threats to the food security of coastal Arctic indigenous communities in light of increased Arctic shipping, respectively; and documents MEPC 70/17/9 (Russian Federation) and MEPC 70/17/11 (Canada and United States) commenting on document MEPC 70/17/4.

17.19 In the ensuing discussion, the following views were, inter alia, expressed:

- .1 the delegation of the Russian Federation stated that documents submitted to the Organization should have a clear, balanced and scientifically well founded basis, and not be based on assumptions and conjecture;
- .2 several delegations stressed the importance of the issue of HFO use in the Arctic and the need for further strengthening of cooperation among Arctic States, the Arctic Council and the Organization;
- .3 work is still ongoing with respect to the risks associated with the use and carriage of HFO in Arctic waters, some of which would be submitted to future sessions of the Committee and the PPR Sub-Committee;
- .4 several delegations stressed the need for further discussion of the issue at future sessions of the Committee; and
- .5 the Secretary-General informed the Committee of the ongoing work of the Secretariat, including its discussions with the Arctic Council to further strengthen the cooperation and sharing of information between the two organizations, in particular in light of the entry into force of the Polar Code on 1 January 2017.

17.20 In conclusion, the Committee, having noted the concerns expressed regarding the protection of Arctic indigenous food security from the effects of shipping and the discussion and currently ongoing work on the use of HFO by ships operating in Arctic waters, invited Member States and other stakeholders to submit relevant information to future sessions, noting that further substantive work on these issues would require a new output.

Certificates of Fitness under the IBC, BCH, GC, IGC and EGC Codes

17.21 The Committee considered document MEPC 70/17/5 (IACS), seeking clarification on issues that had arisen since the implementation of the new format for the Certificate of Fitness (CoF) under the IBC, BCH, GC, IGC and EGC Codes.

17.22 The Committee considered in particular:

- .1 a long-term approach for resolving the issue of the lack of reference to the approved stability documentation on the CoF (MEPC 70/17/5, paragraphs 5 to 7);
- .2 an interim approach on how CoF's are to be completed for ships that do not yet have to comply with the amendment requiring the provision of an approved stability instrument (MEPC 70/17/5, paragraphs 9 and 10); and
- .3 the matter of the resolutions that have to be stated on page one of the CoF (MEPC 70/17/5, paragraph 11).

17.23 Following discussion, the Committee agreed that the three aforementioned issues would require clarification through amendments to the IBC, BCH, GC, IGC and EGC Codes and instructed the Secretariat to prepare:

- .1 as an interim measure, a draft joint MSC-MEPC circular addressing the issues listed in paragraph 17.22 above, for approval by MSC 98 and concurrent approval by MEPC 71; and
- .2 draft amendments to the IBC, BCH, GC, IGC and EGC Codes for consideration by MSC 98 with a view to approval, and for concurrent action, as appropriate, by MEPC 71.

Outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters

17.24 In considering the outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG 3), provided in document MEPC 70/17/6 (IMO and FAO Secretariats), the Committee noted the proposal in document MEPC 70/17/12 (Iceland et al.) to refer the full report of JWG 3 to III 4 for detailed consideration.

17.25 Following a brief discussion, the Committee agreed to the proposal and referred the full report (MEPC 70/17/6, annex) to III 4 for detailed consideration and advice to the Committee, as appropriate.

Inclusion of the weight of the firefighting system medium in the lightweight of a ship

17.26 The Committee considered document MEPC 70/17/7 (IACS), providing a unified interpretation to regulation 1.24 of MARPOL Annex I on the inclusion of the weight of the firefighting system medium in the lightweight of a ship and, having noted that the unified interpretation should also refer to the fixed firefighting system medium, requested the Secretariat to take this matter into account when preparing the final text of the unified interpretation.

17.27 Following a brief discussion, the Committee approved the unified interpretation to regulation 1.24 of MARPOL Annex I on the inclusion of the weight of the firefighting system medium in the lightweight of a ship, as set out in annex 13, and requested the Secretariat to include it in the unified interpretations to MARPOL Annex I to be issued as circular MEPC.1/Circ.867 (see paragraph 10.6).

Other information documents

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

- .1 MEPC 70/INF.7 and Add.1 (Secretariat) containing a list of codes, recommendations, guidelines and other environment-related non-mandatory instruments intended for inclusion in the relevant GISIS module;
- .2 MEPC 70/INF.8 (ISCO) announcing a new website related to casualty response and discharge/emission regulation;
- .3 MEPC 70/INF.20 (Secretariat) providing an update on recent interagency cooperation activities on issues relating to the protection of the marine environment;
- .4 MEPC 70/INF.23 (IMarEST and IPPIC) containing a proposed template for the completion of a biofouling management plan; and
- .5 MEPC 70/INF.38 (Germany) providing information on the activities of the G7 on marine litter.

18 ACTION REQUESTED OF OTHER IMO BODIES

18.1 The Council, at its 117th session, is invited to:

- .1 consider the report of the seventieth session of the MEPC and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the thirtieth session of the Assembly;
- .2 note the action taken by the Committee pursuant to the outcome of C 116 (paragraph 2.5);
- .3 note that the Committee adopted amendments to MARPOL Annexes I, V and VI (section 3 and annexes 1 to 3);
- .4 note the action taken by the Committee on issues related to ballast water management, in particular the adoption of the revised *Guidelines for approval of ballast water management systems (G8)* (section 4 and annexes 4 and 5);

- .5 note the action taken by the Committee on issues related to air pollution and energy efficiency of ships, in particular the determination of the effective date of implementation of the 0.50% sulphur limit for fuel oil used on ships as 1 January 2020 and the designation of the North Sea and the Baltic Sea as emission control areas for NO_x Tier III control with an effective date of 1 January 2021 (section 5 and annexes 6 to 9);
- .6 note the action taken by the Committee on issues related to implementation of the data collection system for fuel oil consumption of ships, in particular the finalization and adoption of the 2016 SEEMP Guidelines (section 6 and annex 10);
- .7 endorse the request of the Committee for additional human resources in the Secretariat to develop and maintain the IMO Ship Fuel Oil Consumption Database and produce an annual report for the Committee summarizing the data collected, the status of missing data, and such other information as may be requested by the Committee (paragraph 6.7);
- .8 note the action taken by the Committee on issues related to the reduction of GHG emissions from ships, in particular the approval of the *Roadmap for developing a comprehensive IMO strategy on the reduction of GHG emissions from ships* (section 7 and annex 11);
- .9 note that the Committee designated the Jomard Entrance (Papua New Guinea) as a PSSA (paragraph 8.5 and annex 12);
- .10 note the action taken by the Committee on the outcome of the PPR, SDC and III Sub-Committees (sections 9 and 10 and annex 13);
- .11 note that the Committee completed its work on analysis and consideration of recommendations to reduce administrative burdens in environment-related IMO instruments (section 13);
- .12 note that the Committee revised its Rules of Procedure, taking into account the outcome of C 116 (paragraphs 14.1 to 14.5 and annex 14);
- .13 note that the Committee approved, subject to concurrent approval by MSC 97, amendments to the Committees' Guidelines (paragraphs 14.6 to 14.9);
- .14 note the biennial status report of the outputs of the MEPC for the 2016-2017 biennium (paragraph 15.21 and annex 18);
- .15 note that the Committee approved, subject to the concurrent decision of MSC 97, the plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the 2018-2019 biennium (paragraph 15.24);
- .16 note that the Committee approved the items to be included in the agendas of MEPC 71 and MEPC 72 which have been scheduled to take place from 3 to 7 July 2017 and in spring 2018, respectively (paragraphs 15.26 and 15.27 and annex 19);
- .17 endorse the holding of two intersessional meetings of the Working Group on Reduction of GHG emissions from ships in 2017, before MEPC 71 and in autumn 2017, respectively (paragraph 15.32); and

-
- .18 endorse, in principle, the holding of further intersessional meetings on the reduction of GHG emissions from ships during the next biennium and note that further meetings for multiple years during the implementation of the *Roadmap for developing a comprehensive IMO strategy on reduction of GHG emissions from ships* may be necessary, recognizing that, due to the urgency, importance and complexity of this topic, there would be a need for significant intersessional work in the coming years (paragraph 15.33).
- 18.2 The Maritime Safety Committee, at its 97th session, is invited to:
- .1 concurrently agree that the III Sub-Committee reports the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 30 (paragraphs 2.2 and 10.22);
 - .2 note the concurrent approval of MSC-MEPC.5/Circ.11 on *Unified interpretation relating to the IBC Code* and MSC-MEPC.2/Circ.16 on *Example of a Certificate of Protection for products requiring oxygen-dependent inhibitors* (paragraphs 2.3 and 2.4);
 - .3 concurrently approve the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, as prepared by III 2 (III 2/16, annex 5) (paragraph 10.3);
 - .4 note the approval of unified interpretations of regulations 27 and 28 of MARPOL Annex I with regard to the treatment of ventilators fitted with weathertight closing appliances serving machinery spaces and their inclusion in MEPC.1/Circ.867 (paragraph 10.6 and annex 13);
 - .5 concurrently endorse the methodology for developing guidelines for port State control (PSC) proposed by the III Sub-Committee, namely that the development of new guidelines, and amendments thereto, which fall within the scope of the consolidated set of Guidelines on PSC be carried out by the Sub-Committee on a continuous basis (paragraph 10.10);
 - .6 concerning the outcome of the analysis of consolidated audit summary reports by III 3, concurrently endorse the five identified areas of recurrent findings, and note that the Committee noted the highest numbers of non-conformities recorded against specific provisions of mandatory instruments, the four main areas of root causes in relation to major recurrent areas of findings in the audits, and the areas in need of additional technical assistance to Member States (paragraphs 10.11 to 10.14);
 - .7 note that the Committee requested the III Sub-Committee to review the methodology for consideration of the results of consolidated audit summary reports in line with the Council framework (resolution A.1067(28)) and make suggestions for the consideration of the Committee (paragraphs 10.17 and 10.18);
 - .8 concurrently approve the draft MSC-MEPC.5 circular on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2015, for ships operating in polar waters* (III 3/14, annexes 4 and 5) (paragraph 10.20);

- .9 concurrently approve the draft MSC-MEPC.5 circular on *Unified interpretation on the expiration date of statutory certificates* (III 3/14, paragraph 8.28 and annex 6) (paragraph 10.21);
- .10 concurrently approve the consolidated draft FAL.2-MEPC.1-MS-C.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships* (III 3/14, paragraph 13.9 and annex 9) (paragraph 10.23);
- .11 note that the Committee approved revised *Rules of Procedure of the MEPC* (paragraph 14.4 and annex 14);
- .12 concurrently approve the draft MSC-MEPC.1 circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC 96/25/Add.1, annex 24), subject to the changes described in paragraph 14.8 (paragraph 14.9);
- .13 concurrently approve the biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 4 (paragraph 15.19 and annex 16);
- .14 concurrently approve the biennial agenda of the III Sub-Committee and the provisional agenda for III 4 (paragraph 15.20 and annex 17); and
- .15 concurrently approve the plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the 2018-2019 biennium (paragraph 15.24).

18.3 The Maritime Safety Committee, at its 98th session, is invited to consider the issues that have arisen since the implementation of the new format for the Certificate of Fitness under the IBC, BCH, GC, IGC and EGC Codes (MEPC 70/17/5) and to approve, for concurrent approval by MEPC 71 (paragraphs 17.21 to 17.23):

- .1 a draft joint MSC-MEPC circular addressing these issues (paragraph 17.23.1); and
- .2 relevant draft amendments to the IBC, BCH, GC, IGC and EGC Codes (paragraph 17.23.2).

18.4 The Technical Cooperation Committee, at its 67th session, is invited to:

- .1 with regard to the outcome of analysis of consolidated audit summary reports, consider the identified areas in need of additional technical assistance to Member States, i.e. legislation, policies and procedures, management and implementation (III 3/14, paragraph 7.27 and annex 2) (paragraph 10.14);
- .2 note that the Committee noted, with appreciation, the information provided on the Organization's TC activities related to protection of the marine environment which were implemented between 1 July 2014 and 31 January 2015 under the ITCP and under major projects financed through external sources; expressed appreciation for all the financial and in-kind contributions to the ITCP and major projects; and invited Member Governments and international organizations to continue and, if possible, increase their support for IMO's TC activities (section 11);

- .3 note the possible need for assistance to Member States regarding the implementation of the data collection system for fuel oil consumption of ships, especially with respect to the drafting of national legislation (paragraph 12.3.4); and
- .4 note that the Committee requested the Secretariat to continue its technical cooperation efforts in relation to the entry into force and implementation of the Hong Kong Convention (paragraph 17.17).

18.5 The Facilitation Committee, at its 41st session, and the Legal Committee, at its 104th session, are invited to concurrently approve the consolidated draft FAL.2-MEPC.1-MSC.1-LEG.1 circular on *List of certificates and documents required to be carried on board ships* (III 3/14, paragraph 13.9 and annex 9) (paragraph 10.23).

(The annexes to this report have been issued as document MEPC 70/18/Add.1)
