



MARINE ENVIRONMENT PROTECTION
COMMITTEE
42nd session
2 to 6 November 1998
Agenda item 22

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

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1 INTRODUCTION

1.1 The forty-second session of the Marine Environment Protection Committee was held at IMO Headquarters from 2 to 6 November 1998, under the chairmanship of Mr. Michael Julian (Australia).

1.2 The session was attended by delegations from:

ANGOLA	LIBYAN ARAB JAMAHIRIYA
ANTIGUA AND BARBUDA	LITHUANIA
ARGENTINA	LUXEMBOURG
AUSTRALIA	MALAYSIA
BAHAMAS	MALTA
BANGLADESH	MARSHALL ISLANDS
BARBADOS	MEXICO
BELGIUM	NAMIBIA
BRAZIL	NETHERLANDS
BULGARIA	NEW ZEALAND
CANADA	NIGERIA
CHILE	NORWAY
CHINA	PANAMA
COLOMBIA	PERU
CONGO	PHILIPPINES
COSTA RICA	POLAND
COTE D'IVOIRE	PORTUGAL
CROATIA	REPUBLIC OF KOREA
CUBA	ROMANIA
CYPRUS	RUSSIAN FEDERATION
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	SAINT VINCENT AND THE GRENADINES
DENMARK	SAUDI ARABIA
ECUADOR	SINGAPORE
EGYPT	SLOVENIA
ESTONIA	SOUTH AFRICA
FINLAND	SPAIN
FRANCE	SWEDEN
GERMANY	SYRIAN ARAB REPUBLIC
GREECE	THAILAND
INDONESIA	TRINIDAD AND TOBAGO
IRELAND	TUNISIA
ITALY	TURKEY
JAMAICA	UKRAINE
JAPAN	UNITED KINGDOM
KUWAIT	UNITED STATES
LATVIA	VANUATU
LIBERIA	VENEZUELA

by representatives from the following associate Member of IMO:

HONG KONG, CHINA

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
ARAB FEDERATION OF SHIPPING (AFS)
THE BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION (HELSINKI COMMISSION)
LEAGUE OF ARAB STATES
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE ENVIRONMENT
(ROPME)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL NAVIGATION ASSOCIATION (INA-PIANC)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
INTERNATIONAL LAW ASSOCIATION (ILA)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL ASSOCIATION OF THE INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM
(E & P FORUM)
ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED (ITOPF)
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL
RESOURCES (IUCN)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS LTD
(SIGTTO)
INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)
WORLD WIDE FUND FOR NATURE (WWF)
ASSOCIATION OF EUROPEAN MANUFACTURERS OF INTERNAL COMBUSTION
ENGINES (EUROMOT)
INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENTAL CONSERVATION
ASSOCIATION (IPIECA)
THE INSTITUTE OF MARINE ENGINEERS (IME)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)

The Chairman of the Maritime Safety Committee, Dr. G. Pattofatto (Italy), the Chairman of the Technical Co-operation Committee, H.E. Ambassador O.E. Bósquez Poveda (Panama), the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. M. Böckenhauer, the Chairman of the Sub-Committee on Flag State Implementation (FSI), Mr. J.W. Vonau (Poland) and the Chairman of the Sub-Committee on Stability and Load Lines and on Fishing Vessel Safety (SLF), Mr. T. Allan (United Kingdom) were also present.

1.3 The Secretary-General welcomed participants and stated that this year marked not only the fiftieth anniversary of IMO but also, twenty-five years ago, on 2 November 1973, to the actual date of the opening session of MEPC 42, the MARPOL Convention had been adopted. This Convention had proven to be a huge success, as demonstrated by its 106 Parties representing 94% of the world's total tonnage. The Secretary-General, while emphasizing that IMO's work should now be implementation of already established regulations, rather than development of new ones, stated also that new challenges should be met by necessary regulatory changes to achieve the objectives of protecting the marine environment.

1.4 The Secretary-General recalled the extremely important items on the agenda of this session, such as the extension of the OPRC Convention, ballast water management, harmful effects of anti-fouling paints, inadequacy of reception facilities and IMO's report to the Commission on Sustainable Development. He stressed the importance of ensuring that all the preparatory work is carried out in order to ensure a successful conference on the extension of the OPRC Convention to hazardous and noxious substances. He also stressed the complexity of the issue of ballast water management, covering topics such as type of ships, duration of voyages and the area of navigation, the need to develop new regulations to control such harmful marine organisms, and that it was essential to give very careful consideration to all the issues involved to ensure the success of a future conference.

1.5 Noting that a working group had been established by the Committee to consider the harmful effects of organotin-based anti-fouling paints on the marine environment and the human food chain, as well as the preparation of a draft legal instrument, the Secretary-General also mentioned the progress made in research on alternative systems which should pave the way for a phase-out of harmful anti-fouling paints.

1.6 The Secretary-General again stressed the importance of the role of ports in providing adequate reception facilities, a concern he had expressed at the last session, and the hope that the Working Group on Reception Facilities would reach conclusions which would ensure that positive action will be taken.

1.7 He noted that a report would be prepared on IMO activities for submission to the Commission on Sustainable Development summarizing the achievements of IMO since UNCED and identifying areas where further progress is needed in protecting the marine environment. He mentioned that the issue of technical co-operation remains a priority of IMO facilitating as it does the global implementation of IMO conventions.

1.8 The Secretary-General noted the approach of a successful conclusion to the first five years of the East Asian Seas Programme and the subsequent funding for a second five-year work programme approved by the GEF Council and congratulated both participating countries and the staff of the East Asian Seas Project. He also mentioned the joint IMO/UNDP project on ballast water management in developing countries.

1.9 The Secretary-General concluded his remarks by stating that the TC Fund had concentrated on support of projects dealing with implementation of existing conventions. It had, in particular, assisted developing countries in Africa, Asia, Latin America and Eastern Europe in their implementation of the MARPOL Convention and improved emergency response planning in port areas.

1.10 The Chairman in his opening remarks welcomed participants to MEPC 42 and emphasized the purpose and objectives of MEPC, in particular the co-operation among Governments relating to shipping technical matters; adoption of the highest practicable standards; promotion and harmonization of positive results; and consideration of any matter within the scope of the Organization concerned with the prevention and control of marine pollution. However, he recognized that not all these objectives will be achieved and that it is important to acknowledge that there have to be compromises in position if goals of the Organization are to be achieved. In this respect, two key points: co-operation and the need for positive results must be kept uppermost in the Committee's work.

1.11 He stated that there were seven high priority items on which agreement and progress must be reached at this session of the Committee:

- the extension of the OPRC Convention to cover HNS;
- the regulations and Code to minimize the harmful effects of aquatic organisms in ballast water;
- solutions to the inadequacy of reception facilities;
- the harmful effects of the use of anti-fouling paints;
- improving the guidelines for PSSAs;
- issues arising from the FSI Sub-Committee particularly those related to attempts by all IMO Member States to remove sub-standard shipping; and
- reaching agreement on a course of action which will see Annex IV enter into force.

1.12 The Committee noted that credentials of the delegations were in due and proper order.

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

2 REPORTS OF SUB-COMMITTEES

Report of the third session of the BLG Sub-Committee

2.1 The Committee considered and approved, in general, the report of the third Sub-Committee on Bulk Liquids and Gases (BLG) (BLG 3/18 and MEPC 42/2) and took action as indicated hereunder.

Progress on the review of MARPOL Annex I

2.2 The Committee noted the progress that had been made regarding the review of Annex I to MARPOL 73/78.

Entries in the Oil Record Book

2.3 The Committee noted the problem of the entries in the Oil Record Book and provided the following guidance to the Sub-Committee for its further work on this issue:

- .1 the third sentence of Regulation 20(4) may be changed to "The entries in the Oil Record Book, for ships holding an IOPP Certificate, shall be at least in English or French" having deleted the first part of the sentence so that the entry in the Oil Record Book in the language of the flag State would become non-compulsory. The last sentence may then start with "Where entries in an official national language of the State, whose flag the ship is entitled to fly, are also used, this shall prevail....."; and
- .2 the BLG Sub-Committee should consider the possibility of requiring an entry in the Oil Record Book in English or French only for ships engaged in international voyages.

Progress on the review of MARPOL Annex II

2.4 The Committee noted the progress made regarding the review of Annex II to MARPOL 73/78 whilst recognizing that the new criteria for Pollution Categories and Ship Types has still to be developed. The Committee also noted that this will take longer than expected as it is dependent on the preparation of new GESAMP Hazard Profiles for all products identified in the IBC Code.

2.5 The Committee noted the Sub-Committee's opinion on the need to have complete GESAMP Hazard Profiles for all products in the IBC Code as soon as possible and requested the GESAMP EHS Working Group to give priority to this issue.

2.6 The Committee approved the General Action Plan for the BLG Sub-Committee on revision of Annex II to MARPOL 73/78 including the proposed new target completion date of 2002, with the understanding that the task for new GESAMP Hazard Profiles would be completed within the current IMO budget allocations.

2.7 The Committee noted that the new target completion date of 2002 was dependent on the GESAMP EHS Working Group being able to re-evaluate the products in the IBC Code within three years and that this could only be managed if sufficient funding is to be provided to facilitate additional meeting and support. In order to decide on the budgetary implication of the re-evaluation process, the Committee requested the BLG Sub-Committee to provide further information.

Amendments to the IBC Code

2.8 With regard to the draft amendments to chapters 8 and 16 of the IBC Code, the Committee considered the addition of provisions which would allow Administrations to relax the application of the amendments to small ships. In this context, the Committee noted that the Japanese delegation had expressed, at BLG 3, objection to the application of the amendments to ships of less than 500 gross tonnage engaged in domestic trade, for technical and economic reasons and the majority of the Sub-Committee shared the view of the Japanese delegation.

2.9 In introducing its document, MEPC 42/2/8, the delegation of Japan provided some background for its proposal and stated that there is no need to fit extra secondary venting systems. Based on this explanation, the Committee approved the modifications proposed by Japan.

2.10 Having considered the Japanese proposal as above, the Committee approved, subject to concurrent decision of MSC, the proposed amendments to the IBC Code, as modified and shown in annex 2, and requested the Secretary-General to circulate them in accordance with MARPOL article 16(2)(a) with a view to consideration by the expanded session at MEPC 43.

2.11 While approving the proposed amendments to the IBC Code, the Committee agreed, subject to final decision by the expanded MEPC, that the date of entry into force should be 1 July 2002 both under the MARPOL and SOLAS Convention.

2.12 The Committee concurred, subject to MSC's concurrent decision, with the Sub-Committee's view that the relevant provisions of chapter 8 of the IBC Code, rather than the requirements of SOLAS regulation II-2/59, should apply to combined chemical/oil tankers (see paragraph 2.14 below).

Amendments to the BCH Code

2.13 The Committee approved the draft amendments to the BCH Code relating to controlled cargo-tank venting systems, as modified by the Japanese proposal and set out in annex 3, and requested the Secretary-General to circulate them in accordance with MARPOL article 16(2)(a) with a view to consideration by the expanded session at MEPC 43. The Committee agreed that the date of entry into force of the amendments should be 1 July 2002.

Application of the amendments to the IBC/BCH Codes to combined chemical/oil tankers

2.14 Having considered the comments by the Chairman of the BLG Sub-Committee on the application and retrofitting scheme for the IBC/BCH Code ships (MEPC 42/2/6), the Committee instructed the BLG Sub-Committee to consider the points raised by the BLG Chairman and prepare an interpretation to the proposed amendments to the IBC and BCH Codes covering the points of application and retrofitting scheme in respect of combined chemical/oil tankers.

Co-operation with the OECD Chemical Group

2.15 The Committee instructed the Secretariat to continue its involvement in the relevant OECD activities to ensure that the interests of IMO are being taken into account.

Existing tankers carrying persistent product oil

2.16 The Committee noted the initial assessment of the Japanese proposal that existing oil tankers between 20,000 and 30,000 tons deadweight carrying persistent product oil be made subject to the same construction requirements as crude oil tankers.

2.17 In this context, the Committee recalled that this matter had been discussed at MEPC 40 and MEPC 41 which had instructed BLG to consider the subject. BLG discussed the matter, the details of which are reflected in annex 8 to BLG 3/18, and which are also the subject of document MEPC 42/2/7 by Japan.

2.18 Whilst the majority of the Committee supported the Japanese proposal in principle, many delegations expressed concern that such a proposal may have far wider implications to the structure of Annex I to MARPOL 73/78 and that the draft text of amendments did not make it clear that the oils being referred to were cargoes only and not bunker fuels.

2.19 Since the definition of oil in the proposed amendments should be further considered taking into account the latest decisions of the IOPC Fund, the Committee requested the delegation of Japan to initiate an informal consultation with interested delegations.

2.20 The Committee considered the report of the informal consultation group on the proposed amendments to regulation 13G of MARPOL Annex I (MEPC 42/WP.5) and noted the following points made by the Group:

- .1 the majority of the members of the Group had expressed a preference to include a clear definition of "fuel oil" and "heavy diesel oil" in the amended text of regulation 13G rather than in the footnotes;
- .2 as a result, the Group had prepared a revised draft text of amendment to regulation 13G (annex to MEPC 42/WP.5) for consideration by the Committee with a view to adoption at MEPC 43;
- .3 the Group recommended that the amendments should enter into force 16 months after the date of adoption by MEPC 43 which could be set at 1 January 2001 resulting in the date referred to in regulation 13G(2) being set at 1 January 2003; and
- .4 the Group had noted that the BLG Sub-Committee had recognized that the adoption of such amendments could lead to amendments to the Supplement of the IOPP Certificate which reflects two different categories of product carriers (one carrying persistent oil and the other carrying non-persistent oil). However, the Group was unable to consider the matter and recommended that BLG 4 consider the matter and make recommendations to MEPC 43.

2.21 The Committee noted that the revised text included a reference to an American Society for Testing and Materials' Standard Test Method and that this could cause problems if it should be revised. In order to resolve this problem, the Committee amended the text of paragraph (2bis) as set out in MEPC 42/WP.5/Corr.1.

2.22 Having considered the revised text of amendments, the Committee:

- .1 approved the draft amendments to Regulation 13G of Annex I to MARPOL 73/78, as shown in annex 4, and requested the Secretary General to circulate them in accordance with MARPOL Article 16(2)(a) with a view to adoption at MEPC 43; and
- .2 instructed the BLG Sub-Committee to give consideration to possible amendments to the Supplement of the IOPP Certificate and make recommendations to MEPC 43.

2.23 The delegation of the United States reserved its position regarding the amendments to MARPOL regulation I/13G.

Hydrostatic balance loading

2.24 The Committee approved the draft MEPC circular on Interpretation of requirements for application of hydrostatic balance loading in cargo tanks (resolution MEPC.64(36)), as set out in annex 9 to BLG 3/18 and agreed to disseminate it as MEPC/Circ.347.

Work programme of the BLG Sub-Committee

2.25 The Committee approved, subject to MSC's concurrent decision, the revised work programme of the Sub-Committee and the provisional agenda for BLG 4 which was considered under agenda item 19 (see paragraph 19.3).

Intersessional meeting of ESPH Working Group

2.26 The Committee approved, subject to concurrent decision of MSC, the holding of an intersessional meeting of the ESPH Working Group in the last quarter of 1999.

Report of the sixth session of the FSI Sub-Committee

2.27 The Committee considered and approved, in general, the report of the sixth session of the Sub-Committee on Flag State Implementation (FSI) (FSI 6/12 and MEPC 42/2/1) and, whilst noting that Liberia and IACS had submitted a joint paper to MSC 70 concerning PSC/ISM aspects of FSI 6/12, took action as indicated hereunder.

Flag State Performance Self-Assessment Form

2.28 The Committee noted that FSI 6 prepared the draft Flag State Performance Self-Assessment Form.

2.29 In this context, the delegation of the United Kingdom introduced document MEPC 42/2/4 on behalf of itself, Canada, Australia, New Zealand and Norway which expressed the concern that the Sub-Committee could not make further progress on the objective, defined in its terms of reference, to assess the current level of implementation of IMO instruments by flag States without clear direction from both MSC and MEPC. These delegations proposed to instruct the FSI Sub-Committee to prepare draft SOLAS amendments:

- .1 to require Contracting Parties to submit to the Organization such additional information as may be requested, within time periods prescribed and in the format which may be specified (this should include, but not be limited to, the Self-Assessment Form) on steps taken to give the Convention full and complete effect; and
- .2 to enable the Organization to appraise the information and to make recommendations as to how such appraisal of information should be undertaken.

2.30 Prior to discussion on document MEPC 42/2/4, the Chairman made the following points:

- .1 with regard to MEPC 42/2/4, MEPC and MSC are being asked to consider amendments to the SOLAS Convention;
- .2 the Flag State Self-Assessment Form provides for several MARPOL requirements and, therefore, it is not just SOLAS that should be considered for amendments;
- .3 notwithstanding this, it is not MEPC's remit to direct the FSI Sub-Committee to make amendments to SOLAS;
- .4 the matter of flag States meeting their obligations under various conventions and some form of accountability checking against agreed criteria is a much broader policy matter than simply amending SOLAS and MARPOL and perhaps the Loadline Convention;
- .5 this is a threshold issue which needs careful high level consideration; and
- .6 while this matter has been under discussion at FSI for some time, this would be the first substantial debate at MEPC.

2.31 Having discussed this issue, the Chairman made the following points in summing up the discussion:

- .1 there was general consensus by the Committee that the Self-Assessment Form developed by FSI could be approved subject to some editorial changes including the addition of a reference to significant environmental pollution incidents. Clarification was sought on the linkage between the form and Technical Co-operation;
- .2 a number of delegations expressed their concerns regarding how the form should be used, i.e., what benefits will it provide?;
- .3 the proposal outlined in MEPC 42/2/4 by the United Kingdom and a group of other countries received support from a number of countries. However, they believed it necessary for some clear direction to be given to the FSI Sub-Committee to enable this matter to be progressed;
- .4 of those countries speaking generally in support of MEPC 42/2/4, there was an indication that non-compliance with an IMO instrument is not acceptable and that some means of monitoring was important, while some voiced their concern that it was premature to consider amendments to SOLAS. Others voiced their concern that limiting amendments to SOLAS may not be appropriate, while others indicated it was not within MEPC's remit to recommend SOLAS amendments;
- .5 a number of other countries, while keen to see the Self Assessment Form put into use, were concerned about what appeared to be a move to assessing flag State performance by others. This being somewhat of a new approach for IMO and therefore requiring careful consideration, is seen by some as a very sensitive issue;
- .6 some countries were concerned that this approach may result in some form of impingement on sovereign rights and the maritime Administrations in Member countries. They felt more time was needed and one suggestion was to await a full analysis of the results of the ISM Code entering into force; and
- .7 the United Kingdom, at the conclusion of the debate, stated with regard to MEPC 42/2/4 that there is no intent to interfere in sovereign rights of Member States or how maritime Administrations undertake their role. The United Kingdom stated that they were concerned about outcomes, that is the full implementation of Convention requirements not in the detailed manner in which implementation was achieved. The United Kingdom, on behalf of the other co-sponsors of the document, was looking primarily for guidance to be given to the FSI Sub-Committee on how this matter could proceed.

2.32 Having considered the subject in detail, the Committee:

- .1 approved the Self-Assessment Form subject to some minor drafting improvements to include a reference to all MARPOL Annexes, to make consistent references to the maritime Administrations throughout the form, and also to include reporting of significant environmental pollution incidents;
- .2 instructed the Secretariat to convey to MSC 70 the outcome of the discussion and views expressed at MEPC 42, including a reflection of the generally positive approach to self assessment which prevailed during its consideration;

- .3 on the question as to what purpose the results of the self assessment exercise would be, endorsed the Secretary-General's view expressed at FSI 6 that, in the first place, it would serve in assisting flag States to obtain a clear picture of how well they were functioning. Secondly, the flag State would be able to assess its deficiencies and take appropriate action to receive assistance to close any identified gaps. Thirdly, because flag States were, as a matter of fact, being assessed externally, judgements were already being made and ships were being targeted and detained, the information obtained could be used as a basis for bilateral discussions, between flag and port States concerned, to adopt a co-operative approach towards enhanced safety and environmental protection;
- .4 proposed the Self-Assessment Form should be for internal use by Member Governments to make their own assessment of their performance as flag States. A Member State may wish to consider submitting the form to the Secretary-General if it wishes to seek assistance through the Technical Co-operation programme of the Organization in fulfilling its flag State responsibilities. Any form submitted will only be used for the purpose of evaluating and determining the required assistance. However, this is not considered to be a prerequisite for seeking assistance;
- .5 proposed, on the basis of this matter deserving high-level policy consideration, that MSC give consideration to instructing FSI 7 to prepare a draft Assembly resolution highlighting the importance of assessment of flag State performance, and to develop options which will assist in progressing this matter further, for consideration by MSC and MEPC before submission to the twenty-first session of the Assembly in November 1999;
- .6 invited Member Governments, depending upon MSC's decision, to submit comments and proposals in this regard to FSI 7. To this end, the Committee agreed to relax to 29 January 1999 the deadline for submission of the basic documents to FSI 7; and
- .7 invited MSC 70 to approve the Self-Assessment Form, subject to minor drafting improvements suggested in subparagraph .1 above, with a view to its dissemination as an MSC/MEPC circular and recommend its internal use by Member Governments as indicated in subparagraph .4 above.

2.33 Following the Chairman's summing up, Cyprus stated that fulfilling obligation of States, arising from instruments to which they are party, is not limited to those as flag States and as a result these issues will merit consideration in due course.

Amendments to resolution A.746(19)

2.34 The Committee endorsed the draft MSC resolution on amendments to resolution A.746(18) concerning testing and servicing of 406 MHz EPIRBs and survey of emergency towing arrangements with a view to adoption by MSC 70.

Mandatory reports under MARPOL

2.35 The Committee endorsed the Sub-Committee's instruction to the Secretariat to prepare the note on mandatory reports under MARPOL 73/78 and to include the names of Member States that had not submitted the relevant reports.

Casualty analysis

2.36 The Committee endorsed the Sub-Committee's instruction to the Secretariat to bring the contents of the annex to the report of the correspondence group on casualty analysis (FSI 6/6/3) to the attention of the STW, FP and BLG Sub-Committees for their consideration.

2.37 The Committee also endorsed the Sub-Committee's instruction to the Secretariat to forward, after FSI 7, draft presentations of statistical data on certain types of casualties to the relevant sub-committees for advice.

2.38 The Committee further agreed to include in the work programmes of the relevant sub-committees an agenda item on casualty analysis with the FSI Sub-Committee continuing to act as the co-ordinator.

Guidelines for PSC related to the ISM Code

2.39 The Committee approved the draft MSC/MEPC circular on Interim guidelines for port State control related to the ISM Code, in principle. However, as no decision could be reached regarding the inclusion of the third sentence of paragraph 4 of the Interim Guidelines, the Committee requested MSC 70 to make a final decision on this matter.

2.40 The Committee endorsed the Sub-Committee's view that port States should be urged to ensure that their port State Control officers do not require the compliance with the ISM Code of ships which are not required under the provisions of SOLAS regulation IX/2.

Outcome of the forty-first session of the DE Sub-Committee

2.41 The Committee considered the report of the forty-first session of the DE Sub-Committee (DE 41/17 and MEPC 42/2/2) and took action on those items relevant to the work of the Committee as indicated hereunder.

Corrosion prevention of ballast tanks of existing ships

2.42 The Committee noted the view expressed by DE that there is no need to develop guidelines on corrosion prevention in ballast tanks of existing ships as the industry already has adequate guidelines.

Polar Code

2.43 The Committee noted the information provided by Norway, in its documents MEPC 42/21/2 and MEPC 42/INF.34, describing the discussion related to the Polar Code in the XXII Antarctic Treaty Consultative Meeting which had taken place in Tromsø, Norway from 25 May to 5 June 1998.

2.44 In addition, the Committee noted that DE 41 invited MSC to request the Committee to consider relevant paragraphs of the draft Code as indicated in the table contained in the annex to MEPC 42/2/2 (chapters 3, 7, 8, 14 and 17). However, due to the current work programme and workload of this session, the Committee agreed to consider this matter further at MEPC 43 and invited Member Governments to submit their comments to that meeting.

Outcome of the third session of the DSC Sub-Committee

2.45 The Committee considered the report of the third session of the DSC Sub-Committee (DSC 3/15, DSC 3/15/Add.1 and MEPC 42/2/3) and took action on those items relevant to the work of the Committee as indicated hereunder. The matters on amendments to Annex III of MARPOL and making the IMDG Code mandatory under MARPOL were discussed under agenda item 11 and the matter relating to amendments to SOLAS and the revised INF Code under agenda item 14.

Amendment 29 to the IMDG Code

2.46 The Committee noted the adoption by MSC 69 of Amendment 29 to the IMDG Code, which will enter into force on 1 January 1999 with a six month transitional period until 1 July 1999.

Reformatting of the IMDG Code

2.47 The Committee noted that DSC 3 had instructed the E & T Group to continue the work to enable a complete text of the reformatted IMDG Code to be presented to DSC 4 for approval.

Outcome of the forty-fourth session of the NAV Sub-Committee

2.48 The Committee noted the report of the forty-fourth session of the NAV Sub-Committee (NAV 44/14) and noted the discussion at NAV 44 on the following two issues which are matters of interest to the Committee:

- .1 development of measures complementary to the INF Code; and
- .2 routing of ships, ship reporting and related matters (MEPC 42/2/5).

3 WORK OF OTHER BODIES

Outcome of LEG 77

3.1 The Committee noted that the Legal Committee held its seventy-seventh session from 20 to 24 April 1998 and matters of interest to the Committee were summarized in document MEPC 42/3.

3.2 The Committee noted that the Legal Committee continued to consider the matters on wreck removal and on compensation for pollution from ships' bunkers, which may result in the development of two separate conventions and also noted that the Legal Committee reviewed its Guidelines on Work Methods and Organization of Work and agreed to amend its Guidelines to include paragraph *9bis* as provided in paragraph 6 of MEPC 43/3.

3.3 The delegation of the United Kingdom stated that the development of a Bunkers Convention is one of the priority items on the agenda of the Legal Committee. The aim of the Convention is to establish international rules on the liability for oil pollution caused by ships' bunkers. The Legal Committee has set itself the objective of completing work on this and its other priority items, at its April 1999 session, with a view to recommending to Assembly the convening of a diplomatic Conference in 2000. The United Kingdom strongly supported the development of a Convention on Bunkers. It welcomed the progress made within the Legal Committee. The United Kingdom hoped that the outstanding issues can be resolved quickly; and that the Legal Committee will be ready, at its meeting in April 1999, to recommend to the Assembly the convening of a diplomatic Conference.

3.4 The Committee noted with satisfaction the progress being made by the Legal Committee on this matter, recalling that MEPC had referred the need for a compulsory compensation regime for pollution caused by ships' bunkers.

Outcome of MSC 69

3.5 The Committee noted that the Maritime Safety Committee held its sixty-ninth session from 11 to 20 May 1998 and matters of interest to the Committee are summarized in document MEPC 42/3/1.

3.6 The Committee considered the decisions of MSC 69 on matters related to MARPOL Annex III, the INF Code, human element, formal safety assessment and the Committees' Guidelines under respective agenda items.

3.7 With regard to the issue on uniform wording for referencing IMO instruments, the Committee noted that MSC 69 agreed to defer consideration on the draft Guidelines to MSC 70, recognizing that further discussion was required.

3.8 The Committee approved the proposed MSC/MEPC circular on Equivalency arrangements for the carriage of Styrene monomer which will be disseminated as MSC/Circ.879/MEPC/Circ.348.

Outcome of TCC 45

3.9 The Committee noted that the Technical Co-operation Committee held its forty-fifth session in June 1998 during the eightieth session of the Council and matters of interest to the Committee are summarized in document MEPC 42/3/2.

3.10 The Committee noted that TCC 45 discussed issues of regional presence, technical co-operation policies and partnership for progress.

3.11 With regard to thematic priorities for technical co-operation activities in the field of marine environment protection for 2000-2001, the Committee noted that the Secretariat suggested the following thematic priorities:

- .1 fostering regional co-operation for the implementation and enforcement of relevant IMO instruments;
- .2 enhancing regional co-operation in the protection of the marine environment, more specifically in maritime pollution preparedness, response and co-operation, including implementing the OPRC Convention and its extension to cover hazardous and noxious substances;
- .3 strengthening national and regional capacity to prevent, control, combat and mitigate marine pollution in particular through the implementation of training programmes and exchange of expertise and know-how and the assistance in developing, revising and up-dating national legislation; and
- .4 assisting countries in implementing their obligations with respect to MARPOL 73/78 and other rules, standards and recommendations developed by MEPC, *inter alia*, those relating to provision of port reception facilities and waste management as well as ballast water management and control.

3.12 After a brief exchange of views, the Committee approved the suggested thematic priorities for technical co-operation in the field of marine environment protection to be reflected in the Integrated Technical Co-operation Programme for 2000-2001 for the consideration of the forty-sixth session of the Technical Co-operation Committee in November 1998.

3.13 The delegation of Singapore, in referring to the opening remarks by the Secretary-General on the success of the East Asian Seas Programme, stated on behalf of Indonesia, Malaysia, Philippines and Thailand that, since 1994, the GEF/UNDP/IMO regional initiative has helped develop essential working models and innovative approaches to address the coastal and marine environmental issues of the East Asian Seas. The eleven participating countries, Brunei Darussalam, Cambodia, China, Indonesia, Philippines, Democratic People's Republic of Korea, Republic of Korea, Singapore, Thailand and Vietnam, had all benefited from the Programme. The demonstration sites have shown how the local Government could contribute to the implementation of IMO conventions through integrated planning and management of the coastal and marine areas. The training courses organized by the Programme trained over 1,120 participants, including participants from East Africa, Latin America and South Asia, thus promoting a closer south-south partnership.

3.14 The delegation of Singapore further stated that, in addition to the US\$8 million allocation from GEF, the Programme had been very successful in mobilizing US\$9.28 million external sources over the 5-year period to augment the Programme activities. Because of the good performance and achievement of the Programme, GEF had recently approved a follow-up phase with a total budget of US\$28.5 million, of which US\$16.2 will come from GEF. The second phase programme is expected to begin after the completion of the pilot phase in June 1999. The delegation of Singapore, on behalf of Indonesia, Malaysia, the Philippines and Thailand, expressed gratitude to IMO and the GEF/UNDP/IMO East Asian Seas Programme.

3.15 The delegations of China, the Philippines and Thailand shared the statement by the delegation of Singapore. The delegation of Thailand further stated that, since 1985, the Thai Government has received technical assistance from the Government of Denmark in the field of oil spill response in the forms of preparation for National Oil Spill Contingency Plan, provision of an anti-pollution vessel, oil spill response equipment and capacity-building of personnel, and expressed gratitude and sincere appreciation to the Danish Government for its valuable and continuous support to Thailand.

3.16 The delegation of the Republic of Korea referred to the 13th International Symposium on the Transport of Dangerous Goods by Sea and Inland Waterways (ISTDG 13) which had been successfully conducted in October 1998 in Seoul, Republic of Korea. Apart from the sponsorship of IMO, the following had also supported the Symposium: the United Nations Economic Commission for Europe (UN/ECE), International Chamber of Shipping (ICS), International Association of Ports and Harbours (IAPH), International Cargo Handling Co-ordination Association (ICHCA) and International Road Transport Union.

3.17 The Secretary-General emphasized that the issue of technical co-operation is and will remain a priority of IMO. IMO now has a revitalized Technical Co-operation Committee and IMO's Integrated Technical Co-operation Programme (ITCP) has been kept updated. Donor countries that wish to support IMO's TC activities would be able to find suitable TC projects in the ITCP. He further stressed that technical co-operation is not an end in itself, but to help developing countries to enhance maritime safety and protection of the marine environment through implementation of IMO conventions. He called on IMO Member States to strengthen TC activities to realize IMO's objectives of safer shipping and cleaner oceans.

Urgent matters emanating from the SPI Working Group at FAL 26

3.18 The Committee noted that the SPI Working Group met during FAL 26 (7-11 September 1998) and urgent matters of interest to the Committee are summarized in document MEPC 42/3/3.

3.19 The Committee noted the information provided in MEPC 42/3/3 on inadequacy of reception facilities, matters relating to the ballast water management, shipshore communications, implementation of IMO instruments and the proposed work programme of the SPI working group and agreed to revisit these issues at MEPC 43 when the final report of the SPI Working Group will be made available.

3.20 The delegation of the Bahamas expressed its concern on insufficient control over the work programme of the SPI Working Group. The Committee noted the concern of the Bahamas and agreed to review the work programme of SPI at the next session, when the full report of FAL 26 and the SPI Working Group would be made available.

4 STATUS OF CONVENTIONS

4.1 The Committee noted the status of IMO conventions and other instruments relating to marine pollution, especially the current status of MARPOL 73/78 and its amendments (MEPC 42/4).

4.2 The Committee noted that, since MEPC 42/4 was issued, New Zealand had deposited its instrument of accession to MARPOL 73/78 (with the exception of Annex IV) on 25 September 1998, Sao Tome and Principe had deposited its instrument of accession to MARPOL 73/78 on 29 October 1998, bringing the total number of Parties to MARPOL 73/78 to 106.

4.3 The Committee also noted that, on 14 October 1998, Denmark had signed the 1997 MARPOL Protocol subject to ratification and with a reservation for application to the Faroe Islands and Greenland.

4.4 The delegation of Turkey informed the Committee that national procedures to accede to the CLC Protocol 1992 and Fund Protocol 1992 had been initiated and it is expected that the procedures could be completed in the near future.

4.5 The delegation of Singapore informed the Committee that national procedures to accede to the 1990 OPRC Convention and MARPOL Annex V are at an advanced stage and it is expected that Singapore could become Party to the 1990 OPRC Convention and MARPOL Annex V in the first half of 1999.

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

5.1 The Committee recalled that, at its last session, the Correspondence Group on harmful effects of the use of anti-fouling paints from ships including TBT presented its final report (MEPC 41/10) and that, during the discussion on the outcome of the Group's work, the following views were expressed:

- .1 availability of effective alternatives to organotin-based paints must be ensured before implementing prohibition of the use of organotin-based paints;
- .2 prohibition of organotin-based paints is one of the most urgent tasks in the work programme of the Committee;
- .3 complete environmental assessment should be conducted before the final decisions are taken; and

- .4 a comprehensive review of all anti-foulants would necessitate a technical debate that would extend the discussions for several years and that many considered such an undertaking unmanageable.

5.2 The Committee also recalled its decision to establish a Working Group on this subject with the Terms of Reference as set out in annex 5 to MEPC 41/20 and repeated in the annex to MEPC 42/5.

Terms of reference of the Working Group

5.3 The Committee agreed with the Chairman's suggestion that, since the tasks of the Working Group were clearly defined in the Terms of Reference developed at the last session, the Committee would only consider matters of principle in the plenary, and that all additional information and related papers would be introduced in the Working Group.

5.4 The Committee noted the information contained in document MEPC 42/5/11 submitted by ICS and proposing that performance criteria for the regulations for alternative anti-fouling systems be incorporated in the legal instrument.

5.5 Several delegations were opposed to the ICS proposal stating that:

- .1 the establishment of performance criteria to cover all possible alternatives would take considerable time and be of doubtful use;
- .2 performance criteria are determined by the acceptability of alternatives by the industry; and
- .3 the inclusion of performance criteria had been discussed at the forty-first session of the Committee where it was decided not to include this factor in the Working Group's Terms of Reference.

5.6 However, several delegations supported the ICS proposal stating that:

- .1 prohibition without arrangements for alternatives may create future problems; and
- .2 the approach of prohibiting organotin-based anti-fouling paint first and then discussing alternative solutions is unacceptable.

5.7 Having discussed the above and noting that the opinions were evenly divided, the Committee agreed to include the proposed item on performance criteria of alternative systems in the Terms of Reference and instructed the Working Group to consider this matter.

The proposal for amendments to SOLAS

5.8 The Committee considered the document submitted by Japan (MEPC 42/5/5) and noted its views that:

- .1 SOLAS Chapter II-1 should be amended to include prohibition of paints containing organotin; and
- .2 the advantage of including the prohibition in SOLAS is that if the Maritime Safety Committee could adopt the proposed amendments, they would be put into force within a couple of years under the tacit acceptance procedure.

5.9 The Committee noted the merit of the Japanese proposal for early entry into force of the proposed amendments. However, the majority of delegations were opposed to the Japanese proposal of prohibiting organotin based paints under the SOLAS Convention because the matter is being considered as a marine environmental protection matter, not one related to the safety of ships. Therefore, the Committee considered that it would be inappropriate to seek a solution to the problem through amendments to the SOLAS Convention.

5.10 The Committee recognized that how to ensure entry into force and actual implementation of requirements on anti-fouling paints is one of the most important items to be discussed at this session, and requested the Working Group to consider this matter further in the context of finding out the most suitable alternative for legal framework options.

Assembly resolution

5.11 With regard to the terms of reference of the Working Group on preparation of a draft Assembly resolution, the delegation of Norway proposed the following:

- .1 adoption of a two-staged approach, namely to prepare an Assembly resolution and then to prepare a global legally binding instrument for the prohibition of organotin-based anti-fouling systems, including a mechanism for evaluating alternatives; and
- .2 to include a reference to the relevant article of UNCLOS in the resolution.

5.12 While some delegations were opposed to this, several delegations supported the Norwegian proposal, and the Committee agreed to instruct the Working Group to further consider the above points when preparing a draft Assembly resolution.

Instructions to the Working Group

5.13 Having discussed the above, the Chairman recalled that the Working Group were tasked to develop:

- .1 draft legal instrument;
- .2 time-table for the phase-out of harmful anti-fouling systems; and
- .3 draft Assembly resolution to be adopted next year.

5.14 The Committee instructed the Group to work in accordance with its Terms of Reference and to place priority on the preparation of:

- .1 the framework of the draft legal instrument; and
- .2 a preliminary text of a draft Assembly resolution urging Member States to take the necessary action as indicated in paragraph 2(vii) of the Terms of Reference, which should also reflect the proposal by Norway (paragraph 5.12 above).

Communication from OECD

5.15 The Secretariat informed that the Chairman of the OECD's Joint Meeting of the Chemicals Group and Management Committee had advised, in a letter to the Secretary-General, that the OECD have decided not to pursue work on TBT or any other anti-fouling agents in view of the work being done by MEPC.

The letter conveyed the strong support expressed by the Joint Meeting's delegates to the work of IMO in reducing the risk posed by TBT. The Secretariat informed the Committee that the OECD had emphasized the importance of taking into account the risks associated with alternatives to TBT, in order to ensure that they do not present to the environment either an equal or a greater risk than the TBT-based anti-fouling paints. The Committee noted that the Secretariat had received, through the MEPC Chairman, a proforma from OECD providing a synopsis of the threat of TBT in anti-fouling paint and the current activity in a number of countries. The Committee agreed that the proforma be circulated at the Working Group for information and thanked the OECD for the communications.

Report of the Working Group

5.16 Having received the report of the Working Group (MEPC 42/WP.12), the Committee noted the discussions in the Working Group on the following matters:

- .1 basic purpose and structure of the global legally binding instrument;
- .2 methodology and process for consideration of other anti-fouling systems;
- .3 identification of legal instrument; and
- .4 the draft Assembly resolution.

5.17 The Committee approved the draft Assembly resolution prepared by the Working Group, as editorially modified, and set out at annex 5, for adoption by the twenty-first session of the Assembly.

5.18 When approving the draft Assembly resolution, the delegation of Panama raised a question as to when the Conference should be convened to adopt the proposed global legally binding instrument. The Committee could not consider this matter in depth at this session and agreed to reconsider it at its next session, during which a framework and draft text of the instrument should be prepared (see paragraph 19.10).

5.19 The Committee encouraged delegations to submit papers to the forty-third session outlining their views on the basic structure and content of the global legally binding instrument as well as the methodology to be used for considering anti-fouling systems other than those where organotin compounds act as biocides under the instrument.

6 INADEQUACY OF RECEPTION FACILITIES

Introduction

6.1 The Committee recalled that MEPC 41 agreed to establish a Working Group on port reception facilities at this session to facilitate means of improving the availability and use of port waste reception facilities, and developed the terms of reference for the Working Group as set out at annex 5 to MEPC 41/20. Furthermore, in order to facilitate the discussions, a Correspondence Group was established under the leadership of the United Kingdom to prepare a base document for further consideration during this session.

Format for reporting alleged inadequacy of port reception facilities

6.2 The Committee considered the format for reporting alleged inadequacy of port reception facilities, prepared by the Secretariat (MEPC 42/6), which combines a previous format issued as MEPC/Circ.215 in 1989 and a form submitted by BIMCO at the last session (MEPC 41/11).

6.3 Having considered the draft format, the Committee instructed the Working Group to improve the draft format and prepare a draft MEPC circular for approval by the Committee.

Report of the Correspondence Group on review of chapter 11 of the Comprehensive Manual on Port Reception Facilities

6.4 The Committee was informed of the outcome of the discussion on the revised chapter 11 of the Comprehensive Manual on Port Reception Facilities at the SPI Working Group held at FAL 26 (MEPC 42/3/3). The SPI Working Group, in considering document MEPC 42/6/1, recommended that the Committee approve the draft revised chapter 11 of the Comprehensive Manual on Port Reception Facilities.

6.5 The delegation of the Netherlands introduced document MEPC 42/6/1 containing the report of the Correspondence Group on revision of chapter 11 of the Comprehensive Manual on Port Reception Facilities.

6.6 Having considered the draft chapter 11 of the Manual, the Committee instructed the Working Group to improve the text where necessary and report back to plenary.

Information submitted to this session

6.7 The Committee noted the information provided by HELCOM on the follow-up to the Baltic Strategy for Port Reception Facilities for Ship-generated Waste and Associated Issues (MEPC 42/INF.4).

Inadequacy of reception facilities

6.8 The Committee recalled that the terms of reference of the Working Group on Reception Facilities included the following seven elements:

- .1 definition of adequacy;
- .2 parameters for reception facilities;
- .3 methodology and general action plan;
- .4 measures for improved communications;
- .5 criteria for inadequate reception facilities;
- .6 generic port waste management plan; and
- .7 analysis of successful port waste reception facilities.

6.9 The Committee considered the report of the Correspondence Group led by the United Kingdom (MEPC 42/6/2) and noted that the Correspondence Group had collated comments from its Members on each of the above discussion points forming a useful basis of discussion at this session.

6.10 Having briefly discussed the report of the Correspondence Group, the Committee referred document MEPC 42/6/2 to the Working Group and instructed it to commence the work in accordance with the established terms of reference.

Report of the Working Group

6.11 Having received the report of the Working Group (MEPC 42/WP.9), the Committee took action as reflected in the following paragraphs.

Format for reporting inadequacy of port reception facilities

6.12 Following review of document MEPC 42/6 (Secretariat), the Committee approved the revised format for reporting inadequacy of port reception facilities and the covering MEPC circular as set out at annex 1 to MEPC 42/WP.9, with replacement of the word "sludge" by "slops", and instructed the Secretariat to disseminate it as MEPC/Circ.349 as soon as possible.

Revision of chapter 11 of the Comprehensive Manual on Port Reception Facilities

6.13 The Committee reviewed document MEPC 42/6/1 (Netherlands) containing the draft revised chapter 11 of the Comprehensive Manual on Port Reception Facilities and the comments submitted by the SPI Working Group (MEPC 42/3/3), and agreed to the suggestions for improvement of the text as set out in document MEPC 42/WP.9, paragraphs 6 to 14. In addition, the Committee agreed to delete the sentence "Example of discounts of about 6% on port dues are known" in the last paragraph on page 21. The Committee instructed the Secretariat to incorporate the new chapter 11 in the Comprehensive Manual on Port Reception Facilities and arrange for printing of the new edition as soon as possible.

6.14 The delegation of Spain expressed its appreciation of the work carried out to date by IMO in assisting developing countries on the issue of reception facilities, especially with regard to the Wider Caribbean Initiative for Ship-generated Waste (WCISW) project, and encouraged IMO to continue this important work.

Means of improving the availability and use of port reception facilities

6.15 The Committee agreed that in order to achieve "adequate reception facilities" the port should have regard to the operational needs of users and provide reception facilities for the types and quantities of waste from ships normally using the port without causing undue delay for the ships.

6.16 The Committee agreed that further work has to be done on the issue of reception facilities, and decided to establish a Correspondence Group, co-ordinated by the United Kingdom, to prepare a base document for submission to MEPC 43 for consideration. The terms of reference and the contact points for the co-ordinator for the Correspondence Group are set out at annex 14.

7 IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC CONFERENCE RESOLUTIONS

Report of the OPRC Working Group at MEPC 41

7.1 The Committee considered and approved, in general, the report of the OPRC Working Group's meeting at MEPC 41 (MEPC 42/7) and accepted the Group's schedule of tasks and target dates for completion contained in annex 2 of the report (MEPC 42/7).

Oil Pollution Co-ordination Centre

7.2 Regarding the concern of the OPRC Working Group in relation to the ability of the Secretariat to fulfil the obligation placed on it under Article 12 of the OPRC Convention, the Committee instructed the OPRC Group to look further into how its concerns could be more clearly expressed to the Council.

7.3 Having received the interim report of the OPRC Working Group (MEPC 42/WP.13), the Committee noted the following views of the Group:

- .1 the OPRC Convention established a range of obligations and commitments to be met by the Organization to give effect to the Convention, recognizing the importance of mutual assistance and international co-operation. These obligations and commitments include the provision of information services, education and training, technical services and assistance;
- .2 in the majority, these functions and activities were not being performed. These functions and activities continue to be of importance and will take on greater importance when the proposed HNS Protocol is adopted; and
- .3 there was a clear need for these functions and activities from Member Governments, particularly those in non-Party States who may be considering or who are in the process of ratification of the OPRC Convention.

7.4 The Committee endorsed the above concerns regarding the implementation of the OPRC Convention and decided to take the necessary steps to give effect to these obligations and commitments contained therein (Article 12) by transmitting these concerns to the Council with a view to having resources allocated so that a Pollution Preparedness, Co-ordination and Support Unit may be staffed on a permanent basis.

Draft HNS-OPRC Protocol

7.5 The Committee considered the draft text of the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (MEPC 42/7/Add.1) on an article-by-article basis. In order to prepare a revised text of the Protocol, the Committee established the Drafting Group and instructed it as reflected hereunder.

Preamble

7.6 The delegation of France, considering that paragraph 4 of the draft text of the Preamble refers to a convention not yet in force and recognizing that this would create difficulties for some countries in ratifying the Protocol, proposed that the essence of this paragraph should be addressed through a Conference resolution. The Drafting Group was instructed to look into the proposal and consider the possibility of drafting a resolution on this issue.

Article 1 General provisions

Article 2 Definitions

7.7 The Committee generally accepted the draft text of Articles 1 and 2 subject to further consideration for preparation of the Conference.

Article 3 Emergency plans and reporting

7.8 Following the comment by the delegation of the Netherlands, the Committee instructed the Drafting Group to include in Article 3, paragraph 1, provisions for inspection by port authorities of shipboard emergency plans, in line with similar provisions of Article 3, paragraph 1(b) of the OPRC Convention.

7.9 The delegation of Spain suggested that IMO should also be notified in case of pollution incidents under Article 3, paragraph 3.

7.10 The Committee instructed the Drafting Group to revise the text to reflect the above comments.

Article 4 National and regional system for preparedness and response

7.11 The delegation of Turkey expressed its concern regarding the requirement of Article 4, paragraph 2(a) on the establishment of pre-positioned equipment. The need for a certain level of preparedness was also recognized for countries not importers of HNS substances and the Drafting Group was instructed to consider this matter and also take account of matters pertaining to regional co-operation.

Article 5 International co-operation in pollution response

Article 6 Research and development

Article 7 Technical co-operation

7.12 The Committee generally accepted the draft text of Articles 4 to 7, subject to further consideration for preparation of the Conference.

Article 8 Promotion of bilateral and multilateral co-operation in preparedness and response

7.13 The Chairman made a proposal for the information to be automatically made available on the web site without the Parties having to request such information. The Drafting Group has been instructed to look into the matter and to discuss the possibility of amending the Protocol accordingly.

Article 9 Relation to other conventions and other agreements

Article 10 Institutional arrangements

Article 11 Evaluation of the Protocol

Article 12 Amendments

7.14 The Committee generally accepted the draft text of Articles 9 to 12, subject to further consideration for preparation of the Conference.

Article 13 Signature, ratification, acceptance, approval and accession

7.15 The Committee having considered the note by the Secretariat (MEPC 42/WP.2), agreed that, although all states will be invited to participate in the Conference to adopt the OPRC-HNS Protocol, only Parties to the OPRC Convention could become Parties to the OPRC-HNS Protocol.

7.16 The Committee instructed the Drafting Group to redraft the second sentence of paragraph 1, Article 13 to delete the word referring to States having signed the OPRC Convention.

Article 14 Entry into force

Article 15 Denunciation

Article 16 Depository

Article 17 Languages

7.17 The Committee generally accepted the draft text of Articles 14 to 17, subject to further consideration for preparation of the Conference.

Annex to the Protocol

7.18 The Drafting Group was instructed to look into paragraph 4 of the Annex and amend it in the light of the fact that reference is being made to a convention not yet in force.

Reservation

7.19 Although, supporting the draft HNS Protocol in principle, the delegation of United States announced that, because the US requirements are more detailed than those of the draft Protocol, they reserved their position on the Protocol.

Report of the Drafting Group/OPRC Working Group

7.20 The Committee, having received the report of the Drafting Group/OPRC Working Group (MEPC 42/WP.7) approved, in principle, the revised draft Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, as set out at annex 6. The Committee also agreed with the proposal of the Drafting Group regarding the topics to be covered in resolutions which are to be prepared for adoption together with the HNS Protocol and requested the OPRC Working Group to finalize at MEPC 43 the work on the draft resolutions. The Drafting Group has already prepared preliminary draft resolutions which appear in annex 2 to MEPC 42/WP.7.

7.21 On the proposal of the Drafting Group, the Committee approved, with a view to publication, the revised Manual on Chemical Pollution - Section 1 - Problem, Assessment and Response Arrangements, as amended by the Drafting Group.

7.22 The Committee agreed to request the Council to approve the convening of a four to five day conference in the year 2000 to be held back-to-back with MEPC 44 with a view to adoption of the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000.

Interim Report of the OPRC Working Group

7.23 Having received the interim report of the OPRC Working Group (MEPC 42/WP.13), the Committee:

- .1 noted the development of the Catalogue of Computer Programmes and Internet information related to oil spills and agreed that a consolidated version should be presented to the Secretariat for dissemination as a circular early in 1999 and that at a later date due consideration should be given for its placement on the IMO Website;
- .2 invited Member States to provide ISO with comments on the document "Draft Standards Terminology relating to Oil Spill Response" (MEPC 42/INF.9) with a view to issuing a revised version of the document for consideration by MEPC 43 and requested the OPRC Working Group to further investigate the procedures and processes to follow up for improving co-operation between ISO and IMO and clarifying related issues;
- .3 agreed with the proposal of the Working Group to develop a directory of relevant centres of expertise to give advice in relation to marine pollution incidents involving HNS and requested the Secretariat to prepare a note for discussion at MEPC 43; and
- .4 agreed that the support for the implementation of the WMO Marine Pollution Emergency Response Support System (MPERSS) should be discussed at MEPC 43.

7.24 Mr. J. Angelo, Chairman of the Sub-Committee on Marine Environment Protection (SC2) of ISO/TC 8 "Committee on Ships and Marine Technology", referring to the Interim Report of the OPRC Working Group, recalled that ISO submitted documents to MEPC 41 which answered some of the questions raised in that report (MEPC 41/4/1, MEPC 41/INF.15). He confirmed that the Sub-Committee will do its utmost to produce a document for consideration at MEPC 43 but that ISO may have difficulty in meeting this deadline due to the proximity of MEPC 43 to the next meeting of the ISO/TC 8/SC 2 scheduled to meet in June 1999 in Greece. He confirmed also the willingness of ISO to improve the co-operation between ISO and IMO on this issue.

8 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

Introduction

8.1 The Chairman introduced this item, drawing attention to the efforts made over many years to develop ballast water management and control procedures to minimize the risk of transferring harmful aquatic organisms and pathogens with ships' ballast water. He noted that two Assembly resolutions had been adopted, together with the request that the MEPC and MSC further develop legally binding provisions on this matter. Also, safety issues regarding ballast water exchange at sea were under review by the relevant Sub-Committees and the MEPC Ballast Water Working Group has completed a set of draft regulations and accompanying Code for review by this Committee. The Chairman indicated that the Committee should further at this stage to the extent possible try to resolve questions concerning the legal framework of the regulations, including consideration of entry into force provisions for the set of draft regulations. Following the Chairman's introduction, the Committee considered the report of the Ballast Water Working Group at the forty-first session (MEPC 42/8), and approved it in general.

The legal framework

8.2 The Committee noted the three options for a legal framework for ballast water management and control provisions (MEPC 42/8/1) as follows:

- .1 the incorporation of ballast water provisions through amendments of MARPOL 73/78;
- .2 the development of a new Protocol to add an Annex to MARPOL 73/78; and
- .3 the establishment of a new Convention.

8.3 The observer from ICS, referring to the Guidelines in resolution A.868(20), pointed out that these were being used by several States to protect their environments from harmful aquatic organisms (MEPC 42/8/7). ICS doubted that the creation of a new Convention would contribute to the effectiveness of the existing guidelines and stated that future effort should focus on the development of safety issues related to the ballast water management options rather than on the establishment of a new Convention.

8.4 A number of delegations emphasized that, in their view, the establishment of uniform international standards on ballast water control and management to minimize the risk of transferring harmful aquatic organisms, which were globally applicable, should be of high priority. Good co-operation between ships and port State authorities was essential. The delegation of Norway proposed a global instrument providing for States or regional organizations to establish "ballast water management areas" and that ships navigating to and in such areas would have to apply the ballast water regulations. Several delegations supported this proposal. The United Kingdom proposed that regulations should be sufficiently flexible to include provisions for regional agreements and undertook to prepare a draft text for consideration by the Committee at its next session.

8.5 Several delegations expressed the view that MARPOL 73/78 should provide the legal framework for ballast water provisions, while others noted that in light of the anticipated comprehensive port State control measures, MARPOL 73/78 might not be the right vehicle for the regulations, and the establishment of a new convention should be considered. Some delegations, whilst supporting the need to develop globally applicable and legally binding provisions, preferred to consider during the intersessional period the type of legal framework and to continue discussion at MEPC 43.

8.6 Having listened to the views expressed by a number of delegations, the Committee noted there was no support for the proposal submitted by ICS to solve problems related to the transfer of harmful aquatic organisms through national quarantine provisions (MEPC 42/8/7) but that a legally binding instrument was necessary.

8.7 The delegation of Vanuatu delivered a statement by the South Pacific Regional Environment Programme (SPREP) expressing concern at the risks faced by the Pacific islands of the region regarding ships undertaking ballast exchange operations during their transit, thus introducing foreign marine species. The text of the statement is shown at annex 15. The delegation of the Bahamas noted that Caribbean States might face similar problems caused by passing maritime traffic.

8.8 The Netherlands' delegation expressed concern about unclear or inaccurate terminology, in particular with respect to the use of the words "port State", as coastal States may equally be affected by ballast water discharge from shipping in passage off their coast or even through their internal waters while voyaging to a destination in another State.

8.9 The Committee concluded that MEPC 43 would decide on the legal framework for ballast water management and control regulations. Delegations were invited to review their position on this matter during the intersessional period, taking into account the entry into force provisions that could be applied. The Committee further recommended that delegations to MEPC 43 should include legal experts to address the legal framework.

8.10 In order to facilitate further discussion on the legal framework options at MEPC 43, the Committee instructed the Secretariat to prepare draft texts of the legal instruments for the following three options and submission to MEPC 43 for consideration:

- .1 amendments to an existing Annex to MARPOL 73/78;
- .2 a Protocol to add a new Annex to MARPOL 73/78; and
- .3 a new Convention.

Review of draft regulations

8.11 The Committee reviewed the principles of the draft regulations prepared by the Working Group (MEPC 42/WP.1/Rev.1) together with explanatory notes on the regulations submitted by Australia (MEPC 42/8/5).

8.12 In regard to Regulation 2, the "**application**" of the provisions, the Committee considered whether they "shall apply to all ships that carry ballast water", on all voyages. On this issue, different views were expressed, including the following:

- .1 the provisions should apply only to ships operating in ballast water management areas;
- .2 the provisions may not apply to ships built for particular purposes or of smaller size, or engaged solely in domestic trade;
- .3 bearing in mind that the threat of harmful aquatic organisms in ballast water is a worldwide problem, the provision should apply to all ships engaged in international voyages; and
- .4 that if the provision applied to all ships engaged in international voyages, this may lead to a wider distribution of unwanted species due to the fact that most vessels might exchange this ballast water at high sea.

FOEI expressed the view that the size of a ship was not relevant to the risk of introducing harmful aquatic organisms. Smaller ships discharging ballast water with harmful organisms into confined ecologically sensitive waters may initiate tremendous damage.

8.13 The delegation of Australia, supported by several other delegations, proposed that in order to see progress on this matter, port States may be permitted to "opt-out" of the provisions, thus exempting ships coming to these port States from being required to apply the provisions. Several other delegations stated that it should be left to the port State to decide on how to apply the regulations. The observer from FOEI requested the Committee to take into account its previous considerations on the use of the precautionary approach when deciding on the application of the provisions.

8.14 With regard to "Ballast Management Options" referred to in Regulation 4, the delegation of Greece noted that the alternatives listed in the Code did not provide for applicable options, and that a set of criteria or performance standards should be developed by the Organization. Other delegations referred to new treatment techniques and measures that are being developed and tested. The United States delegation proposed that the regulations should provide for alternative compliance mechanisms and methods to accept new ballast water management techniques.

8.15 Regarding Regulation 5 "**Training and Education**", the United States delegation proposed that the STCW Sub-Committee be requested to review the relevant provisions. The Committee agreed with this view and requested the STCW Sub-Committee to comment on the draft regulations.

8.16 Regarding Regulation 6 "**Safety Requirements**", a number of delegations supported the view that these be included in the provisions rather than in the associated "Ballast Water Management Code". The Greek delegation, supported by other delegations, stated that provisions regarding safety aspect should appear in a prominent position in the set of regulations.

8.17 The Committee agreed that this question could only be resolved after a decision had been reached regarding the legal framework of the provisions. It was noted that safety issues associated with ballast water management were under consideration by the SLF and DE Sub-Committees and this matter could be further considered after their deliberations at their forthcoming sessions.

8.18 In relation to the "**Ballast Water Management Plan**" referred to in Regulation 7, the Japanese delegation noted that this would need to be kept onboard ships only in cases where these operate in ballast water management areas. Other delegations supported the view that a "ballast water management plan" should be onboard every ship carrying ballast water and involved in international trade.

8.19 The Committee agreed to return to this issue at its next session. The Working Group was requested to develop alternative proposals. The delegation of Norway proposed to divide requirements concerning the ballast water management plan from other parts of Regulation 7.

8.20 Several delegations recommended the deletion of Regulation 8 - "**Role of National Authorities**". Several other delegations stressed the importance of applying the regulation in a consistent manner and the concept of undue delay of ships. The Committee noted these concerns and referred this matter back to the Working Group.

8.21 In relation to Regulations 9 and 10, several delegations provided a number of references regarding MARPOL provisions that might be incorporated. The Committee agreed that all members should examine these provisions during the intersessional period and report back to MEPC 43.

8.22 In summing up this section, the Committee agreed that the Secretariat should prepare an outline of the provisions that should be included for each of the three options as requested in paragraph 8.8 above.

Standard Reporting Format and Ballast Water Management Plan (MEPC 42/5/6; MEPC 42/8/8)

8.23 Regarding the issue of national requirements for ballast water control, the observers from ICS and INTERTANKO presented a proposal for a standard reporting format (MEPC 42/8/6). They also presented a Model Ballast Water Management Plan which met the requirements of resolution A.868(20) and the Committee considered that this could be the basis for reflection in relevant parts of the new draft Regulations and Code. The Committee agreed to refer these matters to the Ballast Water Working Group.

8.24 The observer from INTERTANKO proposed that Member States should use a risk assessment approach when developing ballast water management strategies (MEPC 42/8/8). This would result in ballast water exchange or treatment not having to be undertaken on voyages between ports of highly disparate environmental conditions due to low probability of species establishment. The main objective was to balance qualitatively and quantitatively the ecological and economical consequences of ballast water management. The Committee noted the need to incorporate the principles of risk assessment in the regulations and instructed the Working Group to examine this issue further.

Ballast water treatment and dilution method

8.25 The Committee was informed that Brazil had recently carried out a full-scale trial onboard **M/V Lavras** of its ballast water exchange method for oil carriers, the so-called dilution method, as had been recommended by MEPC at previous meetings (MEPC 42/8/3 and MEPC 42/INF.14). In the view of Brazil the results demonstrated that the tests were very successful: the exchange operation was safe and 90% of ballast water was changed; the analysis of samples confirmed that this method was effective in terms of aquatic species removal. Brazil proposed the inclusion of the dilution method in the draft code on ballast water management. The Committee took note of the paper and referred it to the Ballast Water Working Group for further consideration.

Conference in the next biennium

8.26 Having discussed the above issues and considered the draft regulations for ballast water management, the Committee confirmed its view that international regulations on ballast water management should be established.

8.27 While the Committee recognized that several key issues and legal framework options were still subject of further consideration at MEPC 43, the Committee was confident that a draft legal instrument could be prepared at MEPC 43 and that all the necessary arrangements and preparations could be finalized within a couple of sessions, subject to confirmation at MEPC 43 in July 1999.

8.28 Therefore, the Committee agreed that the Council should be invited to approve the convening of a five-day Diplomatic Conference on Ballast Water Management during the next biennium, 2000-2001.

Safety aspects

8.29 The Committee instructed the DE and SLF Sub-Committees to:

- .1 review Appendix 2 Guidance on Safety Aspects of Ballast Water (A.868(20)) in light of experience gained, since it was drafted;
- .2 review and comment on the safety issues related to ballast water treatment provisions as contained in the draft regulations and Ballast Water Management Code (MEPC 42/WP.1); and
- .3 consider and provide advice on the study by IACS contained in MEPC 41/9/2 as well as on the study carried out by Brazil (MEPC 42/8/3 and MEPC 42/INF.14).

9 PREVENTION OF AIR POLLUTION FROM SHIPS

9.1 The Committee recalled that the Conference of Parties to MARPOL 73/78 was held in September 1997, and the Protocol of 1997 to amend MARPOL 73/78 to add new Annex VI on Regulations on the Prevention of Air Pollution from Ships was adopted. The Conference also adopted eight Conference resolutions, including resolution 2 which provides the NO_x Technical Code.

9.2 At its last session, the Committee agreed that all items called for by the MP Conference resolutions should be included in the list of follow-up action and, furthermore, agreed that:

- .1 the draft MEPC Circular on Interim Guidelines for the application of the NO_x Technical Code should further be considered at MEPC 42; and
- .2 the DE, FP and FSI Sub-Committees should be instructed to deal with technical matters relating to the NO_x Technical Code, guidelines on representative samples of the fuel, the matter relating to the use of PFCs and introduction of the Harmonized System of Survey and Certification.

9.3 The Committee agreed that matters under this agenda item should be considered in the following order:

- .1 progress report by the Secretariat;
- .2 matters related to reduction of CO₂ emissions;
- .3 draft MEPC circular on Interim Guidelines for the application of the NO_x Technical Code;
- .4 guidelines for monitoring sulphur content of residual fuels; and
- .5 vapour recovery systems.

Progress report by the Secretariat

9.4 The Committee considered the progress report prepared by the Secretariat on the follow-up activities as set out in document MEPC 42/9/1.

Communication with UNFCCC

9.5 As instructed by the Committee at its last session, the Secretariat informed the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) of the outcome of the Committee's considerations during MEPC 41 and invited it to submit information and principles for the reporting of CO₂ emissions. The Committee noted the following information provided by the UNFCCC Secretariat:

- .1 the UNFCCC had submitted a copy of "the Revised 1996 Guidelines for National Greenhouse Gas Inventories of the Intergovernmental Panel on Climate Change to Estimate and Report on Anthropogenic Emissions by Sources and Removal by Sinks of Greenhouse Gases not Controlled by the Montreal Protocol", which has to be followed by Parties to the Kyoto Protocol when reporting;

- .2 according to the Revised 1996 Guidelines, emission based upon fuel sold to ships or aircraft engaged in international transport should not be included in national totals, but should be reported separately;
- .3 Parties to the UNFCCC are encouraged to include separately projections of emissions from international bunker fuels and/or provide information which will facilitate international projection of bunker fuel emissions;
- .4 the Subsidiary Body for Scientific and Technological Advice (SBSTA) at its fourth session, held in Geneva from 16 to 18 December 1996, considered emissions related to international bunkers. The information was partially based on national reporting and partially on information from other sources. These data suggest that in 1990 global bunker CO₂ emissions from the aviation sector were about 435 Megaton and from the marine sector about 441 Megaton. The emission in each sector represented about 2 per cent of CO₂ emissions from all sources in 1990. In 1996 it was estimated based on national reports to SBSTA 4, that the aggregate CO₂ emissions from bunker fuels represent about 2.8 per cent of the national emissions of the 22 Parties reporting emissions; and
- .5 the views expressed by MEPC 41 that "the requirements for CO₂ reduction should pertain to all ships without the differentiation between Annex I and Annex II countries as adopted by the Kyoto Conference", may be an inadvertent misunderstanding, since Annex II Parties are also Annex I Parties. Annex II Parties are, according to Articles 3.4 and 3.5 of the UNFCCC, Parties who have special commitments to assist developing country Parties to the Convention.

Outcome of the eightieth session of the Council

9.6 The Committee noted that the Council at its eightieth session had noted:

- .1 the action programme on the implementation of Annex VI to MARPOL 73/78, and in particular the instruction by MEPC 41 to the relevant sub-committees to deal with the technical aspects, including the development of relevant guidelines; and the invitation to Member Governments to submit proposals on technical and operational options for CO₂ emissions control; and
- .2 that a draft MEPC circular on Interim Guidelines for the Application of the NO_x Technical Code from year 2000 will be considered for adoption at this session.

Outcome of FSI 6

9.7 The Committee also noted that the FSI Sub-Committee had included a work programme item on introduction of the HSSC in MARPOL Annex VI.

Matters related to reduction of CO₂ emissions

9.8 The Committee considered the submission by the United States (MEPC 42/9/2) which provided estimates of the global emission for six specific pollutants developed by the Department of Engineering and Public Policy at Carnegie Mellon University, Pittsburgh, Pennsylvania, and noted that, based on an analysis of Lloyd's shipping data and global bunker fuel sales, the estimated CO₂ emission from ships is approximately 2% of the global CO₂ emission and a small but significant source of the total global emissions. The Committee further noted the views of the United States that:

- .1 a careful analysis needs to be undertaken and the potential for CO₂ reduction through technical, operational and market-based mechanism should be examined; and
- .2 the efficiency of marine pollution systems relative to other transport media on a tonnage basis, combined with recent advances in marine engine design, suggests that any reduction of CO₂ emission needs to be accomplished without a reduction in the volume of goods shipped in the marine sector.

9.9 The Committee considered the documents by ICS (MEPC 42/9/4 and MEPC 42/INF.36) which stated that:

- .1 although ships are responsible for the carriage of 80% of world trade by volume, they account for less than 2% of total global CO₂ emissions;
- .2 an increase in seaborne trade generally results in a corresponding increase in CO₂ emission, but analysis of the relationship between CO₂ emission and world seaborne trade indicates that, since 1990, there has been a definite trend towards reduction in ships' CO₂ emission per tonne-mile of world seaborne trade;
- .3 the slow steaming may not result in reduction of the total volume of CO₂ emission for the same amount of goods transported; and
- .4 available technologies have already been exploited in new designs of ships and engines.

9.10 The Committee noted the views by the Russian Federation (MEPC 42/INF.28), that it does not see any justification to implement urgently at the present time any restrictions on CO₂ emission from ships.

9.11 The Committee further noted the document by the European Commission (MEPC 42/INF. 22). By its communication to the European Council and the European Parliament, the European Commission makes it clear that, to reach the Kyoto targets set for the European Union, all modes of transport will be affected. The Committee also noted that, on shipping, no specific actions are foreseen by the European Commission and the work within IMO will be followed very closely. The communication clearly states that measures on shipping should not be restricted to industrialized countries only.

9.12 Several delegations supported the views of the United States (MEPC 42/9/2) and the Committee agreed that IMO is the appropriate international body to consider issues related to possible reduction of CO₂ emissions from ships. Several delegations supported the views of ICS (MEPC 42/9/4).

9.13 The Committee, noting that the delegations of the United States, the Netherlands and Norway and several other delegations after consultation in their capitals, offered financial support for the study as proposed by the United States and established a drafting group to meet outside plenary hours to develop the Scope of Work of the IMO study on CO₂ emissions.

9.14 Having received the report of the drafting group, the Committee approved the Scope of Work for the IMO study on CO₂ emissions as set out in annex 2 to MEPC 42/WP.11, and noted the following concerns related to the study as pointed out by the drafting group:

- .1 funding availability will influence the quality and content of the report;

- .2 given the anticipated time lag between confirmation of funding and its receipt at IMO, the drafting group considered it unlikely that a report would be available for consideration by the Committee before MEPC 44;
- .3 the implementation of the study will place a heavy burden on the IMO Secretariat and assistance may be needed from Member States and organizations involved, perhaps by the establishment of a project steering committee; and
- .4 a considerable amount of background information on the issue of greenhouse gas emissions from ships is available from various organizations and institutions around the world and the consultant employed should take this information into consideration.

9.15 The Committee considered the matter of managing the study and agreed to establish a Steering Committee to assist the Secretariat in implementing the study.

9.16 The Committee welcomed the offer from the United States, Norway and Panama to participate in the Steering Committee and invited other Member States to inform the Secretariat of their intention to participate in the Steering Committee and funding of the study.

9.17 The Committee instructed the Secretariat to initiate the study as soon as possible taking into account the Organization's in-house procedures for procurement, consultants' selection and project management.

9.18 Having generally discussed the matter on greenhouse gas emissions, the Committee noted that, in response to the Kyoto Conference, IMO has a clear mandate to deal with emissions of greenhouse gases from ships and agreed to develop a policy document on greenhouse emissions from ships which should be forwarded to the UNFCCC.

9.19 The Committee agreed to further consider the issue at MEPC 43 and invited Member Governments and international organizations to submit comments and proposals for such a policy document which should also take into account the outcome of the IMO study on CO₂ emissions from ships, referred to in paragraph 9.13 above.

MEPC circular on Interim draft Guidelines for the Application of the NOx Technical Code

9.20 The Committee recalled, that MEPC 41 agreed that new engines installed on board ships on or after 1 January 2000 should, on a voluntary basis, comply with the requirements of the NOx Technical Code and prepared a draft MEPC circular on Interim Guidelines for the Application of the NOx Technical Code as contained in annex 3 to MEPC 41/20 for further consideration at this session.

9.21 Several delegations stated that the draft Interim Guidelines need some clarification with regard to the relationship between the flag State Administration and other Governments and the validity of the Interim Certificate.

9.22 Other delegations stated that the draft Interim Guidelines reflected the outcome of the Committee's considerations during MEPC 41.

9.23 In order to clarify the points raised and improve the text, the Committee instructed a drafting group to prepare a clean version of the draft Interim Guidelines for consideration and approval by the Committee.

9.24 Having received the report of the drafting group (MEPC 42/WP.11), the Committee approved the revised Interim Guidelines for the application of the NO_x Technical Code, as set out in annex 7 and agreed to disseminate it as MEPC/Circ.344.

Guidelines for monitoring the sulphur content of residual fuels

9.25 At its last session, the Committee considered draft guidelines on monitoring the sulphur content of residual fuels, and agreed to consider these guidelines further in a future session as part of the follow-up action on the Air Pollution Annex.

9.26 The Committee noted that the Netherlands had hosted a meeting of invited Governments in June this year to consider the draft guidelines further.

9.27 The Committee considered the draft guidelines submitted by the Netherlands (MEPC 42/9), and agreed that the Guidelines should be issued in the form of an MEPC resolution and considered the following issues:

- .1 how to implement and carry out monitoring;
- .2 the development of a time scale;
- .3 method of calculation (weighted for quantity/not weighted for quantity); and
- .4 financial arrangements.

9.28 The Committee welcomed the offer from the Netherlands to run a trial monitoring and to report on the outcome to MEPC 43 for consideration.

9.29 The Committee agreed to consider the issue further at MEPC 43 with a view to adopting the Guidelines at that meeting and requested the drafting group to prepare a revised text of the Guidelines. The revised Guidelines are set out in annex 3 to MEPC 42/WP.11 for consideration by MEPC 43.

9.30 The Committee agreed that the calculation of the average sulphur content should not be weighted for quantity and should only give a worldwide figure.

9.31 The Committee noted that funding for the initial trial, to be reported to MEPC 43, and following five-year monitoring is available through contributions from Denmark, Finland, the Netherlands, Norway, Sweden and the United Kingdom. At the end of this five-year period, a more permanent basis for funding within the regular budget of IMO should be considered.

Vapour recovery systems

9.32 The Committee considered the document by INTERTANKO (MEPC 42/9/3) which informed that, since MARPOL Annex VI has not yet entered into force, Member Governments are not bound by the requirements of regulation 15 for circulation of information 6 months prior to the effective date of Vapour Recovery Systems (VRSs). However, it is essential that shipowners be informed of the intended requirements, and INTERTANKO suggested that an appropriate recommendation should be developed in order to encourage terminals to ensure the timely reporting to IMO so that such information could be circulated. The Committee agreed that input to the Organization from oil terminals should be through Member Governments and not directly.

9.33 The Committee agreed to issue an appropriate MEPC circular to that effect. The Committee approved the draft circular on Notification to the Organization on Ports and Terminals where Volatile Organic Compounds (VOCs) Emissions are to be regulated, as set out in annex 4 to MEPC 42/WP.11, and agreed to disseminate it as MEPC/Circ.345.

Other matters

9.34 The Committee noted that, a new publication containing the full text of the Protocol of 1997, including Annex VI to MARPOL 73/78, the eight Conference resolutions and the NO_x Technical Code, is now available from the Publication Section of IMO.

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

Revision of resolution A.720(17)

10.1 The Committee recalled that MEPC 41 had decided to review the Guidelines adopted in resolution A.720(17), taking into account the proposal by the United States (MEPC 41/6) to develop an appendix to the Guidelines, and had agreed to instruct the Correspondence Group led by Australia to provide a basis for further consideration on the review of resolution A.720(17).

10.2 The Committee considered the report of the Correspondence Group (MEPC 42/10), and noted the following majority views expressed by members of the Correspondence Group:

- .1 there is a need for MEPC to revise the existing Guidelines to produce simple, expeditious procedures. The relationship between PSSAs and other areas used by IMO to protect the marine environment (e.g., Special Areas) and the safety of shipping (e.g., Areas to be Avoided) needs to be clearly set out. One suggestion for a third environment category to be considered was for "Marine Protected Area". A clear majority of members supported separation of the Guidelines into two distinct documents, or at least two distinct parts. All members agreed that the focus in the immediate future should be on PSSAs;
- .2 the United States submission MEPC 41/6 should be used by MEPC as the basis for further deliberations on the revision of the Guidelines, although several pointed out there was a need for a detailed review to ensure all relevant issues are fully covered and consistent with the precautionary intent of the PSSA Guidelines;
- .3 consideration should be given to shortening the Guidelines by removing sections paraphrasing other IMO instruments, but only if the Guidelines remain clear and readily understood;
- .4 MEPC should consider development of a Layman's Guide to PSSAs or a Model Proposal once revision of the Guidelines has been completed;
- .5 environmental, ship safety and navigation aspects should not be considered in isolation from each other; and
- .6 the Guidelines should be re-assessed in relation to UNCLOS.

10.3 WWF, referring to its documents MEPC 42/10/1, MEPC 42/10/2 and MEPC 42/10/2/Corr.1, stated that the contents of the above documents would be introduced and discussed at the Drafting Group on revision of resolution A.720(17).

10.4 Before deciding on what action should be taken for revision of resolution A.720(17), the Secretariat provided information on actions taken by the Secretariat to communicate with relevant international organizations. The Division for Ocean Affairs and the Law of the Sea, Fisheries Department and Sustainable Development Department of FAO, UNESCO, UNEP and the International Hydrographic Bureau were informed of the steps taken by IMO in protecting environmentally sensitive sea areas, with a view to obtaining the co-ordination necessary between IMO's work in this field and that of other organizations. The Secretariat stated that the Committee would be informed of any information received from those relevant international organizations at future sessions.

10.5 In accordance with the decision of the forty-first session, the Committee established a drafting group on revision of resolution A.720(17) with the following terms of reference:

- .1 to review the Guidelines adopted in resolution A.720(17), with an immediate focus on the procedure for designation of PSSAs;
- .2 to prepare a draft appendix to the Guidelines setting out the revised procedures for designation of PSSAs, using document MEPC 41/6 as the basic document;
- .3 to provide an oral progress report for consideration by the plenary; and
- .4 to submit the final report to MEPC 43.

10.6 Having received the oral progress report from the Chairman of the Drafting Group, the Committee noted the progress made by the Group and agreed to consider the outcome of the Group at MEPC 43, based on the final report of the Group to be submitted to that session.

10.7 Several delegations expressed their views on the procedure of identification of, and measures to be adopted for, PSSAs and the Committee, noting these views, agreed to further consider the matter at MEPC 43.

10.8 The delegation of the Netherlands reserved its position with respect to a possible requirement that a proposal to designate a PSSA should be accompanied by proposed measures, in particular when measures for the protection of the marine environment are already in place. The delegation of Germany supported the position of the Netherlands. The delegation of Turkey, while supporting the views expressed by the Netherlands, stated that the guidelines should not place an additional burden on applicants and that they should be simple and concise in order to serve the purpose.

10.9 The delegation of Cuba stated its views as set out in the statement contained in annex 15.

Additional measures to be applied for the Archipelago of Sabana-Camagüey

10.10 The Committee recalled that MEPC 40 had adopted resolution MEPC.74(40) on Identification of the Archipelago of Sabana-Camagüey as a particularly sensitive sea area, and had requested Cuba to submit to the Committee further information on the measures in place to protect this area from shipping-related pollution.

10.11 The delegation of Cuba, in introducing document MEPC 42/10/3, provided the Committee with information on the measures of protection adopted under the current Cuban legislation and proposed measures to be introduced, as a first step, for the protection of important coastal and sea areas of the Sabana-Camagüey Archipelago, as set out in paragraphs 12 to 21 of MEPC 42/10/3.

10.12 The delegation of Cuba also stated that:

- .1 Cuba's constitutional procedure for acceptance of Annex V of MARPOL 73/78 was currently in its final stages. The arrival of balls of tar on seacoasts and in coastal areas in the north of the country was now becoming a regular occurrence, and was adversely affecting marine resources; and
- .2 the area to be avoided which is defined in paragraph 20 of document MEPC 42/10/3 is situated within its own internal and territorial waters, and does not affect international maritime traffic or the right of ships to innocent passage.

10.13 Regarding the measures proposed, the delegation of Greece stated that information on reception facilities should be submitted to MEPC, and the Committee requested Cuba to submit information on port reception facilities in the area concerned to MEPC 43.

10.14 The delegation of the United States renewed its reservation, as recorded in paragraph 7.5 of MEPC 40/21, on the use of the term baseline in connection with the Sabana-Camagüey Archipelago PSSA.

10.15 On the matter of ships' routeing measures, the Committee noted that traffic separation schemes, contained in paragraph 21 of MEPC 42/10/3, have already been adopted by IMO, however, an area to be avoided, contained in paragraph 20 of MEPC 42/10/3, has not been discussed at IMO, and agreed that it should be referred to the NAV Sub-Committee for discussion, since it deals with ships' routeing measures. The Committee further agreed that, since the proposed area to be avoided is for protection of the marine environment, the outcome of discussion at the NAV Sub-Committee should be returned back to the Committee before a final decision is taken.

10.16 The Committee requested the NAV Sub-Committee to consider the proposed area to be avoided, taking into account the status of the Archipelago of Sabana-Camagüey as a PSSA and relevant information submitted to the MEPC on the sea area concerned (MEPC 40/7 and Add.1).

10.17 On the matter of pollution prevention requirements contained in paragraphs 12 to 19 of MEPC 42/10/3, Cuba informed the Committee that the proposed measures are in fact consistent with the existing MARPOL regulations and, therefore, the Committee agreed that additional action is not necessary for the proposed measures.

10.18 The delegation of Bahamas expressed concerns on the discharge requirements outside the 50-mile limit which may affect the water around its country and indicated the need for bilateral discussions with Cuba.

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

Amendments to MARPOL Annex III to delete "tainting"

11.1 The Committee noted the view expressed at the DSC Sub-Committee that the inclusion of "tainting" as a criterion for assessing the pollution potential of packaged dangerous goods has long been questioned since the amount of products carried in the packaged form is limited and the slow leakage which occurs from a damaged package would not result in significant tainting of seafood. Recognizing that IMO is the only regulatory organization which uses "tainting" as a criterion in assessing the potential of substances to cause damage to the marine environment and that the continued use of this criterion would be in conflict with the harmonized criteria being developed by the OECD, the DSC Sub-Committee agreed that "tainting" should no longer be used as a criterion by IMO and requested that the Committee approve the proposed amendments to the Appendix to MARPOL Annex III to delete "tainting" as a criterion for defining marine pollutants in packaged form.

11.2 Norway, in introducing its document MEPC 42/11/3, maintained the view that "tainting" is marine pollution. The delegation of Norway stated that the effect of tainting is that seafood becomes unpalatable and cannot be marketed and expressed the view that the proposed amendments should be rejected. A number of delegations shared the views of Norway.

11.3 A number of other delegations reiterated their view that, for the purpose of MARPOL Annex III, "tainting" need not be considered as a criterion for harmful substances in packaged form. They also recalled that the Committee, at its last session, had already agreed with the deletion in principle. The Committee, at this session, should approve the proposed amendments to the Appendix to MARPOL Annex III to delete tainting as a criterion for defining marine pollutants in packaged form, as recommended by the DSC Sub-Committee.

11.4 The Committee, after an exchange of views, agreed that, before making a final decision, technical advice is needed from the DSC Sub-Committee with regard to the pros and cons of the deletion and instructed the DSC Sub-Committee to provide such advice to the next session of the Committee.

Making the IMDG Code mandatory under MARPOL

11.5 The Committee noted that the DSC Sub-Committee was instructed by the MSC to consider amending the SOLAS Convention in order to make the IMDG Code mandatory under SOLAS, and that DSC 3 has prepared a preliminary draft text of amendments to SOLAS chapter VII.

11.6 The Committee further noted that, at DSC 3, the question was raised as to whether MARPOL 73/78 should also be amended to provide the mandatory status to the IMDG Code. The DSC Sub-Committee recognized that it may be appropriate to consider making the Code mandatory also under MARPOL 73/78 and invited the Committee to provide the DSC Sub-Committee with clear instructions on this issue.

11.7 In this connection, the Committee noted that, under regulation 1(1) (1.1) of MARPOL Annex III, the IMDG Code is referred to as follows:

"For the purpose of this Annex, "harmful substances" are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code)".

11.8 Having considered the views of DSC 3, the Committee agreed that the reference to the IMDG Code in the present text of MARPOL Annex III is not sufficient to make the IMDG Code mandatory under MARPOL. Since the IMDG Code contains both safety and pollution prevention requirements and the IMDG Code will be made mandatory under SOLAS, there is a need to make the IMDG Code also mandatory under MARPOL. Therefore the Committee decided to instruct the DSC Sub-Committee to consider and prepare appropriate amendments to MARPOL Annex III with a view to making the IMDG Code mandatory under MARPOL.

Revision of Annex IV of MARPOL 73/78

11.9 The Committee recalled that the revision of Annex IV was discussed at MEPC 40 based on the report of the correspondence group led by Germany (MEPC 40/8/4). MEPC 40 agreed to continue to discuss the matter and decided to circulate a short questionnaire in the form of an MEPC circular with the aim of establishing the reasons why many Member States have not acceded to Annex IV. The questionnaire had been issued as MEPC/Circ.338 on 2 December 1997 and the responses from Member States are summarized in document MEPC 42/11/1 and its Add.1 and 2.

11.10 The Committee noted that eleven Member States and one Associate Member responded to the questionnaire and that the percentage of the gross tonnage of the world's merchant fleet, of the six Member Governments which had indicated their intention to accept Annex IV in the near future, is about 2.2% of the world's total tonnage, which is not sufficient to bring Annex IV into force.

11.11 The Committee further noted that a considerable number of Member Governments do not intend to accept Annex IV in its present form, and the reasons or obstacles are mainly related to the difficulties in providing reception facilities for sewage from ships. The Committee furthermore noted that the United States referred to other elements, such as definition of sewage, applicability, on-board treatment and effluent standards.

11.12 The Committee agreed to establish a Correspondence Group on the revision of MARPOL Annex IV and accepted with appreciation the offer by Singapore to act as a lead country in the revision of Annex IV. The Correspondence Group will be tasked with reviewing responses by Member Governments to the letter to be circulated by the Secretariat requesting those countries which have not ratified Annex IV and which have not responded to the MEPC/Circ.338 to provide information on barriers to ratifying Annex IV. The Correspondence Group will also consider and propose a course of action which will assist the entry into force of MARPOL Annex IV.

11.13 Recognizing that 25 years have elapsed since the adoption of Annex IV and taking into account that 71 States have already ratified the Annex, the Committee agreed that something needs to be done to bring the Annex into force. The delegation of the Republic of Korea stated that their Government would be able to accept Annex IV in the near future, not in three years as previously mentioned in their response to the questionnaire. A number of other delegations stated that, if the problem of reception facilities is solved, their Governments would also be able to accept Annex IV.

11.14 In the course of discussion, the Committee further noted the view that, in some sea areas, there is no need for reception facilities as the limited amount of sewage from ships would not pose an environmental problem in those sea areas and this view should be taken into account in the revision of Annex IV.

11.15 The Committee agreed that, in order to make further progress on the revision of Annex IV, evaluation of the problems faced by many Member States in accepting Annex IV is necessary and this would require responses from more Member States to the questionnaire. As a result, the Committee

decided to request the Secretariat to send letters to those Member States which have not responded to the questionnaire, inviting them to do so before the end of February 1999 so that a more comprehensive summary could be prepared by the Secretariat for consideration by MEPC 43. The Committee may then be in a better position to decide on how to amend Annex IV.

Amendments to the IOPP Certificate

11.16 The Committee considered the proposed amendments to the IOPP Certificate as contained in document MEPC 42/11/2. The Committee recognized the fact that many ships are already fitted with oil filtering equipment in compliance with resolution MEPC.60(33) and many port States request that such entries be made in the IOPP Certificate, although an appropriate column for such entries is not provided in the present Form A and Form B of the IOPP Certificate. The Committee considered that this anomaly should be rectified and agreed to make the necessary amendments to the IOPP Certificate.

11.17 The Committee further noted that "oily bilge water holding tanks" are not mandatory under the MARPOL Convention provided that the oil filtering equipment is fitted, so there is no corresponding item in the present IOPP Certificate. However, considering that regulation 16 of MARPOL Annex I allows the Administration to waive the requirement of 15 ppm oil filtering equipment if a ship is engaged exclusively on voyages within special areas, provided that the ship is fitted with an oily bilge water holding tank for subsequent discharge to reception facilities, and, recognizing that many port State Administrations do require an item in the IOPP Certificate for ships which are fitted with such oily bilge water holding tanks, the Committee agreed to add this item to the IOPP Certificate. Furthermore, the Committee requested the Administrations to inform their port State control officers that at present the IOPP Certificate does not cater for oily bilge water holding tanks to be annotated. The Committee also agreed with the other proposed amendments as contained in the annex to MEPC 42/11/2.

11.18 After an extensive exchange of views on the matter, the Committee approved, in principle, the draft text of amendments to the IOPP Certificate as set out at annex 8 to the report and requested the Secretary-General to circulate the proposed amendments in accordance with MARPOL article 16(2)(a), for consideration by the expanded session at MEPC 43 with a view to adoption. The Committee also agreed to refer the draft text of amendments to BLG 4 for consideration of technical details.

11.19 In considering the proposed amendments to the IOPP Certificate as contained in document MEPC 42/11/2, the Committee noted that the proposed amendments to regulation 13G, as contained in annex 4, could lead to possible amendments to the Supplement to the IOPP Certificate, which reflects two different categories of product carriers (one carrying persistent oil and the other carrying non-persistent oil).

11.20 Taking into account that the Committee had already approved, in principle, the proposed amendments to the IOPP Certificate as contained in document MEPC 42/11/2 and that the amendments to the IOPP Certificate are generally consequential amendments of previous amendments to the regulations, which are procedural and straightforward, the Committee agreed to instruct the BLG Sub-Committee to consider the matter and make a recommendation to MEPC 43 on whether the Supplement to the IOPP Certificate should be amended as a result of the proposed amendments to regulation 13G. With a view to avoiding further minor amendments to the Supplement to the IOPP Certificate, the Committee agreed that, after receiving the recommendation from BLG 4 on the matter, the consequential amendments to the Supplement to the IOPP Certificate, as a result of the proposed amendments to regulation 13G, could be incorporated into the proposed amendments as set out in annex 4.

Waste categorization in the Garbage Record Book of MARPOL Annex V

11.21 The Committee recalled that MEPC 41 had invited the Republic of Korea to submit a document concerning waste categorization given in the Garbage Record Book of MARPOL Annex V for the purpose of waste discharge or incineration on board ships. The document to MEPC 42 was submitted but after the deadline and therefore could not be accepted for consideration at this session. The Committee agreed to consider the Korean document at MEPC 43.

11.22 The delegation of the Republic of Korea informed the Committee that the late submission of the document was due to unforeseen reasons and expressed regret if this had caused any inconvenience to the Committee. The delegation further informed the Committee that the Republic of Korea would submit a revised document well within the deadline for consideration by MEPC 43.

Proposed amendments to MARPOL Annex II on shipboard Pollution Emergency Plans

11.23 With regard to the need for Shipboard Pollution Emergency Plans under MARPOL Annex II, the Committee recalled that, at MEPC 41, it had decided that the draft regulation 16 of MARPOL Annex II contained in the annex to MEPC 41/7 should be further considered in the interest of protection of the marine environment from accidental chemical pollution.

11.24 In the course of discussion, the delegate of the Netherlands, in her capacity as the former Chairman of the Correspondence Group, informed the Committee that the Correspondence Group on Revision of Annex II of the BLG Sub-Committee had already included the draft regulation 16 in the revised text of Annex II taking into account the views expressed at the BLG Sub-Committee. The delegation of Germany proposed to replace "shall" with "may" in paragraph 3 of the draft regulation 16 since it is for the Administration to decide whether to combine the HNS emergency plan with the oil emergency plan. After a brief exchange of views, the Committee decided to replace "shall" with "may" in paragraph 3 of the draft regulation 16.

11.25 The Committee noted that the OPRC Working Group has recommended to approve the draft amendments to MARPOL Annex II because the draft HNS-OPRC Protocol does not include relevant shipboard requirements.

11.26 Based on the above considerations, the Committee approved the proposed amendments to MARPOL Annex II as set out at annex 9, and requested the Secretary-General to circulate them in accordance with MARPOL article 16(2)(a) for consideration by the expanded session at MEPC 43 with a view to adoption.

Procedures to avoid discrepancies in requirements under the SOLAS and MARPOL Conventions

11.27 The Committee recalled that, in the course of discussion at MEPC 41 with regard to amendments to resolution A.744(18) - Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers, the view was expressed that there is a need for the MEPC and MSC to consider developing a procedure aimed at avoiding discrepancies between the various instruments of the Organization when developing and adopting amendments thereto. Members were invited to submit proposals for such a procedure to MEPC 42 (paragraph 7.27 of MEPC 41/20). However, there were no documents submitted to MEPC 42.

11.28 The Committee noted that this is a complicated matter, more procedural than substantial. Since no proposal was made for discussion at this session, the Committee instructed the Secretariat to investigate the matter and prepare a note for discussion at MEPC 43.

12 FOLLOW-UP ACTION TO UNCED

12.1 In considering this item, the Committee briefly recalled the background of the issue. Agenda 21 was adopted by UNCED in 1992. In the same year, the UN General Assembly adopted resolution 47/191 requesting all UN Specialized Agencies, including IMO, to strengthen and adjust their activities in line with Agenda 21. The IMO Assembly, in 1995, adopted resolution A.832(19) on Follow-up to UNCED requesting the MEPC, as the focal point, to keep IMO's contributions to the objectives of UNCED under continuous review. The work of IMO is principally related to those management items aimed at the prevention, reduction and control of marine pollution caused by shipping and offshore oil and gas activities.

Technical Meeting Document related to the Expert Meeting on Environmental Practices in Offshore Oil and Gas Activities

12.2 The Committee recalled that, at its last session, it considered a brief information paper submitted by Brazil and the Netherlands on the outcome of the Expert Meeting on Environmental Practices in Offshore Oil and Gas Activities held in the Netherlands in November 1997 (MEPC 41/INF.29). For this session, the two countries provided the Committee with more substantial information on the Expert Meeting (MEPC 42/12 and MEPC 42/INF.8).

12.3 The Committee thanked Brazil and the Netherlands for organizing the Expert Meeting and, in particular, for providing the Committee with the Technical Meeting Document related to the Expert Meeting (MEPC 42/INF.8).

12.4 The Committee noted that the main products of the Expert Meeting were:

- .1 the Technical Meeting Document consisting of an update of the Technical Background Document and the Working Session Reports; and
- .2 the Conclusions of the Joint Chair;

both of which are included in MEPC 42/INF.8.

12.5 The Committee further noted that the Conclusion of the Joint Chair includes the following statements:

- .1 the concept of "Sustainable Development" can be made operational in the form of a joint development of environmental best practice guidelines in offshore oil and gas activities, obtained through open discussion between industries, Governmental organizations and other interested parties within the framework of regional or local environmental and socio-economic conditions;
- .2 although it is primarily the responsibility of Governments to organize and maintain the discussion, it is a shared responsibility of Governments, industry, and other interested partners to define the outcome and to review the implementation;
- .3 offshore E & P activities have local impacts on the marine environment, the extent and nature of which depend on the local environmental and operational practice;
- .4 the industry has developed methods and technologies for the management of drilling and production activities, E & P chemicals and wastes, in order to minimize environmental impacts;

- .5 strategies and policies aimed at integrating sound environmental practices into the total management of offshore operations depend on the implementation of Environmental Management Systems (EMS), at company level, in compliance with environmental management at rational, regional and global levels; and
- .6 the sharing of information in a global network is a key factor in ensuring the development of good environmental practices within regional approaches to achieve "sustainable development", and in the perspective of the global context of multinational operations, world market competition and enforcement of global conventions.

12.6 The Committee noted that the results of the Expert Meeting were presented by Brazil and the Netherlands to the sixth session of the Commission on Sustainable Development (CSD) in April 1998 and will be considered at the seventh session of CSD in April 1999.

12.7 The delegation of the Netherlands informed the Committee that various initiatives had already been taken to implement the results of the Expert Meeting. For instance, a discussion forum had been established as a result of co-operation between UNEP - Industry and Environment, UNCTAD, E&P Forum, WWF, the Union Francaise de l'Industrie du Petrole and the Governments of Norway and the Netherlands.

Outcome of the Fourth International Conference on Health, Safety and Environment in Oil and Gas Exploration and Production

12.8 The Committee noted that the Fourth International Conference on Health, Safety and Environment in Oil and Gas Exploration and Production was held from 7 to 10 June 1998 in Caracas, Venezuela and that the outcome of the Conference with regard to the work of the Committee was summarized in document MEPC 42/12/1.

12.9 With regard to prevention of marine pollution from offshore activities, the Committee noted that the Conference highlighted the matters discussed at the Expert Meeting on Environmental Practices in Offshore Oil and Gas Activities held in the Netherlands in November 1997, including the conclusion that the concept of "sustainable development" on offshore activities could be achieved through a joint development of "Environmental best practice guidelines for offshore oil and gas activities". In this connection, the development of a model guide for offshore platforms was mentioned at the Conference.

12.10 The Committee welcomed the convening of the Conference in that it exchanged information on how to reduce marine pollution from offshore activities. The need for closer co-operation between the oil industry, environmental groups and intergovernmental organizations in this matter was recognized.

Draft report of IMO to the Commission on Sustainable Development

12.11 The Committee recalled that, at its last session when the item "Follow-up action to UNCED" was considered, the necessity of informing the CSD of IMO's achievements was recognized. After discussion, the Committee agreed to instruct the Secretariat to prepare a draft report on IMO's activities for consideration at MEPC 42 with a view to submission to CSD.

12.12 In this connection, the Committee noted that the seventh session of CSD would be held in April 1999 with the main agenda item being "Oceans and Seas". Since the responsibility of IMO in the context of follow-up to UNCED is on oceans and seas, the Committee considered it timely and appropriate to submit the report of IMO to the seventh session of CSD.

12.13 The Committee noted that the draft report to CSD (MEPC 42/12/2) provided general information on IMO's major achievements since UNCED and on the areas for further progress. Although the draft report mainly focused on the developments at MEPC in recent years, some achievements in IMO to enhance safety at sea, such as navigational safety and management of international straits, were also incorporated in the draft report, because they are also important elements in prevention and control of marine pollution in the context of sustainable development.

12.14 The Committee noted that the draft report contains:

- .1 in Section 2, "Major achievements since UNCED", including achievements in the areas of prevention of air pollution from ships, harmful aquatic organisms in ships' ballast water, protection of special areas and particularly sensitive sea areas, oil and chemical pollution preparedness and response, compensation for pollution damage caused by HNS, safe carriage of irradiated nuclear fuel by sea, prevention of marine pollution through port State control, promotion of wider ratification and effective implementation of IMO conventions, navigational safety and management of international straits; and
- .2 in Section 3, "Areas for further progress", including those for prevention of marine pollution from offshore oil and gas activities, facilities in ports for the reception of wastes from ships and harmful effects of the use of anti-fouling paints for ships.

12.15 The delegations which spoke on the draft report to the CSD appreciated the fine work carried out by the Secretariat and suggested some improvements to the text and items to be added in the draft text. The Secretariat prepared a set of amendments based on the comments by delegations as contained in MEPC 42/WP.14.

12.16 Having considered the proposed amendments, the Committee approved the report as amended and contained in annex 10, and requested the Secretariat to submit it to CSD 7 in due course.

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

MARPOL - How to do it

13.1 The Committee recalled that MEPC 41 had agreed that a new edition of *MARPOL - How to do it* should be developed and the relevant parts of the draft publication for *MARPOL - How to enforce it*, as contained in document MEPC 41/12, should be incorporated in the new edition of *MARPOL - How to do it* in order to avoid duplication with the current publication.

13.2 The Committee noted that, as requested, the Secretariat had prepared in document MEPC 42/13:

- .1 a framework of the new publication, *MARPOL - How to do it*, incorporating guidance notes for enforcement proposed in MEPC 41/12; and
- .2 draft texts of new paragraphs dealing with enforcement of MARPOL.

13.3 When considering whether editorial modifications should be left for the work of the Secretariat and whether the final text of the publication for printing should be prepared by the Secretariat, the Committee decided that, since the matter of enforcement is of paramount importance for Member Governments, the draft text of *MARPOL - How to do it* and new paragraphs for guidance notes for enforcement should be further considered by MEPC 43. The Committee accepted the United States offer

to lead an intersessional Correspondence Group to develop the text to these provisions which would then be submitted to MEPC 43 for further consideration. Details of the contact point for the leader and terms of reference of the Correspondence Group are set out in annex 14.

Identification tagging of oil

13.4 The Committee recalled that, at MEPC 40, the United Kingdom had proposed that systems for marking oil with an identifying code ("oil tagging") be included in the Work Programme of the Committee. The Committee also recalled that MEPC 40 had agreed to place this in its future programme, await the outcome of further studies including relevant cost/benefit analysis and full-scale tests and place this item on the agenda of MEPC 42.

13.5 In introducing document MEPC 42/13/1, the United Kingdom provided the Committee with information on the reports of the full scale trials, and requested the Committee to consider the proposal and to take appropriate action.

13.6 The Committee noted the following views expressed on the results of the full scale trial:

- .1 concern was expressed about the potential effect such tags themselves may have on the environment;
- .2 it had been stated that the tagging system would be used on oil bilges and bunkers though the trials had been conducted using ballast water which, it was claimed, was easier to test; and
- .3 as the cost of the tagging system is expensive, it would be necessary to carry out a cost/benefit analysis in order to justify such an approach.

13.7 The delegation of the United Kingdom offered to take these comments into account and revert to MEPC 44 with further information.

13.8 The Committee expressed its appreciation of the research done in this area and encouraged the United Kingdom to develop it further.

Manual on Shipboard Waste Management

13.9 The Committee recalled that:

- .1 MEPC 37 agreed that the draft Manual on Shipboard Waste Management must be finalized at MEPC 38 in order for the shipowners and/or operators to prepare a waste management plan with sufficient lead time to be in a position to comply with the requirements of the new regulation 9 of Annex V of MARPOL 73/78, which entered into force on 1 July 1997;
- .2 however, MEPC 38 noted the concern of several delegations that, due to the extensive amount of work necessary to revise the draft Manual (MEPC 38/11) submitted by Germany, there would be insufficient time available at MEPC 38 to finalize the entire draft Manual. Therefore, MEPC 38 agreed that it must focus its attention on development of Guidelines and adopted resolution MEPC.71(38);

- .3 regarding the "Manual on Shipboard Waste Management", MEPC 38 noted that there was presently no compelling need to continue development of the Manual, but the information, in general, contained in the draft Manual is useful and should be retained for further consideration, pending experience gained from the implementation of the "Guidelines for the Development of Garbage Management Plans"; and
- .4 a correspondence group was established under the leadership of Germany, and MEPC 40 agreed to include this agenda item for this session.

13.10 The delegation of Germany stated that a number of points have been identified in the base document (MEPC 38/11) that need to be revised in order to make it shorter and more user-friendly and that an amended version would be submitted to MEPC 43 for further consideration.

Information on activities of the Helsinki Commission in 1997

13.11 The Committee noted the information contained in MEPC 42/INF.3 and noted that the Helsinki Commission had expressed the concern of the Baltic Sea States on the lack of co-operation between the port and flag States in investigations of violations of pollution-prevention regulations, and invited MEPC to consider possible measures on how to improve this co-operation.

Litter in the coastal and marine environment and the Sintra Statement

13.12 The Committee noted information contained in MEPC 42/INF.18 and, in particular, that the 1996 meeting of the OSPAR IMPACT working group had concluded that agreed measures to reduce litter in the coastal and marine environment, and their current level of implementation, did not appear to be effective at the present time, therefore, OSPAR invited IMO/MEPC and its Member Governments to take appropriate action to strengthen the international co-operation within the maritime sector with the purpose of further reducing and controlling litter in the marine environment.

Disposal of Dry Bulk Cargo Residues in Australian Waters

13.13 The Committee noted information provided by Australia (MEPC 42/INF.23) and noted that the Australian Maritime Safety Authority, Australian Shipowners Association, Australian Chamber of Shipping, Great Barrier Reef Marine Park Authority and Queensland Department of Transport had made an agreement regarding Disposal of Dry Bulk Cargo Residues in Australian Waters. The Committee requested Member States to advise ships visiting Australia of the information contained in this paper.

Detection of illegal discharges in international waters

13.14 The Committee noted the information provided by Australia (MEPC 42/INF.35) and noted that suspected oil pollution incidents are often sighted and reported to the Australian Maritime Safety Authority by the Royal Australian Air Force, and that Australia is obligated under article 6 of MARPOL 73/78 to report these incidents to flag States regardless of where the incident occurs. Australia invited Member State Administrations to address these incidents seriously by investigating the allegations and taking appropriate action in accordance with articles 6(4) and 6(5) of MARPOL 73/78.

14 INF CODE RELATED MATTERS

14.1 The Committee considered the following four issues under this agenda item:

- .1 proposed amendments to SOLAS chapter VII to make the INF Code mandatory which is addressed in MEPC 42/14;
- .2 Voyage Planning in the INF Code;
- .3 Prior Notification to concerned coastal States of the passage of INF Code material through waters under their jurisdiction; and
- .4 the literature study on specific hazards associated with the carriage of INF material and consequence of accidents.

14.2 The Committee recalled that, at MEPC 41 it was reported that the DSC Sub-Committee had prepared texts of those amendments to SOLAS chapter VII and the INF Code (as amended by resolution A.853(20) necessary to make the INF Code mandatory, and that such text would be submitted to MSC 69 and MEPC 42 for approval.

14.3 In addition, it was recalled that, MEPC 40 agreed that it would be premature to discuss the requirement for voyage planning in the INF Code until the NAV Sub-Committee had finalized the Guidelines for Voyage Planning and that this was not discussed further at MEPC 41, in March/April 1998, as the NAV Sub-Committee had not convened by that time.

14.4 The Committee recalled further that, following considerable debate on the subject of Prior Notification, MEPC 41 recognized that there was a divergence of views on this issue. However, it was recalled that the Committee had agreed that the subject should be kept on the agenda for MEPC 42 and that, meanwhile, delegations should work together to try and resolve the issue by giving special consideration to the action items identified in Ireland's submission to Assembly (A 20/9/3).

Proposed amendments to SOLAS chapter VII to make the INF Code mandatory

14.5 The Committee noted the following points arising from DSC 3 that are relevant to the INF Code:

- .1 the Sub-Committee, as instructed, developed appropriate amendments to SOLAS chapter VII and the INF Code in order to make it mandatory;
- .2 DSC 3 agreed that the current Guidelines for Shipboard Emergency Plans should remain a recommendatory instrument and, therefore, deleted the alternative text for making it mandatory;
- .3 recognizing that the references to schedules 10,11,12 and 13 of the IMDG Code in the definition of INF Cargo may need to be changed as a result of the revised schedule numbering associated with Amendment 30 of the IMDG Code, DSC 3 recommended that MSC should adopt the new Part D of SOLAS chapter VII and approve Amendment 30 of the IMDG Code at its seventy-first session in the spring of 1999. This would ensure that the new schedule numbers in the IMDG Code and the definition of the INF Cargo would be consistent; and

- .4 with some additional amendments, MSC 69 approved the draft text developed by the Sub-Committee with a view to adoption by MSC 71 following concurrence by MEPC.

14.6 In considering those INF Code related aspects from the report of DSC 3, the Committee:

- .1 noted the developments regarding the mandatory application of the INF Code; and
- .2 concurred with the decision of MSC 69 to approve the proposed amendments to SOLAS chapter VII and the draft revised text of the INF Code as modified by MSC 69 and set out in annexes 1 and 2 of MEPC 42/14.

Voyage planning

14.7 The Committee recalled that, at MEPC 40 it was agreed that discussion on Voyage Planning should be deferred until the NAV Sub-Committee had considered the matter.

14.8 The Committee noted that, as reported in paragraph 2 of MEPC 42/2/5, NAV 44 prepared a preliminary draft Assembly resolution and Guidelines for Voyage Planning applying to all ships with the intention that the matter of Voyage Planning would be considered at NAV 45 when the draft Assembly resolution would be finalized.

14.9 The Committee agreed that further consideration of this item would be deferred until the discussion on guidelines for Voyage Planning for all ships is finalized at the NAV Sub-Committee.

Prior Notification

14.10 The Committee noted that, as reported in paragraph 6 of MEPC 42/3/1, MSC 69 had considered the issue of Prior Notification but, recognizing that it might lead to an undesired precedent for the transportation of other dangerous goods and notification might lead to interference by terrorists, agreed not to pursue the issue further at present.

14.11 In addition, the Committee noted that, as reported in paragraph 3 of MEPC 42/2/5, NAV 44 , noting this decision of MSC 69, did not consider the issue of Prior Notification pending further guidance both from MSC and MEPC.

14.12 The Committee concurred with the decision of MSC 69 and agreed not to pursue this matter at this time.

The literature study on specific hazards associated with the carriage of INF material and consequence of accidents

14.13 The Committee recalled that an informal inter-agency group, comprising IMO, IAEA and UNEP has been set up to evaluate the potential hazards posed by radioactive material to the environment with the initial task of conducting a literature review of the subject.

14.14 The Committee was informed by the Secretariat that:

- .1 in order to carry out the literature review it was agreed that it would be necessary to employ consultants with both the appropriate expertise and neutrality required to ensure that any conclusions reached would not be biased in any way.

- .2 the first stage of the literature review would be a data gathering exercise and noted that the IAEA, acting on behalf of the inter-agency group, had identified a short list of candidates.
- .3 it is anticipated that two consultants will be selected to carry out the first part of the exercise so that a progress report will be available at MEPC 43.

14.15 The Committee noted these developments and instructed the Secretariat to keep the Committee informed of the progress made in the literature study.

Measures to locate, identify and salvage a sunken ship or lost cargo

14.16 The Committee noted that, although this item was included in annex 7 of MEPC 41/20, as a substantive item for MEPC 42, no document had been submitted on this item. As a result, the Committee decided not to discuss this item at this time.

15 POLLUTION PREVENTION EQUIPMENT UNDER MARPOL

15.1 The Committee recalled that it had been receiving information papers and revision proposals on existing standards for pollution prevention equipment required under MARPOL 73/78 since MEPC 38 in July 1996. At MEPC 40, the Committee agreed that the improvement in effectiveness and reliability of pollution prevention equipment under MARPOL, such as oil filtering equipment and oil content meters, is one of the high priority items and should be pursued further (MEPC 40/21, paragraph 13.11), recognizing that operational discharge of oils from all types of ships continues to be an important source of marine pollution, and such discharges often exceed the 15 ppm limit specified by MARPOL Annex I for a number of reasons, including malfunctioning of the pollution prevention equipment. MEPC 40 also agreed to return to the matter at MEPC 42 and the Netherlands delegation undertook to submit a paper taking into account relevant submissions by other delegations (MEPC 40/21, paragraph 18.8).

15.2 The delegation of the Netherlands, in its submission to MEPC 42 (MEPC 42/15), proposed to develop the terms of reference and a time schedule for a partial revision of the relevant IMO resolutions on standards of the pollution prevention equipment required under MARPOL 73/78. In its view, the following three main reasons warrant a reconsideration of the existing standards:

- .1 the present standards are not sufficiently in line with shipping practice, taking into consideration that the bilge water, in many cases, is an emulsion;
- .2 the present standards do not cover new and emerging technologies; and
- .3 a revision of the existing standards, by widening the scope of resolution MEPC.60(33) to include other methods to achieve the performance required by MARPOL Annex I, will contribute to protection of the marine environment.

15.3 In MEPC 42/15/1, the Netherlands proposed amendment of regulation 1 of MARPOL Annex I or resolution MEPC.60(33) to include definitions of emulsified and non-emulsified bilge water and amendment of resolution MEPC.60(33) with respect to a number of related issues. The proposal is based on a document prepared by NATO Navies which reflects their experience with various technologies for treatment of oily water mixtures by oil filtering equipment and this experience is considered relevant for the application of such equipment on commercial vessels.

15.4 It was the view of the Netherlands that these issues cannot be settled in one or two sessions of the Committee taking into account the large number and complexity of the issues to be addressed. Therefore the Netherlands invited the Committee to consider appropriate ways and means to address the matter, including delegation of the task to a subcommittee or a correspondence group.

15.5 The delegation of the Russian Federation, in its documents MEPC 42/15/2 and MEPC 42/INF.11, informed the Committee that, according to their investigation, the fluorescent method may be acknowledged as an alternative to the IR-spectrophotometric method contained in resolution MEPC.60(33). MEPC 42/INF.11 describes the standard operating procedure for measuring mass concentrations of oil, grease and total petroleum hydrocarbons in samples of surface waters, drinking water and sewage by fluorescent method.

15.6 The delegation of the United Kingdom, in its submission MEPC 42/15/3, proposed a number of amendments to the specifications for bilge alarms and oil discharge monitoring and control systems contained in resolutions MEPC.60(33) and A.586(14) based upon the outcome of its research and discussions with manufacturers. The United Kingdom, like the Netherlands, was of the view that this matter should be considered by a specialist group.

15.7 The Committee thanked the Netherlands, the Russian Federation and the United Kingdom for their valuable submissions and, after an exchange of views, agreed that there was a need to amend the existing performance standards for shipboard pollution prevention equipment contained in resolutions MEPC.60(33) and A.586(14). Considering that the agenda of the Committee for the next few sessions is quite heavy and that this matter would best be dealt with by a technical sub-committee, the Committee agreed to refer the matter to the DE Sub-Committee for consideration and action. Bearing in mind that the revision of MARPOL Annexes I and II is to be completed in 2002 and that appropriate resolutions on pollution prevention equipment should be referenced in the footnotes to the revised regulations, the Committee decided to add a priority item to the work programme of the DE Sub-Committee and agreed with the terms of reference for the task, which is set out in annex 11 to the report. The Committee further agreed that the work should commence at DE 42. The MSC is invited to agree with this course of action.

15.8 The delegation of Greece, whilst recognizing the utility of certain qualitative elements contained in those submissions, stated that the proposal to modify the existing resolution MEPC.60(33) and to include a high priority new work programme item does not contain the necessary information particularly required under paragraphs 16, 17, 18, 19 and 24 and appendix 3 of the Guidelines on the Organization and Method of Work of MSC and MEPC and their Subsidiary Bodies (MSC/Circ.881/MEPC/Circ.331).

16 ROLE OF THE HUMAN ELEMENT WITH REGARD TO POLLUTION PREVENTION

16.1 The Committee recalled that the Joint MSC/MEPC Working Groups on the Human Element and on Formal Safety Assessment used to meet as two individual Working Groups during the meetings of MSC. However, due to a very busy work programme for MSC 69, that Committee agreed that the two Working Groups should be held as a joint meeting during that session. The report of the Joint MSC/MEPC Working Group is set out in document MEPC 42/16 and will be submitted to MSC 70 as document MSC 70/13.

16.2 The Committee noted that an interim report on issues finalized and on general progress of the Joint MSC/MEPC Working Groups during MSC 69 was presented to MSC 69 which took a number of decisions as reflected in the report of MSC 69 (MSC 69/22, paragraphs 13.19 to 13.21 and 14.12 to 14.19).

Report of the Joint MSC/MEPC Working Group

16.3 The Committee considered the report of the Joint Working Group (MEPC 42/16) with regard to issues related to the Human Element and:

- .1 invited Members to submit comments on draft amendments to SOLAS chapter IX and the ISM Code to MSC 71 and consider the need to include experts on the ISM Code certification in their delegations to MSC 71 (paragraph 7);
- .2 noted the preliminary consideration on fatigue (paragraphs 14 to 16 and annex 1);
- .3 agreed to establish, subject to the decision of MSC 70, an intersessional correspondence group on fatigue, co-ordinated by the United States, under agreed terms of reference (paragraph 17 and annex 2);
- .4 agreed to add, subject to the decision of MSC 70, the aspects stated in paragraph 22 to the terms of reference for the intersessional correspondence group on FSA established by MSC 69 (paragraph 23);
- .5 noted the preliminary draft guidelines for practical application of FSA to the IMO rule-making process, which are intended for further discussion within the intersessional correspondence group on FSA and by the Working Group at MSC 71 (paragraph 25 and annex 3); and
- .6 approved the report in general.

Decision of MSC 69

16.4 The Committee noted that document MEPC 42/16/1 reflects the outcome of discussions and decisions of MSC 69 on those items not covered by the report of the joint MSC/MEPC Working Groups, and:

- .1 approved the draft MSC/MEPC circular on Interim Guidelines for the application of HEAP into the IMO rule-making process (annex 1), and instructed the Secretariat to issue it as MSC/Circ.878/MEPC/Circ.346;
- .2 concurred with the decision of MSC 69 to combine the two Joint MSC/MEPC Working Groups into one Joint MSC/MEPC Working Group on the Human Element and Formal Safety Assessment (paragraph 7); and
- .3 agreed to keep the present items concerning the Role of the Human Element and Formal Safety Assessment as separate items on the agenda and to establish priorities for both agenda items (paragraph 8).

16.5 The Committee noted the statement by Cyprus, commenting in general on the report of the Joint MSC/MEPC Working Group on the Human Element and Formal Safety Assessment, pointed out that the decisions that have been taken during MEPC 41 have not been duly taken into consideration by the Working Group, and requested the Committee to take any action deemed appropriate, to ensure that similar incidents do not occur in the future.

16.6 The Committee further noted that the rationale behind the decision of MSC 69 to merge the two joint MSC/MEPC working groups was due to the need of MSC 69 to have the necessary capacity to consider urgent matters related to the preparation of a diplomatic conference on bulk carrier safety.

17 FORMAL SAFETY ASSESSMENT, INCLUDING ENVIRONMENTAL INDEXING OF SHIPS

17.1 The Committee noted that the draft MEPC Circular on the Interim Guidelines for the Application of Formal Safety Assessment (FSA) to the IMO Rule-Making Process was approved by MSC at its sixty-eighth session and MEPC at its fortieth session.

17.2 The Committee agreed that these Guidelines, which were issued as MSC/Circ.829 and MEPC/Circ.335 in November 1997, indicate that FSA is a system for assessing the risks associated with shipping activity and for evaluating the costs and benefits of IMO's options for reducing risks in these areas and should provide support to the IMO decision-making process.

17.3 The Committee noted that, on the Sunday prior to MEPC 42, a special presentation on FSA was held in order to allow the non-experts to become more familiar with the subject. The presentation, which took the form of a fictitious case study, took participants through the five stages of the FSA process showing the practical application of the procedures to be employed which resulted in recommendations for consideration in the decision making process.

17.4 The delegation of the United Kingdom, which had organized this special session, made the following points about the proceedings:

- .1 the joint MEPC/MSC Working Group on FSA had developed the idea of having this presentation which had been approved by MEPC at its fortieth session;
- .2 the session had been attended by over 100 people including representatives of 35 countries, 15 NGOs and members of the IMO Secretariat;
- .3 the presentations were made by a multinational team who presented a fictitious case relating to accidental pollution from crude oil tankers using the FSA Guidelines approved by MSC and MEPC; and
- .4 the session included discussions which covered a range of aspects which demonstrated the keen interest shown by participants to this new tool that is hoped will facilitate the IMO's decision making process.

17.5 The Committee expressed its appreciation to the United Kingdom as the organizer and to the presenters of this special session, recognizing the important contribution that had been made in facilitating the understanding of FSA as an important tool that may be helpful in the IMO rule making process.

17.6 The Committee noted that FSA is still in its infancy and that it is necessary to learn more about the process through experience by applying it in the future to specific applications.

17.7 Due to time constraints, the Committee agreed to defer discussion on the remaining issues under this agenda item to MEPC 44.

18 APPLICATION OF THE COMMITTEES' GUIDELINES

Because of the shortage of time and amount of work, the Committee decided to postpone consideration of this agenda item to the next session. The Committee at its next session would consider views expressed at MSC 70 on the proposed revision of the Committees' Guidelines taking into account the comments of the Bahamas as reflected in paragraph 19.14.

19 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Work programmes and provisional agendas of subsidiary bodies

19.1 In considering documents MEPC 42/19 and its Add.1 on the work programmes of the Sub-Committees and provisional agenda for their forthcoming sessions, the Committee recalled that FP 42, SLF 41 and DE 41 were held before MEPC 41 and their work programmes and provisional agendas for their forthcoming sessions had been revised and approved by MEPC 41. In this connection, the Committee noted that MSC 69 subsequently approved the work programmes and provisional agendas of the three Sub-Committees.

19.2 The Committee further noted that FSI 6, BLG 3 and NAV 44 were held after MEPC 41 and their proposed revised work programmes and provisional agendas for their forthcoming sessions were considered by the Committee.

19.3 Taking into account the relevant decisions of the Committee under other agenda items at this session, the Committee approved the work programmes and provisional agendas of the BLG and the FSI Sub-Committees and amendments to the work programme of the DE Sub-Committee, as set out at annex 11, subject to the concurrent decisions of the MSC.

19.4 A summary of instructions of the Committee to the relevant sub-committees is contained in annex 12.

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

19.5 The Committee recalled that paragraph 14 of the Committees' Guidelines (MSC/Circ.816 and MEPC/Circ.331) requires that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering the activities, priorities and meeting requirements of their subsidiary bodies for the subsequent two years.

19.6 The Committee further noted that the plan for meeting weeks for the MEPC and subsidiary bodies including those of any Conferences for the biennium 2000-2001 must be approved by the Council with the necessary arrangements for the budget, and in this context, the Committee was invited to consider the proposed plan for meeting weeks which had been prepared by the Chairmen of the MSC and MEPC based on the recommendations by the Chairmen of the Sub-Committees, which was contained in MEPC 42/19/1.

19.7 In considering the document (MEPC 42/19/1), the Committee noted that when preparing MEPC 42/1/1, the Chairmen sought the advice of the Chairmen of all the Sub-Committees on the number of sessions needed for the biennium 2000-2001, based on the Sub-Committees' present work programme, and the general policy of shifting emphasis from the development of new standards to the implementation of existing ones as well as the financial implications of the proposals to the Organization's budget were borne in mind.

19.8 The Committee approved the proposed plan for the meeting weeks for the biennium 2000-2001 which was set out in the table contained in MEPC 42/19/1, where 4.5 weeks for MSC, 3 weeks for MEPC and 2 weeks for each Sub-Committee had been proposed with a grand total of 25.5 weeks.

19.9 With regard to the arrangements for two meeting weeks for the contemplated Ballast Water Management Conference and the HNS Pollution Preparedness Conference, taking into account the relevant decisions of the Committee under agenda items 7 and 8, the Committee agreed to request the Council's approval for the proposed two one-week Diplomatic Conferences in the next biennium 2000 and 2001, and requested the Secretary-General to include relevant budget proposals for approval by the Council.

19.10 The Committee further recognized the need to consider arrangements for an additional conference for the adoption of legal instruments addressing harmful anti-fouling systems, in order to fulfil the agreement contained in the draft Assembly resolution on anti-fouling systems used on ships (annex 5). A suggestion was made to combine either of the above diplomatic conferences with a conference on anti-fouling systems. The Committee agreed to further discuss this issue at MEPC 43 and, depending on the decision of the Committee, the Council may also need to be requested to hold the additional conference in the next biennium (see paragraph 5.18).

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

19.11 The Committee approved the Committee's agenda for its forthcoming three sessions, which is set out at annex 13 to the report.

Intersessional Meeting

19.12 The Committee approved the proposed intersessional meeting of the ESPH Working Group to be held in 1999 and agreed to request the Council's approval.

Management of working/drafting groups

19.13 The Chairman referred to the difficulty encountered by the Committee at this session over handling the number of working/drafting groups. Whilst giving his appreciation to the Committee and those delegations attending the various working and drafting groups the Chairman sought the Committee's views on how this problem might be overcome. The Chairman, while seeking initial comment, indicated that, as planned at its next session, the Committee will fully discuss the future working arrangements of this Committee and suggested that a general exchange of views on this matter should be held at the next session.

19.14 The delegation of the Bahamas expressed serious concern on the current work method of IMO, proposing that the Committee should consider not to hold more than two working groups and that drafting groups should not be decided in advance. He made the following points:

- .1 participation in the working and drafting groups by, for instance, the countries of the Caribbean, Africa, Latin America, South East Asia is very limited;
- .2 there are a number of reasons for the limited participation. One is geographic, it is expensive to fly large numbers of people around the world for each of the many meetings that take place here in London. A second is that the number of suitable experts in many countries is limited. A third is that the number of suitable experts who speak the required level of fluent English to take part in working and drafting groups is even more limited;

- .3 why do we need to have so many groups? The usual answer is that we have to accomplish our work quickly. But, if the Committee, prompted by the Secretary-General, made the right decision when emphasizing implementation rather than developing new regulations, why do we have to produce so many new regulations so rapidly; and
- .4 we should rethink our priorities, reduce our subsidiary groups to allow wider participation and adjust our time scales to the needs of the majority rather than the few.

19.15 A large number of delegations agreed with the views of the Bahamas and considered that the Committee should discuss this matter in depth at its next session.

19.16 However, several delegations, while sharing the concern expressed by the Bahamas, could not agree to the proposed restriction on the number of working groups and proposed that this matter should be further considered at the next session under the agenda item on application of the Committee's Guidelines.

19.17 The Committee, having discussed as above, recognized the importance of the discussion on the points raised by the Bahamas and agreed to intensively discuss this matter at the next session. Members Governments are invited to provide their comments to the next session. The Committee shared the view that it would be useful if the Chairman prepared, jointly with the Secretariat, a document for the next session as a basis for the discussion.

Working/drafting groups at MEPC 43

19.18 The Committee, in principle, agreed to hold working and drafting groups on the following items at its next session:

Working Groups: Harmful effects of the use of anti-fouling paints for ships;
Harmful aquatic organisms in ballast water; and
OPRC matters

Drafting Groups: Proposed amendments to MARPOL; and
Particularly Sensitive Sea Areas

Correspondence Groups

19.19 The Committee agreed to establish three correspondence groups on the following items:

- .1 Reception facilities;
- .2 Revision of MARPOL Annex IV; and
- .3 MARPOL - How to do it (enforcement)

19.20 The details of contact points for the leaders of the above correspondence groups and their terms of reference are set out in annex 14.

Dates for MEPC 43 and MEPC 44

19.21 The Committee agreed to hold MEPC 43 from 28 June to 2 July 1999 and noted that MEPC 44 is tentatively scheduled to be held in conjunction with the proposed five-day HNS-OPRC Conference in March 2000.

Problems associated with ships dismantling

19.22 The delegation of Norway drew the Committee's attention to problems associated with dismantling of ships. That delegation stated that the dismantling of ships is an integral part of the shipping industry and proposed that this item be included in the work programme of the Committee as a high priority item in order to develop an internationally acceptable way of reducing the environmental effects of dismantling activities.

19.23 The Committee considered that the matter should be discussed further and requested that Norway submit to MEPC 43 a proposal to include this item in the work programme of the Committee, providing the necessary information required in accordance with the Committee's Guidelines.

20 ELECTION OF THE CHAIRMAN AND VICE CHAIRMAN FOR 1999

20.1 In accordance with Rule 17 of the Rules of Procedure, the Committee unanimously elected Mr. Michael Julian (Australia) as Chairman and Mr. Zafrul Alam (Singapore) as Vice Chairman for 1999.

20.2 The Committee expressed its appreciation to Captain Sergio Wall, the current Vice Chairman for 1998, for his contribution to the work of the Committee and wished him every success in his future career. The Chairman thanked Captain Wall particularly for his considerable support and also for his work as Permanent Representative of Chile to the Organization.

Expression of appreciation

20.3 The Committee also expressed its appreciation to Mr. Henning Menzel (Germany) for his valuable contribution to the work of the Committee and noted that this was the last session that he would attend since he will be taking over another post in the German Ministry of Transport.

21 ANY OTHER BUSINESS

Application for consultative status

21.1 The Committee considered document MEPC 42/21 and information contained in documents C 80/21 and C 80/21/Add.1 which contain information for consultative status on the following organizations: International Marine Contractors Association (IMCA), International Council of Environmental Law (ICEL), Federation of European Tank Storage Associations (FETSA), International Ocean Institute (IOI), and World Nuclear Transport Institute (WNTI).

21.2 As is the practice of the Committee, a small informal group chaired by the Vice Chairman of the Committee (Capt. S. Wall of Chile) was established to review the information in accordance with the Rules Governing Relationship with Non-Governmental International Organization and the Guidelines on the Grant of Consultative Status.

21.3 After having considered the report of the group (MEPC 42/WP.8), the Committee endorsed the recommendation of the group that consultative status should be granted to the application of IMCA since it meets the criteria for the grant of such status.

21.4 With regard to the applications from FETSA and ICEL, the Committee endorsed the recommendations of the group that consultative status should not be granted to ICEL and FETSA for the reasons contained in MEPC 42/WP.8.

21.5 The Committee also agreed with the recommendation of the group that consultative status of IOI be restored but that its performance should be monitored. The Committee further endorsed the recommendation of the group that WNTI be granted consultative status but, as it is a new organization, this should be on a provisional basis only.

The Train-Sea-Coast Program: Training for Ocean and Coastal Management and Development

21.6 The Committee noted the information submitted by Brazil (MEPC 42/INF.29) regarding the implementation of the UN Train-Sea-Coast Program in Brazil with comments on its potential for co-operation with IMO, mainly to identify needs for capacity and institutional strengthening for pollution prevention and response including training on issues concerning waste management in the coastal areas.

ANNEX 1

**AGENDA FOR THE FORTY-FIRST SESSION,
INCLUDING LIST OF DOCUMENTS**

1 Adoption of the Agenda

MEPC 42/1		Provisional agenda
MEPC 42/1/1	Secretariat	Annotations and provisional timetable
MEPC 42/1/1/Add.1	Secretariat	Additional Notes to the Annotations

2 Reports of sub-committees

MEPC 42/2	Secretariat	Report of the third session of the BLG Sub-Committee
MEPC 42/2/1	Secretariat	Report of the sixth session of the FSI Sub-Committee
MEPC 42/2/2	Secretariat	Outcome of the forty-first session of the DE Sub-Committee
MEPC 42/2/3	Secretariat	Outcome of the third session of the DSC Sub-Committee
MEPC 42/2/4	United Kingdom/ Canada/Australia/ New Zealand/ Norway	Report of the sixth session of the FSI Sub-Committee
MEPC 42/2/5	Secretariat	Outcome of the forty-fourth session of the NAV Sub-Committee
MEPC 42/2/6	Chairman, BLG	Report of BLG 3: Revision of Chapter 8 of the IBC Code in the light of the revised SOLAS regulation II-2/59
MEPC 42/2/7	Japan	Report of BLG 3 Proposed amendments to regulation 13G of Annex I of MARPOL 73/78
MEPC 42/2/8	Japan	Revision of chapter 8 of the IBC Code in the light of the revised SOLAS Regulation II-2/59

3 Work of other bodies

MEPC 42/3	Secretariat	Outcome of LEG 77
MEPC 42/3/1	Secretariat	Outcome of the sixty-ninth session of MSC
MEPC 42/3/2	Secretariat	Outcome of TCC 45
MEPC 42/3/3	Secretariat	Urgent matters of the report of the SPI Working Group at FAL 26

4 Status of conventions

MEPC 42/4	Secretariat	Status of Conventions
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5 Harmful effects of the use of anti-fouling paints for ships

MEPC 42/5	Secretariat	Overview of the anti-fouling paints discussion at MEPC
MEPC 42/5/1	WWF	Biological TBT Effects in Australia, New Zealand, Japan, Fiji and Papua New Guinea
MEPC 42/5/2	WWF	TBT Impacts on Marine Wildlife: An Update on Southampton Water and the Solent, U.K.
MEPC 42/5/3	CEFIC	Further updates on the toxicology of tributyltin, including assessments of risks to humans, wildlife and aquatic life
MEPC 42/5/4	CEFIC	A Deterministic Ecological Risk Assessment for Copper in European Saltwater Environments
MEPC 42/5/5	Japan	TBT in anti-fouling systems
MEPC 42/5/6	CEFIC	Environmental risk assessment of 4,5-dichloro-2-n-octyl-isothiazolin-3-one as an antifouling biocide
MEPC 42/5/7	CEFIC	Environmental risk assessment of 2-methylthio-4-tert-butylamino-6-cyclopropylamino-s-triazine antifouling biocide
MEPC 42/5/8	CEFIC	Antifouling paint suppliers' position with respect to the working party terms of reference

MEPC 42/5/9	CEFIC	European Paintmakers Association (CEPE)/European Commission project "Utilisation of more environmentally friendly antifouling products" - status report
MEPC 42/5/10	CEFIC	Environmental risk assessment of zinc pyrithione antifouling biocide
MEPC 42/5/11	ICS	Terms of Reference for the Working Group
MEPC 42/INF.2	FOEI	Report and conclusions of the Seas At Risk/FOEI Seminar "Boats against the current - stopping the use of hazardous anti-fouling technologies"
MEPC 42/INF.6	Netherlands	Summarized reports bearing relevant information
MEPC 42/INF.7	Netherlands	Recent progress in non-TBT anti-fouling systems
MEPC 42/INF.10	Netherlands	An issue of substance: TBT in marine anti-fouling paints
MEPC 42/INF.13	CEFIC	Further updates on the toxicology of tributyltin, including assessments of risks to humans, wildlife and aquatic life
MEPC 42/INF.15	WWF	Biological TBT Effects in Australia, New Zealand, Japan, Fiji and Papua New Guinea
MEPC 42/INF.17	WWF	TBT Impacts on Marine Wildlife: An Update on Southampton Water and the Solent, U.K.
MEPC 42/INF.19	CEFIC	A Deterministic Ecological Risk Assessment for Copper in European Saltwater Environments
MEPC 42/INF.26	France	Effets nuisibles de l'utilisation des peintures antisalissure pour navires
MEPC 42/INF.31	ISO	The development of an internationally agreed standard method for measuring the release rate of biocides from antifouling paints: Progress of ISO Working Group ISO/TC35/SC9/WG27

6 Inadequacy of reception facilities

MEPC 42/6	Secretariat	Format for reporting alleged inadequacy of port reception facilities
MEPC 42/6/1	The Netherlands	Report of the Correspondence Group on the revision of chapter 11 of the Comprehensive Manual on Port Reception Facilities
MEPC 42/6/2	United Kingdom	Report of the Correspondence Group
MEPC 42/INF.4	Helsinki Commission	Information on the follow-up of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues
MEPC 42/INF.25 [also under item 7]	ROPME	MEMAC's First Annual Symposium/ Workshop on Oil Spill Contingency Planning and Meeting of the Task Force Group on Reception Facilities: Sharjah, UAE, 25-30 April 1998

7 Implementation of the OPRC Convention and the OPPR Conference resolutions

MEPC 42/7		Report of the OPRC Working Group
MEPC 42/7/Add.1		Report of the OPRC Working Group: Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000
MEPC 42/7/Add.2		Report of the OPRC Working Group: Manual on Chemical Pollution (Section I - Problem Assessment and response arrangements)
MEPC 42/7/1		Provisional agenda for the OPRC Working Group meeting during MEPC 42
MEPC 42/7/1/1		Annotated agenda for the OPRC Working Group meeting during MEPC 42
MEPC 42/7/3	ITOPF	Guidelines for managing fishery resources during oil spills: Best Practice Guidelines for Preventing or Minimizing Oil Spill Damage to Seafood Resources

MEPC 42/7/3/1	Australia	Catalogue of computer programmes and Internet information related to responding to oil spills
MEPC 42/7/3/2	France	Combating Manuals/Guidelines: Guidelines on Bioremediation
MEPC 42/7/3/3	Canada	Development of Guidelines for Countermeasures to Spills of Emulsified Fuels
MEPC 42/7/3/4	IAEA	Report of the OPRC Working Group
MEPC 42/7/3/5	United States	Comments on the catalogue of computer programs and Internet information related to responding to oil spills
MEPC 42/7/4	ISO	Standards for terminology relating to oil pollution combatting techniques and equipment
MEPC 42/7/8	Russian Federation/United States/Japan/Finland/ Estonia	Technical Co-operation (TC) activities related to pollution preparedness and response: Outcome of the international pollution combating exercises
MEPC 42/INF.5	Helsinki Commission	Recent activities of the Helsinki Commission in the implementation of the OPRC Convention
MEPC 42/INF.9	ISO	Standards for terminology relating to oil pollution combatting techniques and equipment
MEPC 42/INF.16	Australia	Catalogue of computer programmes and Internet information related to responding to oil spills
MEPC 42/INF.20	Sweden	Swedish International Training Courses on Oil Spill Response
MEPC 42/INF.24	Secretariat	WMO Marine Pollution Emergency Response Support System (MPERSS)
MEPC 42/INF.25 [also under item 6]	ROPME	MEMAC's First Annual Symposium/ Workshop on Oil Spill Contingency Planning and Meeting of the Task Force Group on Reception Facilities: Sharjah, UAE, 25-30 April 1998

MEPC 42/INF.30	Brazil	Information on the follow-up of Brazil's ratification process of the OPRC 90 Convention
MEPC 42/INF.32	European Commission	Pollution reference system and guide for the quantification and the evaluation of coastal pollution and clean-up operations in oil polluted areas
MEPC 42/INF.37	United States	Catalogue of computer programs and Internet information relating to responding to oil spills

8 Harmful aquatic organisms in ballast water

MEPC 42/8		Report of the Working Group on Ballast Water convened during MEPC 41
MEPC 42/8/1	Secretariat	Legal framework options for international regulations on control and management of ships' ballast water
MEPC 42/8/2	Greece	Draft regulations and associated draft code with regard to ballast water management
MEPC 42/8/3	Brazil	Ballast water full scale trial on board M/V Lavras, a Brazilian product carrier, to evaluate the performance of the Dilution Method developed in Brazil
MEPC 42/8/4	Secretariat	Comments on Draft Regulations for the Control and Management of Ships' Ballast Water and Sediments to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens (MEPC 42/8, annex 1)
MEPC 42/8/5	Australia	Explanatory Memorandum on the Regulations and Code Proposed as an instrument for a ballast water Annex to MARPOL 73/78
MEPC 42/8/6	INTERTANKO	Standard reporting format of national requirements for ballast water management
MEPC 42/8/7	ICS	Control of a quarantine matter through anti-pollution measures

MEPC 42/8/8	INTERTANKO	Risk assessment approach
MEPC 42/8/9	United States	Comments on the Report of the Working Group on Ballast Water convened during MEPC 41 (MEPC 42/8)
MEPC 42/INF.14	Brazil	Ballast water full scale trial on board M/V Lavras, a Brazilian product carrier to evaluate the performance of the "Dilution Method" developed in Brazil - Technical Report
MEPC 42/INF.21	Secretariat	Steering Committee Meeting on Ballast Water Management: Cape Town, South Africa, 29-30 July 1998
MEPC 42/INF.27	Australia	International IMO Regulatory Framework for Ballast Water Management and Progress in the Australian Ballast Water Management and Research and Development Programs
MEPC 42/INF.33	ICS & INTERTANKO	Model for a ship's ballast water management plan to meet the requirements of Assembly resolution A.868(20).

9 Prevention of air pollution from ships

MEPC 42/9	Netherlands	Draft guidelines for monitoring of sulphur content of residual fuels
MEPC 42/9/1	Secretariat	Progress report on follow-up activities
MEPC 42/9/2	United States	Greenhouse Gas Emissions Associated with International Shipping
MEPC 42/9/3	INTERTANKO	Vapour recovery systems
MEPC 42/9/4	ICS	Atmospheric CO ₂ and emissions from ships
MEPC 42/INF.22	European Commission	Reduction of CO ₂ in Transport
MEPC 42/INF.28	Russian Federation	Information on CO ₂ emission from marine transport of the Russian Federation
MEPC 42/INF.36	ICS	Atmospheric CO ₂ and emissions from ships

10 Identification and protection of Special Areas and Particularly Sensitive Sea Areas

MEPC 42/10	Australia	Report of the Correspondence Group
MEPC 42/10/1	WWF	Identifying Particularly Sensitive Sea Areas
MEPC 42/10/2	WWF	Draft Model Proposal for Identification of a PSSA
MEPC 42/10/2/Corr.1	WWF	Draft Model Proposal for identification of a PSSA: Corrigenda
MEPC 42/10/3	Cuba	Measures for protection of the Sabana-Camagüey Archipélago

11 Interpretation and amendments of MARPOL 73/78 and related Codes

MEPC 42/11	Secretariat	Matters arising from DSC 3 related to MARPOL 73/78 and the IMDG Code
MEPC 42/11/1	Secretariat	Summary of the responses to the questionnaire on Annex IV of MARPOL 73/78
MEPC 42/11/1/Add.1	Secretariat	Summary of response to the questionnaire on Annex IV of MARPOL 73/78 provided by Vanuatu
MEPC 42/11/1/Add.2	Secretariat	Summary of response to the questionnaire on Annex IV of MARPOL 73/78 provided by Norway
MEPC 42/11/2	IACS	Supplements Form A and Form B to the IOPP Certificate: Suggested amendments
MEPC 42/11/3	Norway	Tainting, marine pollution
MEPC 41/7	United States	Proposed amendments to MARPOL Annex II

12 Follow-up action to UNCED

MEPC 42/12	Brazil & The Netherlands	Technical Meeting Document related to the Expert Meeting on Environmental Practices in Offshore Oil and Gas Activities
MEPC 42/12/1	Secretariat	Outcome of the Fourth International Conference on Health, Safety and Environment in Oil and Gas Exploration and Production

MEPC 42/12/2	Secretariat	Draft report of IMO to the Commission on Sustainable Development
MEPC 42/INF.8	Brazil & The Netherlands	Technical Meeting Document related to the Expert Meeting on Environmental Practices in Offshore Oil and Gas Activities
13	Promotion of implementation and enforcement of MARPOL and related Codes	
MEPC 42/13	Secretariat	Progress in preparation for a new publication, <i>MARPOL - HOW TO DO IT</i> to incorporate guidance for enforcement
MEPC 42/13/1	United Kingdom	Identification tagging of oil
MEPC 42/INF.3	Helsinki Commission	Information on activities of the Helsinki Commission in 1997
MEPC 42/INF.18	Secretariat	Litter in the coastal and marine environment and the Sintra Statement
MEPC 42/INF.23	Australia	Disposal of dry bulk cargo residues in Australian Waters
MEPC 42/INF.35	Australia	Detection of illegal discharges in international waters
14	INF Code related matters	
MEPC 42/14	Secretariat	Outcome of DSC 3 related to INF Code matters
15	Pollution prevention equipment under MARPOL	
MEPC 42/15	Netherlands	Pollution prevention equipment under MARPOL
MEPC 42/15/1	Netherlands on behalf of the Navies of Belgium/Canada/Denmark/France/Germany/Italy/the Netherlands/Norway/Poland/Portugal/Spain/the United Kingdom/United States	Regulation 16 of MARPOL Annex I: Oil discharge monitoring and control systems and oil filtering equipment

MEPC 42/15/2	Russian Federation	Determination of oil content in overboard discharge by fluorescent method
MEPC 42/15/3	United Kingdom	Overboard discharge monitoring systems
MEPC 42/INF.11	Russian Federation	Determination of oil content in overboard discharge by fluorescent method
16	Role of the human element with regard to pollution prevention	
MEPC 42/16		Report of the joint session of the Joint MSC/MEPC Working Groups on the Human Element and on Formal Safety Assessment
MEPC 42/16/1	Secretariat	Decisions taken by MSC 69 with regard to the Joint MSC/MEPC Working Groups on the Role of the Human Element in Maritime Casualties and Formal Safety Assessment
17	Formal safety assessment including environmental indexing of ships	
MEPC 42/17	Secretariat	Special Presentation on Formal Safety Assessment (FSA)
MEPC 42/17/1	Secretariat	Outcome of MSC 69
MEPC 42/17/2	Norway	A tool for environmental differentiation of dues and fees for ships
MEPC 42/16		Report of the joint session of the Joint MSC/MEPC Working Groups on the Human Element and on Formal Safety Assessment
18	Application of the Committees' Guidelines	
MEPC 42/18	Chairman of MEPC	Proposed amendments to the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies
19	Work programme of the Committee and subsidiary bodies	
MEPC 42/19	Secretariat	Work programmes of the sub-committees and provisional agendas for their forthcoming sessions

	MEPC 42/19/Add.1	Secretariat	Work programme of the NAV Sub-Committee and provisional agenda for its forthcoming session
	MEPC 42/19/1	Chairmen of MEPC & MSC	Activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies
20	Election of the Chairman and Vice-Chairman for 1999		
21	Any other business		
	MEPC 42/21	Secretariat	Applications for consultative status
	MEPC 42/21/1	Secretariat	List of Experts for the Intervention Protocol
	MEPC 42/21/2	Norway	XXII Antarctic Treaty Consultative Meeting and the Polar Code of Navigation
	MEPC 42/INF.12	Secretariat	List of Experts for the Intervention Protocol
	MEPC 42/INF.29	Brazil	The Train-Sea-Coast Program: Training for Ocean and Coastal Management and Development
	MEPC 42/INF.34	Norway	XXII Antarctic Treaty Consultative Meeting and the Polar Code of Navigation - Information on the development of a Polar Code of Navigation
22	Consideration of the report of the Committee		

ANNEX 2

PROPOSED AMENDMENTS TO CHAPTERS 8 AND 16 OF THE IBC CODE

Chapter 8 Cargo-tank venting and gas-freeing arrangements

- 1 In paragraph 8.1.1, the word "This" is replaced by the words "Unless expressly provided otherwise, this".
- 2 The following new paragraph 8.1.6 is added after existing paragraph 8.1.5:

"8.1.6 Ships constructed on or after 1 July 1986 but before 1 July 2002 should comply with the requirements of paragraph 8.3.3 by the date of the first scheduled dry-docking after 1 July 2002, but not later than 1 July 2005. *However, the Administration may approve relaxation of paragraph 8.3.3 for small ships of less than 500 tons gross tonnage which were constructed on or after 1 July 1986 but before 1 July 2002.*"
- 3 In the last sentence of the existing paragraph 8.3.2, the reference to "8.3.5" is replaced by reference to "8.3.6".
- 4 The following new paragraph 8.3.3 is added after existing paragraph 8.3.2:

"8.3.3 On ships constructed on or after 1 July 2002, controlled tank venting systems should consist of a primary and a secondary means of allowing full flow relief of vapour to prevent over-pressure or under-pressure in the event of failure of one means. Alternatively, the secondary means may consist of pressure sensors fitted in each tank with a monitoring system in the ship's cargo control room or position from which cargo operations are normally carried out. Such monitoring equipment should also provide an alarm facility which is activated by detection of over-pressure or under-pressure conditions within a tank."
- 5 Existing paragraphs 8.3.3 to 8.3.7 are renumbered as paragraphs 8.3.4 to 8.3.8.
- 6 In the last sentence of renumbered paragraph 8.3.5, the reference to "8.3.3.1" is replaced by reference to "8.3.4.1".

Chapter 16 Operational requirements

- 7 To the list of additional operational requirement (paragraph 16.7), add "8.3.6" underneath "7.1.6.3".

ANNEX 3

**PROPOSED AMENDMENTS TO THE BCH CODE RELATING TO
CONTROLLED CARGO TANK VENTING SYSTEMS****Chapter II - Cargo containment**

- 1 The following new paragraph 2.14.3 is added after existing paragraph 2.14.2:

"2.14.3 The controlled tank venting systems as provided in paragraph 2.14.2 above should consist of a primary and a secondary means of allowing full flow relief of vapour to prevent over-pressure or under-pressure in the event of failure of one means. Alternatively, the secondary means may consist of pressure sensors fitted in each tank with a monitoring system in the ship's cargo control room or position from which cargo operations are normally carried out. Such monitoring equipment should also provide an alarm facility which is activated by detection of over-pressure or under-pressure conditions within a tank. Ships should comply with the requirements of this paragraph by the date of the first scheduled dry-docking after 1 July 2002, but not later than 1 July 2005. *However, the Administration may approve relaxation of this paragraph for small ships of less than 500 tons gross tonnage.*"

- 2 Existing paragraphs 2.14.3 and 2.14.4 are renumbered as paragraphs 2.14.4 and 2.14.5.

ANNEX 4

PROPOSED AMENDMENTS TO REGULATION 13G OF MARPOL ANNEX I

1 Replace paragraph (1) (a) and paragraph (2) of regulation 13G by the following:

"(1) This regulation shall:

(a) apply to:

- (i) oil tankers of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo; and
- (ii) oil tankers of 30,000 tons deadweight and above other than those referred to in subparagraph (i),

which are contracted, the keels of which are laid, or are delivered before the date specified in regulation 13F(1) of this Annex; and

(2) The requirements of this regulation shall take effect as from 6 July 1995, except that the requirements of paragraph (1) (a) applicable to oil tankers of 20,000 tons deadweight and above but less than 30,000 tons deadweight carrying fuel oil, heavy diesel oil or lubricating oil as cargo shall take effect as from 1 January 2003."

2 Insert the following new paragraph (*2bis*) after the existing paragraph (2) of regulation 13G:

"(*2bis*) For the purpose of paragraphs (1) and (2) of this regulation:

- (a) "Heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the Organization.*
- (b) "Fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the Organization.**"

* Refer to the American Society for Testing and Materials' Standard Test Method (Designation D86).

** Refer to the American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D396) or heavier.

ANNEX 5

DRAFT ASSEMBLY RESOLUTION ON ANTI-FOULING SYSTEMS USED ON SHIPS

THE ASSEMBLY,

NOTING that Article 15(j) of the Convention on the International Maritime Organization concerning the function of the Assembly in relation to regulations and guidelines concerning the prevention and control of marine pollution from ships,

NOTING ALSO that scientific studies and investigations by Member Governments and other competent international organizations have shown that some anti-fouling systems used on ships pose a substantial risk of adverse impacts to ecologically and economically important marine organisms,

RECOGNIZING that, due to the international nature of shipping and the need to avoid distortions in the global shipping, shipbuilding and shiprepair markets, actions to prohibit or otherwise control anti-fouling systems on ships are most effectively accomplished through a global, legally-binding instrument,

NOTING IN PARTICULAR the serious concern regarding anti-fouling systems in which organotin compounds act as biocides and being convinced that the introduction of such organotin compounds into the marine environment must be prevented,

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

RECALLING ALSO that the Marine Environment Protection Committee in its resolution MEPC.46(30) recommended that Governments, *inter alia*, consider appropriate ways to prohibit the use of tributyltin compounds in anti-fouling systems,

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

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

RECOGNIZING FURTHER the need to continue to develop anti-fouling systems which are effective and environmentally safe,

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee at its forty-second session,

1. **URGES** the Marine Environment Protection Committee to work toward the expeditious development of a global legally-binding instrument to address the harmful effects of anti-fouling systems used on ships and to carry out the tasks set out in the Terms of Reference of the Working Group (MEPC 42/5, annex 5) as a matter of urgency;

2. **AGREES** that the global instrument to be developed by the Marine Environment Protection Committee should ensure a global prohibition of the application of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2003, and a complete prohibition of the presence of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2008;

3. **URGES ALSO** Member Governments to encourage industries to continue to develop, test, and use as a high priority anti-fouling systems which do not adversely impact non-target species and otherwise degrade the marine environment;
4. **CALLS UPON** Member Governments to develop assessment procedures for evaluating anti-fouling systems and to consider the impacts to the environment and society, including commercial interests; and
5. **CALLS FURTHER UPON** Member Governments to continue to promote scientific and technical research on the environmental impacts of anti-fouling systems.

ANNEX 6**DRAFT TEXT OF THE PROTOCOL ON PREPAREDNESS, RESPONSE AND
CO-OPERATION TO POLLUTION INCIDENTS BY HAZARDOUS
AND NOXIOUS SUBSTANCES, 2000**

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the International Convention on Oil Pollution Preparedness, Response and Co-operation, done at London on 30 November 1990,

TAKING INTO ACCOUNT Resolution 10, on the expansion of the scope of the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990, to include hazardous and noxious substances, adopted by the Conference on International Co-operation on Oil Pollution Preparedness and Response 1990,

FURTHER TAKING INTO ACCOUNT that pursuant to Resolution 10 of the Conference on International Co-operation on Oil Pollution Preparedness and Response 1990, the International Maritime Organization has intensified its work, in collaboration with all interested international organizations, on all aspects of preparedness, response and co-operation to pollution incidents by hazardous and noxious substances,

TAKING ACCOUNT of the "polluter pays" principle as a general principle of international environmental law.

BEING MINDFUL of the development of a strategy for incorporating the precautionary approach in the policies of the International Maritime Organization (IMO).

HAVE AGREED as follows:

ARTICLE 1*General provisions*

- (1) Parties undertake, individually or jointly, to take all appropriate measures in accordance with the provisions of this Protocol and the Annex thereto to prepare for and respond to a pollution incident by hazardous and noxious substances.
- (2) The Annex to this Protocol shall constitute an integral part of this Protocol and a reference to this Protocol constitutes at the same time a reference to the Annex.
- (3) This Protocol shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Protocol.

ARTICLE 2

Definitions

For the purposes of this Protocol:

- (1) Pollution incident by hazardous and noxious substances (hereinafter referred to as "pollution incident") means any occurrence or series of occurrences having the same origin, including fire or explosion, which results or may result in a discharge, release or emission of hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more states, and which requires emergency action or immediate response.
- (2) Hazardous and noxious substances (HNS) means any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.
- (3) Sea ports and HNS handling facilities means those ports or facilities where such substances are loaded into or unloaded from ships.
- (4) Organization means the International Maritime Organization (IMO).
- (5) Secretary-General means the Secretary-General of the Organization.
- (6) OPRC Convention means the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990.

ARTICLE 3

Emergency plans and reporting

- (1) Each Party shall require that ships entitled to fly its flag have on-board a pollution incident emergency plan and shall require masters or other persons having charge of such ships to follow reporting procedures to the extent required by, and in accordance with applicable provisions of the conventions developed within the Organization which have entered into force for that Party. On-board pollution incident emergency plans for offshore units, including Floating Production, Storage and Offloading Facilities (FPSOs) and Floating Storage Units (FSUs), should be dealt with under national provisions and/or company environmental management systems, and are excluded from the application of this article.
- (2) Each Party shall require that authorities or operators in charge of sea ports and hazardous and noxious substances handling facilities under its jurisdiction as it deems appropriate have hazardous and noxious substances pollution emergency plans or similar arrangements for HNS that it deems appropriate which are co-ordinated with the national system established in accordance with article 4 and approved in accordance with procedures established by the competent national authority.
- (3) When the appropriate authorities of a Party learn of a pollution incident, they shall notify other Parties whose interests are likely to be affected by such incident.

ARTICLE 4

National and regional systems for preparedness and response

(1) Each Party shall establish a national system for responding promptly and effectively to pollution incidents. This system shall include as a minimum:

- (a) the designation of:
 - (i) the competent national authority or authorities with responsibility for preparedness for and response to pollution incidents;
 - (ii) the national operational contact point or points; and
 - (iii) an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested;
- (b) a national contingency plan for preparedness and response which includes the organizational relationship of the various bodies involved, whether public or private, taking into account guidelines developed by the Organization.

(2) In addition, each Party within its capabilities either individually or through bilateral or multilateral co-operation and, as appropriate, in co-operation with the shipping industries and industries dealing with hazardous and noxious substances, port authorities and other relevant entities, shall establish:

- (a) a minimum level of pre-positioned equipment for responding to pollution incidents commensurate with the risk involved, and programmes for its use;
- (b) a programme of exercises for pollution incident response organizations and training of relevant personnel;
- (c) detailed plans and communication capabilities for responding to a pollution incident. Such capabilities should be continuously available; and
- (d) a mechanism or arrangement to co-ordinate the response to a pollution incident with, if appropriate, the capabilities to mobilize the necessary resources.

(3) Each Party shall ensure that current information is provided to the Organization, directly or through the relevant regional organization or arrangements, concerning:

- (a) the location, telecommunication data and, if applicable, areas of responsibility of authorities and entities referred to in paragraph (1)(a);
- (b) information on pollution response equipment and expertise in disciplines related to pollution incident response and marine salvage which may be made available to other States, upon request; and
- (c) its national contingency plan.

ARTICLE 5

International co-operation in pollution response

- (1) Parties agree that, subject to their capabilities and the availability of relevant resources, they will co-operate and provide advisory services, technical support and equipment for the purpose of responding to a pollution incident, when the severity of the incident so justifies, upon the request of any Party affected or likely to be affected. The financing of the costs for such assistance shall be based on the provisions set out in Annex to this Protocol.
- (2) A Party which has requested assistance may ask the Organization to assist in identifying sources of provisional financing of the costs referred to in paragraph (1).
- (3) In accordance with applicable international agreements, each Party shall take necessary legal or administrative measures to facilitate:
 - (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and
 - (b) the expeditious movement into, through, and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).

ARTICLE 6

Research and development

- (1) Parties agree to co-operate directly or, as appropriate, through the Organization or relevant regional organizations or arrangements in the promotion and exchange of results of research and development programmes relating to the enhancement of the state-of-the-art of preparedness for and response to pollution incidents, including technologies and techniques for surveillance, containment, recovery, dispersion, clean-up and otherwise minimizing or mitigating the effects of pollution incidents, and for restoration.
- (2) To this end, Parties undertake to establish directly or, as appropriate, through the Organization or relevant regional organizations or arrangements, the necessary links between Parties' research institutions.
- (3) Parties agree to co-operate directly or through the Organization or relevant regional organizations or arrangements to promote, as appropriate, the holding on a regular basis of international symposia on relevant subjects, including technological advances in techniques and equipment for responding to pollution incidents.
- (4) Parties agree to encourage, through the Organization or other competent international organizations, the development of standards for compatible hazardous and noxious substances pollution combating techniques and equipment.

ARTICLE 7

Technical co-operation

(1) Parties undertake directly or through the Organization and other international bodies, as appropriate, in respect of preparedness for and response to pollution incidents, to provide support for those Parties which request technical assistance:

- (a) to train personnel;
- (b) to ensure the availability of relevant technology, equipment and facilities;
- (c) to facilitate other measures and arrangements to prepare for and respond to pollution incidents; and
- (d) to initiate joint research and development programmes.

(2) Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of preparedness for and response to pollution incidents.

ARTICLE 8

Promotion of bilateral and multilateral co-operation in preparedness and response

Parties shall endeavour to conclude bilateral or multilateral agreements for preparedness for and response to pollution incidents. Copies of such agreements shall be communicated to the Organization which should make them available on request to the Parties.

ARTICLE 9

Relation to other conventions and other agreements

Nothing in this Protocol shall be construed as altering the rights or obligations of any Party under any other convention or international agreement.

ARTICLE 10

Institutional arrangements

(1) Parties designate the Organization, subject to its agreement and the availability of adequate resources to sustain the activity, to perform the following functions and activities:

- (a) information services:
 - (i) to receive, collate and disseminate on request the information provided by Parties and relevant information provided by other sources; and
 - (ii) to provide assistance in identifying sources of provisional financing of costs;
- (b) education and training:
 - (i) to promote training in the field of preparedness for and response to pollution incidents; and
 - (ii) to promote the holding of international symposia;
- (c) technical services:
 - (i) to facilitate co-operation in research and development;
 - (ii) to provide advice to States establishing national or regional response capabilities; and
 - (iii) to analyse the information provided by Parties and relevant information provided by other sources and provide advice or information to States;
- (d) technical assistance:
 - (i) to facilitate the provision of technical assistance to States establishing national or regional response capabilities; and
 - (ii) to facilitate the provision of technical assistance and advice, upon the request of States faced with major pollution incidents.

(2) In carrying out the activities specified in this article, the Organization shall endeavour to strengthen the ability of States individually or through regional arrangements to prepare for and combat pollution incidents, drawing upon the experience of States, regional agreements and industry arrangements and paying particular attention to the needs of developing countries.

(3) The provisions of this article shall be implemented in accordance with a programme developed and kept under review by the Organization.

ARTICLE 11

Evaluation of the Protocol

Parties shall evaluate within the Organization the effectiveness of the Protocol in the light of its objectives, particularly with respect to the principles underlying co-operation and assistance.

ARTICLE 12

Amendments

- (1) This Protocol may be amended by one of the procedures specified in the following paragraphs.
- (2) Amendment after consideration by the Organization:
 - (a) Any amendment proposed by a Party to the Protocol shall be submitted to the Organization and circulated by the Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration.
 - (b) Any amendment proposed and circulated as above shall be submitted to the Marine Environment Protection Committee of the Organization for consideration.
 - (c) Parties to the Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Marine Environment Protection Committee.
 - (d) Amendments shall be adopted by a two-thirds majority of only the Parties to the Protocol present and voting.
 - (e) If adopted in accordance with subparagraph (d), amendments shall be communicated by the Secretary-General to all Parties to the Protocol for acceptance.
 - (f)
 - (i) An amendment to an article or the Annex of the Protocol shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties.
 - (ii) An amendment to an appendix shall be deemed to have been accepted at the end of a period to be determined by the Marine Environment Protection Committee at the time of its adoption, which period shall not be less than ten months, unless within that period an objection is communicated to the Secretary-General by not less than one third of the Parties.
 - (g)
 - (i) An amendment to an article or the Annex of the Protocol accepted in conformity with subparagraph (f)(i) shall enter into force six months after the date on which it is deemed to have been accepted with respect to the Parties which have notified the Secretary-General that they have accepted it.

- (ii) An amendment to an appendix accepted in conformity with subparagraph (f)(ii) shall enter into force six months after the date on which it is deemed to have been accepted with respect to all Parties with the exception of those which, before that date, have objected to it. A Party may at any time withdraw a previously communicated objection by submitting a notification to that effect to the Secretary-General.
- (3) Amendment by a Conference:
 - (a) Upon the request of a Party, concurred with by at least one third of the Parties, the Secretary-General shall convene a Conference of Parties to the Protocol to consider amendments to the Protocol.
 - (b) An amendment adopted by such a Conference by a two-thirds majority of those Parties present and voting shall be communicated by the Secretary-General to all Parties for their acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraph (2)(f) and (g).
- (4) The adoption and entry into force of an amendment constituting an addition of an Annex or an appendix shall be subject to the procedure applicable to an amendment to the Annex.
- (5) Any Party which has not accepted an amendment to an article or the Annex under paragraph (2)(f)(i) or an amendment constituting an addition of an Annex or an appendix under paragraph (4) or has communicated an objection to an amendment to an appendix under paragraph (2)(f)(ii) shall be treated as a non-Party only for the purpose of the application of such amendment. Such treatment shall terminate upon the submission of a notification of acceptance under paragraph (2)(f)(i) or withdrawal of the objection under paragraph (2)(g)(ii).
- (6) The Secretary-General shall inform all Parties of any amendment which enters into force under this article, together with the date on which the amendment enters into force.
- (7) Any notification of acceptance of, objection to, or withdrawal of objection to, an amendment under this article shall be communicated in writing to the Secretary-General who shall inform Parties of such notification and the date of its receipt.
- (8) An appendix to the Protocol shall contain only provisions of a technical nature.

ARTICLE 13

Signature, ratification, acceptance, approval and accession

- (1) This Protocol shall remain open for signature at the Headquarters of the Organization from 2000 until 2001 and shall thereafter remain open for accession. Any State Party to the OPRC Convention may become Party to this Protocol by:
- (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance **or** approval, followed by ratification, acceptance or approval; or
 - (c) accession.
- (2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 14

Entry into force

- (1) This Protocol shall enter into force twelve months after the date on which not less than fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article 13.
- (2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Protocol or three months after the date of deposit of the instrument, whichever is the later date.
- (3) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which this Protocol entered into force, this Protocol shall become effective three months after the date of deposit of the instrument.
- (4) After the date on which an amendment to this Protocol is deemed to have been accepted under article 12, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Protocol as amended.

ARTICLE 15

Denunciation

- (1) This Protocol may be denounced by any Party at any time after the expiry of five years from the date on which this Protocol enters into force for that Party.
- (2) Denunciation shall be effected by notification in writing to the Secretary-General.
- (3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.
- (4) A Party denouncing the OPRC Convention also automatically denounces the Protocol.

ARTICLE 16

Depositary

- (1) This Protocol shall be deposited with the Secretary-General.
- (2) The Secretary-General shall:
 - (a) inform all States which have signed this Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of this Protocol; and
 - (iii) the deposit of any instrument of denunciation of this Protocol together with the date on which it was received and the date on which the denunciation takes effect;
 - (b) transmit certified true copies of this Protocol to the Governments of all States which have signed this Protocol or acceded thereto.
- (3) As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 17

Languages

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

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

DONE AT London this day of two thousand.

Annex to ANNEX 6

REIMBURSEMENT OF COSTS OF ASSISTANCE

- (1) (a) Unless an agreement concerning the financial arrangements governing actions of Parties to deal with pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (i) or subparagraph (ii),
- (i) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the costs of its action. The requesting Party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party.
 - (ii) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.
- (b) The principles laid down in subparagraph (a) shall apply unless the Parties concerned otherwise agree in any individual case.
- (2) Unless otherwise agreed, the costs of action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.
- (3) The Party requesting assistance and the assisting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.
- (4) The provisions of this Protocol shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law.

ANNEX 7

**REVISED INTERIM GUIDELINES FOR THE APPLICATION OF
THE NO_x TECHNICAL CODE**

- 1 Each engine which will become, retrospectively, subject to the provisions of regulation 13 of Annex VI of MARPOL 73/78 on its entry into force, should be certified in accordance with the requirements of the NO_x Technical Code.
- 2 Pending entry into force of Annex VI and upon satisfactory compliance with the Code requirements, a "Statement of Compliance" with the NO_x Technical Code should be issued by the flag State Administration, or an organization acting on behalf of that Administration. Such statement of compliance should contain as a minimum the information as required by appendix 1 of the NO_x Technical Code.
- 3 The Statement of Compliance is intended as an interim measure pending issuance of the EIAPP and/or IAPP Certificate upon entry into force of Annex VI.
- 4 Administrations are urged to take into consideration the "Statement of Compliance" when issuing certificates in accordance with Annex VI, whether or not the Statement of Compliance was issued by their Administration, or organizations acting on their behalf, or by other Governments.

ANNEX 8

PROPOSED AMENDMENTS TO THE IOPP CERTIFICATE

I AMENDMENTS TO IOPP SUPPLEMENTS FORM A AND FORM B

(shown in italics)

- 2.4 Approval Standards*:
- 2.4.1 The separating/filtering equipment:
- 1(a). has been approved in accordance with resolution A.393(X) []
- 1(b). *has been approved in accordance with resolution MEPC.60(33)* []
2. has been approved in accordance with resolution A.233(VII) []
3. has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) []
4. has not been approved. []
- 2.4.2 The process unit has been approved in accordance with resolution A.444(XI) []
- 2.4.3 The oil content meter:
1. has been approved in accordance with resolution A.393(X) []
2. *has been approved in accordance with resolution MEPC.60(33)* []
- 2.5 Maximum throughput of the system is m³
- 2.6 Waiver of regulation 16
- 2.6.1 The requirements of regulation 16(1) and 16(2) are waived in respect of the ship in accordance with regulation 16(3)(a). The ship is engaged exclusively on voyages within special area(s) []

*Refer to Recommendation on international performance and test specifications of oily-water separating equipment and oil content meters adopted by the Organization on 14 November 1977 by resolution A.393(X), which superseded resolution A.233(VII); see IMO sales publication IMO-608E. Further reference is made to the Guidelines and specifications for pollution prevention equipment for machinery space bilges adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.60(33), which, effective on 6 July 1993, superseded resolutions A.393(X) and A.444(XI); see IMO sales publication IMO-646E.

2.6.2 The ship is fitted with holding tank(s) for the total retention on board of all oily bilge water as follows:

<i>Tank identification</i>	<i>Tank location</i>		<i>Volume (m³)</i>
	<i>Frames (from)-(to)</i>	<i>Lateral position</i>	
			<i>Total volume</i>(<i>m³</i>)

3 Means for retention and disposal of oil residues (sludge)
(regulation 17) and bilge water holding tank(s)

3.1 The ship is provided with oil residue (sludge) tanks as follows:

<i>Tank identification</i>	<i>Tank location</i>		<i>Volume (m³)</i>
	<i>Frames (from)-(to)</i>	<i>Lateral position</i>	
			<i>Total volume</i>(<i>m³</i>)

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

- 3.2.1 Incinerator for oil residues, capacityl/h []
- 3.2.2 Auxiliary boiler suitable for burning oil residues []
- 3.2.3 Tank for mixing oil residues with fuel oil, capacity m³ []
- 3.2.4 Other acceptable means []

3.3 The ship is fitted with holding tank(s) for the retention on board of oily bilge water as follows:

<i>Tank identification</i>	<i>Tank location</i>		<i>Volume (m³)</i>
	<i>Frames (from)-(to)</i>	<i>Lateral position</i>	
			<i>Total volume</i>(<i>m³</i>)

II AMENDMENTS TO IOPP SUPPLEMENT FORM B
(Shown in italics)

5.8.4 The ship is subject to regulation 13G and:

- .1 is required to comply with regulation 13F not later than []
- .2 is so arranged that the following tanks or spaces are not used for the carriage of oil []
- .3 *has been approved in accordance with regulation 13G(7) and resolution MEPC.64(36)* []
- .4 *the operational manual approved on in accordance with resolution MEPC.64(36) has been supplied to the ship.* []

ANNEX 9

**PROPOSED AMENDMENTS TO MARPOL ANNEX II ON
SHIPBOARD POLLUTION EMERGENCY PLANS****New Regulation 16**

Shipboard marine pollution emergency plan for noxious liquid substances

- 1 Every ship of 150 tons gross tonnage and above certified to carry noxious liquid substances in bulk shall carry on board a shipboard marine pollution emergency plan for noxious liquid substances approved by the Administration. This requirement shall apply to all such ships [24] months after the date of the entry into force.
- 2 Such a plan shall be in accordance with Guidelines* developed by the Organization and written in a working language or languages understood by the master and officers. The plan shall consist at least of:
 - (a) the procedure to be followed by the master or other persons having charge of the ship to report a noxious liquid substances pollution incident, as required in article 8 and Protocol I of the present Convention, based on the Guidelines developed by the Organization**;
 - (b) the list of authorities or persons to be contacted in the event of a noxious liquid substance pollution incident;
 - (c) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of noxious liquid substances following the incident; and
 - (d) the procedures and point of contact on the ship for co-ordinating shipboard action with national and local authorities in combating the pollution.
- 3 In the case of ships to which regulation 26 of Annex I of the Convention also apply, such a plan may be combined with the shipboard oil pollution emergency plan required under regulation 26 of Annex I of the Convention. In this case, the title of such a plan shall be "Shipboard marine pollution emergency plan".

*Refer to "Guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances".

**Refer to General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants adopted by the Organization by resolution A.648(16).

ANNEX 10

**REPORT OF THE INTERNATIONAL MARITIME ORGANIZATION TO THE
COMMISSION ON SUSTAINABLE DEVELOPMENT (CSD)**

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REPORT OF THE INTERNATIONAL MARITIME ORGANIZATION TO THE COMMISSION ON SUSTAINABLE DEVELOPMENT*

1 INTRODUCTION

1.1 The International Maritime Organization (IMO) is a specialized agency of the United Nations system dealing with maritime safety and prevention of marine pollution.

1.2 With regard to follow-up to UNCED, the main areas of responsibility for IMO are contained in Chapter 17 of Agenda 21. The work of IMO is principally relevant to those management-related items aimed at the prevention, reduction and control of marine pollution caused by shipping and offshore oil and gas activities.

1.3 It will be recalled that IMO submitted its first report to CSD in 1994, which was primarily a summary of IMO's main activities in the maritime sector and what IMO planned to do to follow-up UNCED. The fourth session of CSD (CSD 4) in 1996 took note of this report, including information on prevention of marine pollution from offshore oil and gas activities (CSD 4, Decision 4/15, paragraphs 25 to 29).

1.4 Noting that CSD 7 will be held in April 1999 and one of the main items on its agenda is "Oceans and seas", IMO decided to submit its second report to CSD 7 as a follow-up to its 1994 report. The main objective of the second report is to outline IMO's major achievements since UNCED and areas for further progress for information and decision by CSD as appropriate.

2 MAJOR ACHIEVEMENTS SINCE UNCED

2.1 Agenda 21 adopted by UNCED in June 1992 gave fresh impetus to IMO's activities in the maritime sector, especially in the area of prevention and control of marine pollution. Significant progress has been made since UNCED in many areas within the mandate of IMO. Some of the major achievements by IMO are reported as follows:

Prevention of air pollution from ships

2.2 Air pollution from ships was recognized as a problem a decade ago. In order to address this problem, the Marine Environment Protection Committee (MEPC) of IMO, in September 1988, agreed to include an item on air pollution from ships in its work programme. An IMO resolution entitled "Prevention of air pollution from ships" prepared by the MEPC was adopted by IMO's seventeenth Assembly in November 1991 as resolution A.719(17).

*This report was approved by IMO's Marine Environment Protection Committee (MEPC), which is the focal point within IMO in respect of follow-up action to UNCED, at its forty-second session held from 2 to 6 November 1998.

2.3 In the meantime, the MEPC drew up a set of objectives to control air pollution from ships. It also adopted an action plan aimed at developing a new Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) covering CFCs, halons, SO_x/NO_x/fuel oil quality, VOCs and incineration of ship-generated waste.

2.4 In October 1992, the MEPC, taking into account paragraph 17.30(a)(xi) of Chapter 17 of Agenda 21 which encourages States to support the ongoing activity within IMO, started the development of the new Annex VI to MARPOL 73/78. The drafting work of the regulations and other preparatory work was completed by the MEPC in March 1997 and a Conference of Parties to MARPOL 73/78 was held at the Headquarters of IMO from 15 to 26 September 1997. As a result of its deliberations, the Conference adopted the Protocol of 1997 to amend MARPOL 73/78 by adding the new Annex VI to the Convention entitled "Regulations for the Prevention of Air Pollution from Ships". The principle of "Precautionary Approach" was taken into account in the development of new regulations as stated in the Preamble of the Protocol.

2.5 The adoption of the 1997 Protocol and the new Annex VI to MARPOL 73/78 was not an end in itself. The MEPC has kept the matter under review and has started follow-up actions with the aim of facilitating the entry into force of the Protocol. To this end, the MEPC has established an action programme, including development of relevant implementation guidelines. It is also the intention of the MEPC to deal with matters relating to CO₂ emissions and it therefore invited Member Governments to submit proposals to its future sessions on technical and operational options for CO₂ emission control.

Harmful aquatic organisms in ships' ballast water

2.6 Ships' ballast water may contain harmful aquatic organisms, which may settle as "harmful alien species" in new regions of the world, causing tremendous damage, either economically or in regard to the original biodiversity. An increasing number of such cases have been made known since the early 1970s.

2.7 Paragraph 17.30(a)(vi) of Chapter 17 of Agenda 21 requested IMO to develop legally binding provisions regarding ballast water management to prevent the introduction of harmful aquatic organisms through ships' ballast water. In response to this request and proposals from its Member States, the MEPC decided to give high priority to this matter.

2.8 Since 1994, the MEPC has been developing a set of regulations on ballast water management with a view to incorporating them in a mandatory legal instrument. These will be supplemented by implementation guidelines, providing advice on treatment and control measures, as well as on how to establish administrative mechanisms and instruments.

2.9 In 1997 the IMO Assembly adopted resolution A.868(20) entitled "Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens" with the view to providing guidelines before the mandatory regulations are in place. The resolution requested Governments to take urgent action in applying the Guidelines as a basis for national requirements and measures.

2.10 At the same time, IMO, with a grant from the Global Environment Facility (GEF), started a project which should assist less developed countries to engage in risk assessment as well as to provide for the necessary analytical and control machinery for the management of ships' ballast water.

2.11 At present, the MEPC is continuing its work on the development of mandatory regulations on ballast water management and associated implementation guidelines, including a model Ballast Water Management Plan. The MEPC intends to complete all preparatory work in 1999 so that an international conference could be convened in the biennium of 2000-2001 to adopt the regulations, thus realizing one of the objectives stated in Chapter 17 of Agenda 21.

Protection of special areas and particularly sensitive sea areas

2.12 The concept of "special area" was introduced by IMO in 1973 under MARPOL Annexes I, II and V in order to provide special mandatory measures for prevention of marine pollution from ships in those areas. For example, under MARPOL Annex I, any discharge into the sea of oily mixture from ships shall be prohibited while in a special area unless a number of stringent conditions are met.

2.13 The International Conference on Tanker Safety and Pollution Prevention (TSPP) convened by IMO in 1978 introduced the concept of "particularly sensitive sea areas" (PSSA). The Conference, taking into account that the concept of PSSA was not introduced in MARPOL, invited IMO to address the matter of PSSAs around the world which are in special need of protection against marine pollution from shipping and dumping on account of the areas' particular sensitivity in respect of their renewable resources. The concept of PSSA was also recognized by paragraph 17.30(a)(iv) of Chapter 17 of Agenda 21.

2.14 In response to the request of the 1978 TSPP Conference, the MEPC developed the "Guidelines for the designation of special areas and the identification of particularly sensitive sea areas", which were subsequently adopted by the seventeenth IMO Assembly in 1991 under cover of resolution A.720(17). This IMO resolution sets out measures that may be used in connection with the management of PSSAs, such as the imposition of MARPOL special area discharge provisions, the adoption of areas to be avoided and other routing measures under regulation V/8 of the 1974 International Convention for the Safety of Life at Sea (SOLAS), and the application of Vessel Traffic Services (VTS) schemes.

2.15 The Great Barrier Reef of Australia was recognized as the world's first PSSA by the MEPC under resolution MEPC.44(30). In 1997, the MEPC recognized the Sabana-Camagüey Archipelago of Cuba as another PSSA by resolution MEPC.74(40). These are the two PSSAs which have been established by IMO up to date.

2.16 The special areas established by IMO under MARPOL 73/78 are as follows:

The requirements for the special areas marked with * have taken effect, the rest have not taken effect due to lack of adequate reception facilities, the problem of which is discussed under section 3 of the report.

Annex I	Annex II	Annex V	Annex VI
Mediterranean Sea*	Baltic Sea*	Mediterranean Sea	Baltic Sea
Black Sea*	Black Sea	Black Sea	
Baltic Sea*	Antarctic Area*	Baltic Sea*	
Red Sea		Red Sea	
Gulfs Area		Gulfs Area	
Gulf of Aden		North Sea*	
Antarctic Area*		Wider Caribbean Region	
North West European Waters*		Antarctic Area*	

2.17 It may be noted that the Antarctic special area under Annex II, the North West European Waters special area under Annex I and the Baltic Sea special area under Annex VI (called "SOx Emission Control Area") are established after UNCED. Other special areas under MARPOL are being contemplated at IMO, such as making the Arctic area as a special area under Annex I and the North Sea as a special area under Annex VI. The MEPC is also revising the Guidelines for PSSAs to make the identification procedure clearer.

Oil and chemical pollution preparedness and response

2.18 Paragraph 17.33 of Chapter 17 of Agenda 21 invited States to consider ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC Convention), which was adopted by IMO in 1990 in response to the necessity of preventing and minimizing enormous environmental consequences caused by major tanker accidents. Chapter 17 also invited IMO to consider possible extension of the OPRC Convention to cover chemical spill response.

2.19 With consistent efforts by IMO to facilitate the entry into force of the OPRC Convention, including numerous technical co-operation activities such as assisting developing countries to prepare national contingency plans, preparation and delivery of model training courses, upgrading and publication of relevant manuals and guidelines, the OPRC Convention came into force on 13 May 1995, accomplishing one of the objectives set by Chapter 17 of Agenda 21. At present, there are 35 Parties to the OPRC Convention.

2.20 Recognizing that chemical spills would have similar major environmental consequence like oil tanker accidents and in response to the request of UNCED, the MEPC has been working on a legal instrument to extend the OPRC Convention to cover hazardous and noxious substances (HNS). At present, the drafting work of a new Protocol to the OPRC Convention has reached its final stages and an international conference is planned for the year 2000 with a view to adopting the protocol.

Compensation for pollution damage caused by hazardous and noxious substances (HNS)

2.21 Paragraph 17.30 (a)(xii) of Chapter 17 of Agenda 21 called on States to support the on-going activity within IMO regarding the development of an international regime governing the compensation for pollution damage caused by HNS. In response to this request, the Legal Committee of IMO gave "highest priority" to the issue.

2.22 This is an issue of extreme complexity, because unlike oil, the carriage of HNS by sea involves a great number of substances with different properties, trade features and risks. After having considered several options, IMO decided to prepare a draft HNS Convention. The Convention adopted a two tier system: The first tier regulates the liability of the shipowner. The second tier channels the contributions by the cargo interests into a fund which should provide compensation when the shipowner cannot be held liable or the damage exceeds the limit of the shipowner's liability.

2.23 The drafting work of the HNS Convention was completed in 1995 and a International Conference on Hazardous and Noxious Substances and Limitation of Liability was held at IMO Headquarters from 15 April to 3 May 1996, which adopted the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, or the HNS Convention in short.

Safe carriage of irradiated nuclear fuel by sea

2.24 Paragraph 17.30(a)(ix) of Chapter 17 of Agenda 21 encouraged IMO and IAEA to work together to complete consideration of a code on the safe carriage of irradiated nuclear fuel in flasks on board ships.

2.25 As a result of considerations at MEPC and MSC, the IMO Assembly, at its eighteenth session in 1993, adopted the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships, or INF Code in short, under cover of resolution A.748(18). The INF Code stipulates that, all ships carrying INF materials, regardless of size, should comply with relevant requirements concerning damage stability, fire protection, temperature control of cargo spaces, structural considerations, cargo securing arrangements, electric supplies, radiological protection equipment and management, training and shipboard emergency plan. This is the first international code prescribing such requirements.

2.26 In view of the importance of the matter and the request of a number of Member Governments, the IMO Assembly, at its nineteenth session in 1995, adopted resolution A.790(19) on the review of the INF Code for the purpose of a through examination of all aspects of the carriage by sea of INF materials.

2.27 The IMO Assembly, at its twentieth session in 1997, amended the INF Code by resolution A.853(20) to require shipboard emergency plans and notification in the event of an incident involving INF material. Furthermore, the IMO Assembly, at the same session, adopted resolution A.854(20) on guidelines for developing shipboard emergency plans for ship carrying material subject to the INF Code.

2.28 In the process of review, the matter of mandatory application of the INF Code was raised. As a result of intensive considerations, the Maritime Safety Committee (MSC) and the MEPC decided that the INF Code, together with subsequent amendments, should be made mandatory. At its sixty-ninth session in May 1998, the MSC approved the proposed amendments to chapter VII of the SOLAS Convention to make the INF Code mandatory and the draft revised text of the INF Code, with a view to adoption, following the MEPC's concurrence, by MSC 71 in 1999.

Prevention of marine pollution through port State control

2.29 Paragraph 17.30(a)(iii) of Chapter 17 of Agenda 21 requested IMO to assess the need for additional measures to prevent marine pollution from ships by more rigorous enforcement of MARPOL discharge provisions through regional co-operation.

2.30 In considering this request from UNCED, IMO recognizes that the primary responsibility for implementing the regulations provided for in IMO conventions rests with the flag State. However, it also acknowledges the need for port State control (PSC) with a view to promoting more effective implementation of all applicable standards for maritime safety and pollution prevention.

2.31 With the above in mind, IMO adopted a number of resolutions in respect of PSC over the years. In 1995, resolution A. 787(19) was adopted by the 19th Assembly of IMO amalgamating guidelines contained in relevant IMO resolutions with the aim of providing one set of basic guidelines on the conduct of PSC inspections.

2.32 Member Governments, through the conduct of PSC inspections at their ports and discussions at IMO, realized that more effective PSC could be conducted by signing regional agreements. To this end, the following five regional PSC agreements have been signed and currently in operation:

- .1 the Paris Memorandum of Understanding on Port State Control (Paris MOU), adopted in Paris on 1 July 1982;
- .2 the Acuerdo de Viña del Mar (Viña del Mar or Latin-America Agreement), signed in Viña del Mar (Chile) on 5 November 1992;
- .3 the Memorandum of Understanding on Port State Control in the Asia-Pacific Region (Tokyo MOU), signed in Tokyo on 1 December 1993;
- .4 the Memorandum of Understanding on Port State Control in the Caribbean Region (Caribbean MOU), signed in Barbados on 9 February 1996; and
- .5 the Memorandum of Understanding on Port State Control in the Mediterranean Region (Mediterranean MOU), signed in Malta on 11 July 1997.

2.33 With active assistance from IMO, regional MOUs for the rest of the world, such as the Indian Ocean region, the West and Central African region and the Persian Gulf region are being prepared for consideration and adoption. When these regional MOUs are signed, there will be a complete network of regional MOUs covering every region of the world, thus ensuring more effective enforcement of international conventions adopted by IMO.

2.34 It is widely recognized that the IMO resolution on PSC and the regional MOUs have made significant contributions to the enhancement of maritime safety and prevention of marine pollution from ships. In accordance with a database set up by the IMO Secretariat, 5,554 port State reports on ship detentions were received before 27 March 1998 and 2,880 flag State comments were received before 24 April 1998 (IMO document: FSI 6/5). This exercise of interaction between port States and flag States and the consideration of such reports and comments at IMO meetings have become an effective tool to promote the implementation of IMO conventions.

Promotion of wider ratification and effective implementation of IMO conventions

2.35 It has been one of IMO's main objectives to promote the widest possible ratification and more effective implementation of the conventions and protocols relating to maritime safety and prevention of marine pollution. As a result of IMO's consistent efforts, 31 out of 39 treaty instruments, for which IMO is responsible, are in force.

2.36 It may be noted that many of the most important treaty instruments relating to maritime safety and prevention of marine pollution, such as SOLAS and MARPOL, have been ratified by over 100 States, as shown in the following table:

Titles of treaty instruments (abbreviated)	Number of ratifications
1974 SOLAS	137
1972 COLREG	131
MARPOL 73/78	105
1966 LOAD LINES	141
1969 TONNAGE	119
1978 STCW	130

2.37 In response to the call from UNCED that IMO should support wider ratification and implementation of relevant shipping conventions and protocols (paragraph 17.30(a) of Chapter 17 of Agenda 21) and being fully aware that there are still a number of treaty instruments adopted by IMO which are not in force and that those which are in force still need more effective implementation, IMO is making even greater endeavours in this regard and steady progress has been achieved.

Navigational safety and management of international straits

2.38 Paragraph 17.30(a)(vii) and paragraph 17.31 of Chapter 17 of Agenda 21 requests IMO to promote navigational safety by adequate chartering of coasts and ship routing as appropriate and to address the matter of heavily used international straits with a view to ensuring compliance with generally accepted international regulations. IMO has also made progress in these two areas since UNCED.

2.39 Since 1994 a further number of routing measures have been adopted by IMO, including new and amended traffic separation schemes, areas to be avoided, amendments to the Rules for vessels navigating through the Straits of Malacca and Singapore and a partial system of archipelagic sea lanes in Indonesian archipelagic waters.

2.40 A new regulation 8-1 on Ship reporting systems in chapter V of the SOLAS Convention entered into force on 1 January 1996. Since then, taking into account the density of traffic, navigational hazards and the vulnerable and sensitive environmental nature of the areas concerned, a number of mandatory ship reporting systems have been adopted by IMO, including those in "the Straits of Malacca and Singapore", "the Torres Strait and the Inner Route of the Great Barrier Reef", and "the Straits of Gibraltar".

2.41 A new regulation 8-2 on Vessel traffic services in chapter V of the SOLAS Convention, which was adopted in 1997, is expected to enter into force on 1 July 1999. A resolution on Guidelines for vessel traffic services was adopted by the IMO Assembly at its twentieth session in 1997. A voluntary vessel traffic information service (VTIS) in the Singapore Strait has been in operation since 1 October 1990, and will become part of a mandatory ship reporting system as of 1 December 1998.

2.42 A resolution on Performance standards for electronic chart display and information systems (ECDIS) were adopted by the IMO Assembly in 1995. Production of electronic navigational charts (ENCs) for such systems by hydrographic offices is in progress and the overseeing of this is a task for the International Hydrographic Organization.

3 AREAS FOR FURTHER PROGRESS

3.1 As reported in the above, IMO has made significant progress in many areas, while recognizing that further work is needed in those areas, such as the development of a new legal instrument on ballast water management and a Protocol to extend the 1990 OPRC Convention to cover HNS. However, there are also several other areas which may need particular attention of CSD.

Prevention of marine pollution from offshore oil and gas activities

3.2 Offshore oil and gas exploration and production activities is one of the significant sources which contribute to marine pollution. In the North Sea, for example, it is estimated that between 1984 and 1990 some 14-27% of oily pollutants originated from offshore oil and gas activities (Report of Petroconsultants (U.K.) Ltd., November 1997).

3.3 Broadly speaking, discharges from offshore installations fall into two main categories: accidental and operational. Accidental discharges is covered to some extent by MARPOL 73/78 and the 1990 OPRC Convention with regard to Oil Pollution Emergency Plans on such installations.

3.4 Operational discharges from offshore installations, likewise, can also be divided into two categories: machinery space discharges and discharges "directly" arising from the exploration and exploitation activities, such as oil in produced water, contaminated drill cuttings(oil based muds) and production chemicals (residual process, drilling additives and well treatment).

3.5 Machinery space discharges from offshore installations are covered by regulation 21 and its unified interpretation of MARPOL Annex I (such as the 15 ppm discharge limit and the keeping of a record of all operations involving oil or oil mixture discharges). However, the release of harmful substances "directly" arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources is not covered by MARPOL 73/78 (MARPOL Article 2(3)(b)(ii)) or any other international instrument.

3.6 Although the scope of application of MARPOL regulations to offshore installations is currently limited as described above, there are no other mandatory regulations relating to offshore operational discharges at global level. There are, however, a number of regional agreements covering the matter, such as the 1974 Helsinki Convention, the 1976 Barcelona Convention and the 1978 Kuwait Protocol.

3.7 Noting that there were still many regions where appropriate agreements controlling marine pollution from offshore installations have not yet been developed, paragraph 17.30(c) of Chapter 17 of Agenda 21 adopted by UNCED called on States, acting individually, bilaterally, regionally or multilaterally and within the framework of IMO and other relevant international organizations to assess the need for additional measures to address degradation of the marine environment from offshore oil and gas platforms.

3.8 In response to the call from UNCED, IMO, through its MEPC, considered relevant issues. In its 1994 report to CSD, IMO addressed the matter of marine pollution from offshore platforms. After considerable debate and strong criticism from a number of delegations, the conclusion in that report was that " regional approach should be encouraged, and IMO sees no compelling need at this time to develop further globally applicable environmental regulations" (Page 15 of IMO's 1994 Report to CSD and paragraph 8.8 of MEPC 36/22). The argument against international regulations was that, unlike ships which move from one part of the world to another and can therefore best be controlled through global regulations, offshore installations are generally fixed and, therefore, only pose a threat of local pollution, which can be dealt with by national regulations or regional agreements. The argument in favour of international regulations or guidelines was that there are still many offshore oil producing regions which

do not have the capacity to develop either regional or national standards; therefore some kind of international regulations or guidelines will help those countries to protect their marine environment.

3.9 CSD 4 in April 1996 noted the 1994 report of IMO. With regard to the issue on further development of globally applicable environmental regulations for offshore activities, CSD 4 noted the conclusion in IMO's 1994 Report and encouraged States to continue relevant national and regional reviews of the need for additional measures to address the issue of degradation of the marine environment from offshore activities (CSD 4, Decision 4/15, paragraphs 26 to 28).

3.10 At its thirty-eighth session in July 1996, the MEPC reviewed the outcome of CSD 4 on the matter. It noted that, since 1994 when the MEPC concluded its report to CSD, offshore activities have been accelerated in many parts of the world. However, expectations for regional and national regulations have not been fulfilled. There are, in many regions of the world, no control mechanisms regulating the discharges from offshore activities. It was therefore suggested that the development of the current national, regional and global regulations should be assessed.

3.11 In view of the above, the MEPC has kept the matter under review. Member States and interested organizations were invited to submit proposals on the matter to the MEPC for consideration.

Facilities in ports for the reception of wastes from ships

3.12 Paragraph 17.30 (d) of Chapter 17 of Agenda 21 invited States and IMO to assess the need for additional measures to address degradation of the marine environment by establishing port reception facilities for the collection of oily and chemical residues and garbage from ships, especially in MARPOL special areas.

3.13 MARPOL 73/78 sets out requirements for port reception facilities and all Parties to the Convention are obliged to provide reception facilities for ships calling at their ports. The requirement for such reception facilities is especially necessary in "special areas" where, because of the vulnerability of these areas to pollution, more stringent discharge restrictions have been imposed. MARPOL 73/78 also provides that these reception facilities should, in each case, be "adequate" for the reception of wastes from ships without causing undue delay to the ships using them.

3.14 However, unlike the ships which are subject to survey and certification by the flag State Administration and port State control, the responsibility for providing reception facilities is a matter for individual governments, and the progress in this regard has not been a satisfactory one. In order to address the matter, IMO has developed a number of guidelines and the last comprehensive guidelines have been published as a "Comprehensive Manual on Port Reception Facilities". The Manual provides guidance on many issues including waste management strategy, type and quantity of ship-generated wastes, planning, choice of location, collection and treatment, financing and cost recovery, and co-operation of port and ship requirements. IMO has also provided technical assistance over many years to a large number of countries in the form of seminars, symposia and workshops, mostly at the regional level. Progress has been made in certain parts of the world. It is apparent, however, that, in some oil producing regions, the situation with regard to the provision of reception facilities is not improving.

3.15 The provision of adequate reception facilities worldwide is a matter of extreme complexity which involves the shipping industry, port operators, oil and chemical companies and governments. A satisfactory solution to the shortage of reception facilities in many parts of the world has yet to be found. It is widely recognized that, if this problem is to be satisfactorily resolved, it will be necessary to address the economic as well as the technical aspects of this issue.

3.16 At its forty-first session in March 1998, the MEPC reemphasized the problem of reception facilities and decided to set up a Working Group dedicated to consider the relevant issues with the aim of identifying problems and proposing solutions, including development of a generic port waste management plan which could be used by the Administration in any country in providing a national port waste reception strategy. This plan may be suitable for assisting ports in obtaining funding for the establishment of adequate waste reception facilities. It is expected that the outcome of this Working Group will facilitate the work of the MEPC in finding an appropriate solution to this long-standing problem.

Harmful effects of the use of anti-fouling paints for ships

3.17 Anti-fouling paints are used to coat the bottoms of ships to prevent sealife from attaching themselves to the hull, thereby to maintain the economic speed of ships. The harmful effects of the anti-fouling paints which used tributyl tin (TBT) were first brought to the attention of IMO in 1988. By that time there was evidence that TBT compounds in anti-fouling paints for ships can pose substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms especially in coastal waters. A number of countries, based on their scientific studies and investigations, began to adopt measures at national or regional levels to control the use of TBT compounds in anti-fouling paints. With a view to protecting the marine environment, the MEPC has, since then, kept this matter under review.

3.18 In the discussion at subsequent MEPC sessions, it was agreed that there was a need to regulate the use of TBT anti-fouling paints at an international level. A major advancement in this direction was achieved in November 1990 when the MEPC of IMO adopted resolution MEPC.46(30) on "Measures to control potential adverse impacts associated with the use of TBT compounds in anti-fouling paints". This resolution recommended that Governments adopt and promote effective measures within their jurisdiction to eliminate the use of anti-fouling paints containing TBT compounds on small ships of less than 25 meters in length as they were causing deformations in oysters and sex changes in whelks. The resolution also encouraged development of alternatives to TBT anti-fouling paints so that appropriate ways could be found towards the total prohibition of the use of TBT compounds in anti-fouling paints for all ships.

3.19 As encouraged by IMO, Member Governments began to take measures to control the adverse effects of TBT anti-fouling paints for ships. At MEPC 41 in March 1998, information was provided on alternative anti-fouling paint systems, including their effectiveness and risk posed to the aquatic environment by these new systems.

3.20 In order to further the development of international measures to reduce the harmful effects of the use of TBT anti-fouling paints for ships, the thirty-eighth session of the MEPC in July 1996 established a Correspondence Group on this issue, and the final conclusions of the Group was presented to the forty-first session of the MEPC in March 1998. After an extensive exchange of views, the MEPC agreed that there is a need to expedite the process in IMO to phase out the use of TBT anti-fouling paints worldwide by introducing measures aimed at a total ban of such paints on ships and decided to establish a Working Group at MEPC 42 dedicated to the consideration of the matter. The Working Group was instructed to prepare a report, including a draft legal instrument and a timetable for the phase-out of harmful anti-fouling systems for consideration by the MEPC.

3.21 The work in IMO with regard to the phase-out of harmful anti-fouling paints for ships is gaining momentum. It is expected that significant progress could be made in the next few years.

Wreck removal and compensation for pollution from ship's bunkers

3.22 There are also two draft international conventions being developed by the Legal Committee of IMO concerning wreck removal and compensation for pollution damage from ships' bunkers. It is expected that significant progress could be made in the near future.

4 SUMMARY

4.1 The Commission on Sustainable Development is invited to take note of the following major achievements by IMO since UNCED:

- .1 the Protocol of 1997 to amend MARPOL 73/78 by adding the new Annex VI to the Convention entitled "Regulations for the Prevention of Air Pollution from Ships" has been adopted;
- .2 measures have been taken, including adoption of guidelines and conduct of technical co-operation projects, to minimize the adverse effects of the introduction of harmful aquatic organisms through ships' ballast water, and the preparation of globally mandatory regulations is in good progress for adoption in the near future;
- .3 a number of special areas under MARPOL 73/78 and particularly sensitive sea areas under IMO resolution A.720(17) have been established for those areas which are in need of special protection;
- .4 the 1990 OPRC Convention has entered into force in 1995 and the preparation of a protocol to extend the Convention to cover hazardous and noxious substances (HNS) is in good progress with the view to adoption in 2000;
- .5 the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (the HNS Convention) was adopted in 1996;
- .6 the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (the INF Code) was adopted in 1993, and amendments to chapter VII of the SOLAS Convention to make the Code mandatory have been developed;
- .7 five regional Memoranda of Understanding (MOUs) on port State control have been established, which have become effective tools to promote the implementation of IMO's treaty instruments on maritime safety and prevention of marine pollution, and more regional MOUs are being contemplated;
- .8 31 out of 39 treaty instruments adopted by IMO are in force and the most important treaty instruments relating to maritime safety and prevention of marine pollution, such as SOLAS and MARPOL, have been ratified by over 100 States representing more than 90% of the world's total tonnage; and

- .9 with a view to enhancing maritime safety and preventing marine pollution, more measures have been taken, including adoption of new and amended traffic separation schemes, areas to be avoided, rules for navigating through the Straits of Malacca and Singapore and a partial system of archipelagic sea lanes in Indonesian archipelagic waters; a number of mandatory ship reporting systems have also been adopted, including "In the Straits of Malacca and Singapore" and "In the Torres Strait and the Inner Route to the Great Barrier Reef".

4.2 The Commission on Sustainable Development is also invited to consider of the following areas which are in need of further progress as requested by UNCED through Chapter 17 of Agenda 21:

- .1 in view of the environmental concerns with regard to pollution from offshore oil and gas activities, IMO has kept the matter under review and Member States and interested organizations are invited to submit documents to the MEPC for consideration;
- .2 the provision of adequate port reception facilities for wastes from ships is a complicated matter which involves the shipping industry, port operators, oil and chemical companies and Governments and the shortage of such facilities remain a problem. Fresh efforts are being made in IMO to tackle the problem and Governments are called upon to support these efforts; and
- .3 the problem of harmful effects of the use of TBT based anti-fouling paints for ships have been recognized, and measures have been taken with regard to the phase-out of such anti-fouling paints. It is expected that significant progress could be made in the next few years.

ANNEX 11

WORK PROGRAMMES OF SUBSIDIARY BODIES

Sub-Committee on Bulk Liquids and Gases (BLG)

		Target completion date/number of sessions needed for completion	Reference
1	Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments	Continuous	BLG 1/20, section 3; BLG 3/18, section 12
H.1	Additional safety measures for tankers	1998 1999	MSC 63/23, paragraph 18.4; BLG 3/18, section 3
	.1 revision of MSC/Circ.353 as amended by MSC/Circ.387		
	.2 revision of MSC/Circ.677		
H.2	Tanker pump-room safety	1999	BLG 1/20, paragraphs 4.12 to 4.14; BLG 3/18, section 4
H.3	Revision of MARPOL regulations I/22 to 24 in the light of Matters related to the probabilistic methodology for oil outflow analysis	1999	BLG 1/20 paragraphs 8.7 to 8.11; BLG 3/18, paragraph 5.10
H.4	Review of Annexes I and II of MARPOL 73/78	2000 2002	BLG 1/20, section 9; BLG 3/18, section 6

Note: 1 "H" means a high priority item and "L" means a low priority item. However, within the high and low priority groups, items have not been listed in any order of priority.

2 Items printed in bold letters have been selected for the provisional agendas of the forthcoming sessions of the Sub-Committees.

Shaded text : Proposed additions/changes.
Strike-out text : Proposed deletions.

H.5	Environmental and safety aspects of alternative tanker designs under MARPOL 73/78 regulation I/13F		BLG 3/18, paragraph 15.7
	.1 development of the final guidelines	2 sessions	BLG 1/20, paragraph 8.15
	.2 assessment of the alternative tanker designs	Continuous	BLG 1/20, section 16
H.6	Revision of carriage requirements for carbon disulphide in the IBC Code	1998 1999	MSC 66/24, paragraph 21.29; BLG 3/18, section 7
H.7	Requirements for personnel protection involved in the transportation of cargoes containing toxic substances in oil tankers	1998 2000	BLG 1/20, section 12; BLG 3/18, section 8
H.8	Alignment of the cargo hose requirements in the BCH, IBC, IGC and GC Codes	2 sessions 2000	MSC 68/23, paragraph 20.8; BLG 3/18, paragraph 15.7
H.9	Review of MARPOL regulation I/13G on oil tankers	1998	MEPC 41/20, paragraph 18.6; MSC 69/22, paragraph 20.8.2; BLG 3/18, section 13
H.10	Hydrostatic balance loading	1998	MEPC 41/20, paragraph 19.7; MSC 69/22, paragraph 20.8.3; BLG 3/18, section 14
L.1	Review of existing ships' safety standards: amendments to SOLAS regulations VII/9 and VII/12	1998 1999*	MSC 65/25, paragraphs 21.6 to 21.8; BLG 3/18, section 9
L.2	Review of specifications for crude oil washing systems	1998 1999	BLG 1/20, paragraph 9.7; BLG 3/18, section 10
L.3	Revision of chapter 8 of the IBC Code in the light of the revised SOLAS regulation H-2/59	1998	MSC 66/24, paragraph 21.31; BLG 3/18, section 11

L.4 L.3	Development of a code on polar navigation (co-ordinated by DE)	2 sessions 1999	MSC 68/23, paragraph 20.4; MSC 69/22, paragraph 20.13; BLG 3/18, paragraphs 17.3 to 17.5
L.5 L.4	Application of MARPOL requirements to FPSOs and FSUs	3 sessions 2001	MEPC 41/20, paragraph 7.7; MSC 69/22, paragraph 20.8.1; BLG 3/18, paragraphs 15.3 to 15.5

* Subject to the decision of MSC 70 on the mandatory status of the GC Code.

* * *

Proposed provisional agenda for BLG 4*

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Additional safety measures for tankers
 - 4 Tanker pump-room safety
 - 5 Matters related to the probabilistic methodology for oil outflow analysis
 - 6 Review of Annexes I and II of MARPOL 73/78
 - 7 Review of specifications for crude oil washing systems
 - 8 Revision of carriage requirements for carbon disulphide in the IBC Code
 - 9 Requirements for personnel protection involved in the transportation of cargoes containing toxic substances in oil tankers
 - 10¹ Review of existing ships' safety standards: amendments to SOLAS regulations VII/9 and VII/12
 - 11** Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments
 - 12 Alignment of the cargo hose requirements in the BCH, IBC, IGC and GC Codes
 - 13 Development of a code on polar navigation
 - 14 Application of MARPOL requirements to FPSOs and FSUs
 - 15 Work programme and agenda for BLG 5
 - 16 Election of Chairman and Vice-Chairman for 2000
 - 17 Any other business
 - 18 Report to the Committees

* Agenda item numbers do not necessarily indicate priority.

** Item under continuous review.

¹ Subject to the decision of MSC 70 on the mandatory status of the GC Code.

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Sub-Committee on Flag State Implementation (FSI)

		Target completion date/number of sessions needed for completion	Reference
1	Reporting on non-compliance with IMO instruments	Continuous	FSI 6/12, section 5
	.1 deficiency reports	Continuous	MSC 67/22, paragraph 6.3 FSI 6/12, paragraphs 5.1 to 5.14
	.2 mandatory reports under MARPOL 73/78	Continuous	FSI 6/12, paragraphs 5.15 to 5.17
	.3 mandatory reporting procedures on port State control detentions	1999	
	.3 analysis and evaluation of reports	Continuous	FSI 6/12, paragraph 5.13
2	Casualty statistics and investigations	Continuous	FSI 6/12, section 6; MSC 68/23, paragraphs 7.16 to 7.24
	.1 fatigue factor in manning and safety	1999	FSI 6/12, paragraphs 7.23 and 7.24
	.2 review of the guidelines on investigation of human factors in marine casualties and incidents	1999	MSC 69/22, paragraph 20.35 FSI 6/12, paragraphs 6.20 and 6.21
3	Port State control	Continuous	FSI 6/12, section 7; MSC 68/23, paragraphs 7.10 to 7.15
	.1 regional co-operation	Continuous	FSI 6/12, paragraphs 7.1 to 7.5

Shaded text: proposed additions/changes
Strike-out text: proposed deletions

.2	results of inspections	Continuous	FSI 6/12, paragraphs 7.6 to 7.9
.3	review of resolution A.787(19)	1999	MSC 69/22, paragraph 20.29, FSI 6/12, paragraphs 7.9 to 7.11 and 7.26 to 7.34
.1	reporting formats	1998	FSI 5/16, paragraph 13.5
.2	tonnage issues	1998	FSI 5/16, paragraph 13.5
.3	ISM Code matters	1999	FSI 5/16, paragraph 13.5
.4	amendments to paragraph 2.6.7 on accidental damage	1999	FSI 5/16, paragraph 13.5
.4	mandatory reporting procedures on port State control detentions	1999	MSC 68/23, paragraph 20.31 FSI 6/12, paragraphs 7.12 to 7.21
.5	PSC on seafarer's working hours	1999	FSI 6/12, paragraphs 7.23 and 7.24
4	Technical assistance	Continuous	FSI 6/12, section 8; MSC 68/23, paragraphs 12.1 to 12.7
5	Monitoring of actions taken by the Sub-Committee	Continuous	FSI 4/18, section 12
6	Survey and certification	Continuous	FSI 6/12, section 4
.1	guidelines for unscheduled inspections of ro-ro passenger ships	2000	MSC 68/23, paragraph 7.26 FSI 6/12, paragraphs 4.9 to 4.12 and 4.22 to 4.24
.2	revision of Survey Guidelines (resolution A.746(18)) and Guidelines on surveys (resolution A.560(14))	2000	MSC 69/22, paragraph 10.9, FSI 6/12, paragraphs 4.4 to 4.8 and 4.18 to 4.21
.3	exemption certificates	1999	MSC 67/22, paragraph 3.25; FSI 5/16, paragraph 13.7
.4	surveys of emergency towing arrangements	1998	MSC 68/23, paragraphs 20.25 to 20.29; MSC 69/22, paragraphs 20.30 to 20.32
.3	service intervals of life saving appliances and radiocommunication equipment	1999	MSC 68/23, paragraph 20.30 MSC 69/22, paragraph 3.9 FSI 6/12, paragraph 4.7

L	.4	introduction of the HSSC into MARPOL Annex VI on Air Pollution			MEPC 41/20, paragraph 8.22.1; MSC 69/22, paragraph 20.28
7		Implementation of IMO instruments			FSI 6/12, section 3
	.1	responsibilities of Governments and measures to encourage flag State compliance	1999		MSC 68/23, paragraphs 7.2 to 7.8; FSI 6/12, paragraphs 3.11 to 3.34
H	.2	comprehensive analysis of difficulties encountered in the implementation of IMO instruments	2000		MSC 69/22, paragraph 20.28 FSI 6/12, paragraph 9.2
8		Implications arising when a vessel loses the right to fly the flag of a State	1999		MSC 68/23, paragraph 7.7 FSI 6/12, paragraphs 11.1 and 11.2

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Proposed provisional agenda for FSI 7

- Opening of the session
- 1 Adoption of the agenda
- 2 Decisions of other IMO bodies
- 3 Implementation of IMO instruments
 - .1 Responsibilities of Governments and measures to encourage flag State compliance
 - .2 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
- 4 Survey and certification
 - .1 Guidelines for unscheduled inspections of ro-ro passenger ships
 - .2 Revision of Survey Guidelines (resolution A.746(18)) and Guidelines on surveys (resolution A.560(14))
 - .3 Service intervals of life-saving appliances and radiocommunication equipment
 - .4 Introduction of the HSSC into MARPOL Annex VI on Air Pollution
- 5 Reporting on non-compliance with IMO instruments
 - .1 Deficiency reports
 - .2 Mandatory reports under MARPOL 73/78
 - .3 Analysis and evaluation of reports
- 6 Casualty statistics and investigations
 - .1 Fatigue factor in manning and safety
 - .2 Review of the guidelines on investigation of human factors in marine casualties and incidents
- 7 Port State control
 - .1 Regional co-operation
 - .2 Results of inspections
 - .3 Review of resolution A.787(19)
 - .4 Mandatory reporting procedures on port State control detentions

- .5 Seafarer's working hours
- 8 Monitoring of actions taken by the Sub-Committee
- 9 Implications arising when a vessel loses the right to fly the flag of a State
- 10 Technical assistance
- 11 Work programme and agenda for FSI 8
- 12 Election of Chairman and Vice-Chairman for 2000
- 13 Any other business
- 14 Report to the Committees

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Sub-Committee on Ship Design and Equipment

The following new Work Programme item is included in the work programme of the DE Sub-Committee:

Priority	Item	Target completion date
H	Revision of resolutions MEPC.60(33) and A.586(14) (Terms of Reference: Taking into account the documents submitted to MEPC 42 (MEPC 42/15, MEPC 42/15/1, MEPC 42/15/2, MEPC 42/15/3 and MEPC 42/INF.11) and all the relevant documents on the matter listed in MEPC 42/15, consider amendments to resolutions MEPC.60(33) and A.586(14) and prepare a revised text of the resolutions together with the standards of required pollution prevention equipment for consideration and adoption by the Committee.)	2002

ANNEX 12**INSTRUCTIONS TO SUB-COMMITTEES****1 The BLG Sub-Committee**

1.1 To provide further information on the budgetary implication of the task for new GESAMP Hazard Profile re-evaluation process.

1.2 To revise the IOPP Certificate as appropriate taking into account the proposed amendments to MARPOL regulation I/13G (annex 4) and the IOPP Certificate (annex 8) and provide MEPC 43 with a revised IOPP Certificate clearly indicating all the amendments.

2 The DE Sub-Committee

2.1 To include the new Work Programme item on Revision of resolutions MEPC.60(33) and A.586(14).

2.2 Taking into account the discussion of the MEPC on harmful aquatic organisms in ballast water as reflected in section 8 of the report of MEPC 42, to carry out instructions as reflected in paragraph 8.28, provide comments to MEPC 43 on safety aspects of ballast water management options and, in particular, on the draft regulations contained in MEPC 42/WP.1/Rev.1, and the Ballast Water Management Code contained in MEPC 42/WP.1.

3 The SLF Sub-Committee

Taking into account the discussion of the MEPC on harmful aquatic organisms in ballast water as reflected in section 8 of the report of MEPC 42, to carry out instructions as reflected in paragraph 8.28, provide comments to MEPC 43 on safety aspects of ballast water management options and, in particular, on the draft regulations contained in MEPC 42/WP.1/Rev.1, and the Ballast Water Management Code contained in MEPC 42/WP.1.

4 The DSC Sub-Committee

Taking into account the discussion at MEPC 42 as reflected in section 2 of the report of MEPC 42, prepare draft text of amendments to MARPOL Annex III to make the IMDG Code mandatory (consequential amendments to the SOLAS amendments to chapter VII).

5 The STW Sub-Committee

Taking into account the discussion of the Committee on harmful aquatic organisms in ballast water as reflected in section 8 of the report of MEPC 42, provide comments to MEPC 43 on draft regulation 5 and relevant regulations contained in MEPC 42/WP.1/Rev.1.

6 The NAV Sub-Committee

To consider the proposed area to be avoided as set out in document MEPC 42/10/3, and provide to the MEPC the outcome of discussion before the final decision was taken (paragraph 10.14).

ANNEX 13

**SUBSTANTIVE ITEMS FOR THE COMMITTEE'S AGENDA
FOR ITS FORTHCOMING THREE SESSIONS**

No.	Item	MEPC 43 July 1999	MEPC 44 March 2000	MEPC 45 November 2000
1	Reports of sub-committees (FSI, BLG, DSC, DE, SLF etc.)	X	X	X
2	Work of other bodies (Assembly, Council, MSC, FAL/SPI, TCC, etc.)	X	X	X
3	Status of Conventions		X	
4	Harmful effects of the use of antifouling paints for ships	X	X	X
5	Inadequacy of reception facilities	X	X	X
6	Implementation of the OPRC Convention and the OPPR Conference resolutions	X	X	X
.1	Development of a Protocol to extend the OPRC Convention to cover HNS	X	X	
7	Harmful aquatic organisms in ballast water	X	X	X
8	Prevention of air pollution from ships			
.1	Follow-up to the Conference	X	X	X
9	Identification and protection of special areas and PSSAs			
.1	Review of resolution A.720(17)	X	X	
10	Interpretation and amendments of MARPOL 73/78 and related Codes			
.1	Revision of Annexes I and II	X	X	X
.2	Revision of Annex IV	X	X	
.3	Garbage classification under Annex V	X		
.4	Any other item	X	X	X

No.	Item	MEPC 43 July 1999	MEPC 44 March 2000	MEPC 45 November 2000
11	Consideration and adoption of amendments to mandatory instruments	X		
12	Follow-up action to UNCED			
.1	Prevention of pollution from offshore oil and gas activities		X	X
.2	Issues arising from chapters 17 and 19 of Agenda 21		X	X
13	Promotion of implementation and enforcement of MARPOL and related Codes			
.1	Identification of oil pollution sources (e.g. tagging system)		X	
.2	Review of the Guidelines for Implementation of Annex V and the Manual on Shipboard Waste Management	X	X	
.3	MARPOL - How to do it (enforcement)	X		
14	INF Code related matters	X		
15	The role of the Human Element with regard to pollution prevention	X	X	X
16	Formal safety assessment, including environmental indexing of ships		X	
17	Application of the Committees' Guidelines	X	X	X
18	Work programme of the Committee and subsidiary bodies	X	X	X
.1	Work programme for 2000/2001	X		
.2	Work plan up to 2006	X		
19	Matters related to the 1973 Intervention Protocol			
.1	Revision of the list of substances		X	
.2	List of experts	X		
20	Technical co-operation programme	X		X

No.	Item	MEPC 43 July 1999	MEPC 44 March 2000	MEPC 45 November 2000
21	Any other business			
.1	Casualty investigation in relation to marine pollution		as necessary	
.2	Relations with other UN agencies		as necessary	
.3	Relations with other international treaties		as necessary	
.4	Consultative status of NGOs		as necessary	

ANNEX 14

CONTACT POINTS AND TERMS OF REFERENCE OF THE CORRESPONDENCE GROUP

Title	Leader	Terms of Reference
Correspondence Group on Reception Facilities	<p>Mr. John Wren Shipping Policy Division Department of Environment, Transport and the Regions Great Minster House, Floor 4/12 76 Marsham Street London SW1P 4DR United Kingdom</p> <p>Tel: +44-171-271-3895 Fax: +44-171-271-3899</p>	<p>1 The task of the Groups is to explore means of improving the availability and encourage the use of port waste reception facilities for shipping on a global basis.</p> <p>2 The Groups are to address the above objective by undertaking the following tasks:</p> <p>(i) develop draft guidelines, with a view to their consideration at MEPC 43, to assist countries to assess or review their port waste reception facilities in order to identify:</p> <ul style="list-style-type: none"> - the needs of ships normally calling at their ports; - practical problems in developing or implementing port waste management strategies; and - problems in relation to collection, treatment, transport and final disposal of waste from ships, including the interface between ships and waste reception facility providers; <p>(ii) make recommendations to MEPC 43 on the implementation of the proposed guidelines;</p> <p>(iii) develop other measures to ensure improved communication between ships, ports and waste reception facility providers with a view to improving the level of service to users; and</p> <p>(iv) consider the role of IMO, flag and port States, as well as ports, users and industry associations with regard to the implementation of the proposed guidelines.</p>

Title	Leader	Terms of Reference
Correspondence Group on revision of MARPOL Annex IV	<p>Mr. Zafrul Alam Asst. Director (Special Projects) Policy Division Maritime and Port Authority of Singapore 460 Alexandra Road 18 Storey PSA Building Singapore 119963</p> <p>Tel: 3751623 Fax: 3751652 E-mail: alam1@mpa.gov.sg</p>	<p>The Correspondence Group is to review responses by Member Governments to MEPC/Circ.338 and consider and propose a course of action which will assist the entry into force of MARPOL Annex IV</p>
Correspondence Group on <i>MARPOL - How to do it</i> (Enforcement)	<p>Commander Frederick J. Kenney Commander, United States Coast Guard Attorney/Advisor Office of Maritime & International Law Commandant (G-LMI) 2100 2nd Street, SW Washington, DC 20593</p> <p>Tel: (202) 267-0092 Fax: (202) 267-4496 E-mail: fkenney@comdt.uscg.mil</p>	<p>The Correspondence Group is to:</p> <ol style="list-style-type: none"> .1 use the text shown in annex 1 to MEPC 42/13 as a base document; .2 identify all proposed amendments to the text; .3 indicate which amendments are editorial and which require further detailed consideration by the Committee; and .4 submit the amended text to MEPC 43 for further consideration.

ANNEX 15**STATEMENTS DELIVERED****1 STATEMENT DELIVERED BY THE DELEGATION OF VANUATU FOR THE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME (SPREP) TECHNICAL SECRETARIAT ON THE PROPOSED LEGAL INSTRUMENT TO CONTROL TRANSLOCATION OF ORGANISMS IN SHIPS' BALLAST WATER**

The South Pacific Regional Environment Programme (SPREP) is an inter-governmental regional organisation comprising 26 members, including 14 independent Pacific island countries, 8 Pacific island territories and 4 metropolitan countries.

The SPREP Technical Secretariat would like to register concerns with the Marine Environment Protection Committee (MEPC) of IMO in regard to the proposed new international legal instrument being developed as the new international regulatory regime for the transport of foreign marine organisms in ships' ballast water.

SPREP shares IMO's concerns about and interest in the ballast water issue, and strongly welcomes and supports the development of this regulatory regime. SPREP understands that the main management technique that will be used under this regime is reballasting/ballast exchange at sea, whilst ships are en-route from their source port to their destination port.

SPREP understands that this technique is an effective risk minimisation measure, but does not eliminate the possibility of foreign marine species being introduced by ships.

Of concern to the Pacific islands region is the fact that many transit shipping lanes pass through the region. Many ships may reballast/exchange ballast at sea whilst within the region in order to minimise the risk of introductions to countries around the rim of the region.

The Pacific islands region may therefore be inadvertently receiving introduced marine species by well-intentioned ships that are reballasting/exchanging ballast whilst transiting the region.

SPREP understands that this scenario has not been subject to any systematic assessment, and the new regulatory regime for ballast water is being developed without consideration of this issue. It is also being developed without effective representation of the region on the MEPC, which is overseeing the development of the legal instrument.

There is a need to ensure that IMO assesses and considers the risks posed to the Pacific islands region by shipping which undertakes reballasting/ballast exchange whilst transiting the region, and to ensure that the international regulatory regime currently being developed for ballast water properly considers the interests of the Pacific islands region.

In particular, as an initial step, SPREP would like to see the areas of the Pacific ocean where reballasting/ballast exchange takes place mapped, so that their proximity to the Exclusive Economic zones of Pacific island countries can be determined, and the potential risk of introductions of foreign marine species to Pacific island countries from these operations assessed. As many of the voluntary reballasting/ballast exchange regimes currently administered by Pacific rim countries such as Australia, Canada, New Zealand and the USA require the locations of reballasting/ballast exchange operations to be recorded by ships' masters, such a mapping exercise should be relatively straightforward.

2 STATEMENT DELIVERED BY THE DELEGATION OF CUBA

Cuba participated with great interest in the drafting group on the updating of resolution A.720(17) "Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas", with the intention of contributing its own modest experience to the content of the draft.

Cuba wishes to place on record its gratitude to the countries participating in the group for having succeeded in producing a document that is well-balanced and useful for the future, and particularly wishes to thank the Chairman of the group and the Secretariat for their efforts, which contributed so much to our work.

This subject is one of special significance for our country due to the importance we attach to the protection of our ecological heritage, our sensitive ecosystems and our marine resources, features which are present in the majority of maritime States.

At the same time, most of the particularly sensitive sea areas are located near the seacoasts and coastal areas of developing countries, and constitute both actual and potential resources for their economic development and for the livelihood of their peoples.

Accordingly, we are concerned that the document which is being proposed as a new appendix A, entitled "Procedure for the identification of particularly sensitive sea areas and adoption of associated protective measures", may, rather than facilitating the identification of new particularly sensitive sea areas, constitute an obstacle to the attainment of the objectives we are all seeking.

In particular, we are concerned at the conditionality which the procedure attempts to establish between concern for identifying a particularly sensitive sea area and the taking of so-called associated protective measures.

These are the grounds, Mr. Chairman, for the reservation which the delegation of Cuba wishes to express in regard to this procedure. It considers that the said document requires more exhaustive consideration, and requests that its view be recorded in the Committee's final report.
