



MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
43rd session  
28 June to 2 July 1999  
Agenda item 21

MEPC 43/21  
6 July 1999  
Original: ENGLISH

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

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## 1 INTRODUCTION

1.1 The forty-third session of the Marine Environment Protection Committee was held at IMO Headquarters from 28 June to 2 July 1999, under the chairmanship of Mr. Michael Julian (Australia).

1.2 The session was attended by delegations from:

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

by representatives from the following Associate Members of IMO:

HONG KONG, CHINA  
MACAU

by representatives from United Nations and Specialized Agencies:

UNITED NATIONS (UN)  
UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)  
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)  
WORLD METEOROLOGICAL ORGANIZATION (WMO)  
UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)  
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (IOC)  
UNITED NATIONS, UNIC-LONDON

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)  
ARAB FEDERATION OF SHIPPING (AFS)  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (INMARSAT)  
BALTIC MARINE ENVIRONMENT PROTECTION COMMITTEE  
LEAGUE OF ARAB STATES  
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT (ROPME)  
SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME (SPREP)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
INTERNATIONAL SHIPPING FEDERATION LTD (ISF)  
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)  
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)  
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)  
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS (IADC)  
INTERNATIONAL ASSOCIATION OF THE INSTITUTES OF NAVIGATION (IAIN)  
INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)  
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 ROAD TRANSPORT UNION (IRU)  
GREENPEACE INTERNATIONAL

INTERNATIONAL COUNCIL OF CRUISE LINES (ICCL)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)  
WORLD WIDE FUND FOR NATURE (WWF)  
ASSOCIATION OF EUROPEAN MANUFACTURERS OF INTERNAL COMBUSTION  
ENGINES (EUROMOT)  
INTERNATIONAL PETROLEUM INDUSTRY ENVIRONMENTAL CONSERVATION  
ASSOCIATION (IPIECA)  
THE INSTITUTE OF MARINE ENGINEERS (IME)  
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)  
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)  
INTERNATIONAL SAILING FEDERATION (ISAF)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)

The Chairman of the Maritime Safety Committee, Dr. G. Pattofatto (Italy), the Chairman of the Technical Co-operation Committee (TC), Vice-Almirante F. D'Alessio (Peru), the Chairman of the Facilitation Committee (FAL), Mr. L. Barchue, Sr. (Liberia), 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 noted that the agenda of this session reflected the recommendations of the Rio Declaration on Environment and Development, as endorsed by the United Nations General Assembly seven years ago, that the precautionary approach should be widely applied in environmental protection. He reiterated that the emphasis of IMO's work must be shifted from the development of new regulations to the implementation of those already established, but that IMO should consider what regulatory changes may be necessary if protection of the marine environment is to be achieved and new challenges met.

1.4 The Secretary-General noted the several important items on the Committee's agenda, such as the preparation of draft legal instruments for ballast water management, adoption of proposed amendments to the MARPOL Convention and the serious side effects of TBT based anti-fouling paints on the marine environment and the human food chain. In this respect, the Secretary General informed the Committee on the outcome of the eighty-second session of Council, which had met a week earlier. He stated that the IMO Council had not accepted his budget proposals and had invited him to present a revised budget based on zero nominal growth to its twentieth extraordinary session. With regard to proposals to hold diplomatic conferences on ballast water management and on prohibition of TBT based anti-fouling paints, he asked the Committee to note the Council's strong preference that conferences should only be held when their success could be assured. The Council had, however, approved the proposed diplomatic conference on the HNS protocol on preparedness, response and co-ordination to pollution incidents by hazardous and noxious substances, to be held next year in conjunction with MEPC 44 and to which it had allocated three days. He stated that the Council, while recognizing the desirability of having a pollution co-ordination and support unit to give advice in the case of emergencies and assist countries in the ratification and implementation of the OPRC Convention, had decided that it would be inappropriate at this time for financial reasons.

1.5 Regarding the follow-up to UNCED, the Secretary-General stated that the seventh session of the Commission on Sustainable Development had appreciated IMO's report on its current activities and had adopted a number of recommendations directly related to the Committee's work programme, in particular the matter of ship scrapping.

1.6 Amongst other issues on the Committee's agenda, the Secretary-General emphasized again the importance of the role ports play in providing reception facilities as an essential link in the chain

protecting the marine environment and noted the correspondence group's recommendations on guidelines to ensure adequate port reception facilities which would assist the Committee in the establishment of an effective mechanism for co-operation between Member Governments in implementing the MARPOL Convention. He also stated that technical co-operation would continue to be a priority of IMO, as the means of facilitating global acceptance and implementation of IMO standards, and noted in particular the GEF/UNDP/IMO East Asian Seas Programme.

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

1.8 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 IMPLEMENTATION OF THE OPRC CONVENTION AND OPRC CONFERENCE RESOLUTIONS**

### **Report of the OPRC Working Group at MEPC 42**

2.1 The Committee agreed with the proposal of the OPRC Working Group that the Manual on Oil Pollution, Section IV - Combating Oil Spills be revised and that a Correspondence Group, with New Zealand as lead country, be established. The Committee also approved the terms of reference for such a correspondence group as reflected in annex 20.

2.2 The delegation of Venezuela indicated that, since their views on the issue of response to spills of emulsified fuels was not properly reflected in the report, relevant documents were submitted to this session (MEPC 43/2/4, MEPC 43/INF.4 and MEPC 43/INF.5). The Committee agreed to deal with them in the OPRC Working Group.

2.3 The delegation of Sweden expressed their concern on the method of transportation of emulsified fuel, which has increased in recent years. Sweden regretted that the discussions on emulsified fuels had been limited to issues associated with potential spillage and clean up and stated that Sweden, therefore, will submit a paper on the issue for consideration by MEPC 44.

2.4 The Committee considered and approved, in general, the Report of the OPRC Working Group at MEPC 42 (MEPC 43/2) and accepted the Group's schedule of tasks for completion contained in annex 3 of the report (MEPC 43/2). The Committee agreed to decide on the target dates for completion when discussing the work programme of the Committee, but due to the shortage of time, the Committee was not able to discuss them during the meeting week.

2.5 The Committee noted that the eighty-second session of the Council approved the holding of a three-day diplomatic conference in March next year back-to-back with MEPC 44 with a view to adopting the proposed Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000. The Committee requested the OPRC Working Group to consider matters relating to the preparation of the Diplomatic Conference.

2.6 During the discussion, no comments were made regarding the draft text of the HNS-OPRC Protocol, which was approved in principle by MEPC 42 and contained in annex 6 to MEPC 42/22.

2.7 Regarding draft Conference resolutions (MEPC 43/2, annex 2), the Committee instructed the OPRC Working Group to review them, taking account of the comments made by the delegation of Cyprus on resolution 3 - Promotion of Technical Assistance. The Committee further instructed the Group to prepare a draft Conference resolution on the early implementation of article 10 of the HNS-OPRC Protocol.

## **Combating Manuals and Guidelines**

2.8 The Committee considered the draft catalogue of computer programmes and internet information related to responding to oil spills which was submitted by Australia (MEPC 43/2/6) and the document submitted by the Secretariat (MEPC 43/2/5) relating to the proposed procedures for the placement of the catalogue on the Internet. The Committee, following the suggestion of the Chairman of MEPC, instructed the OPRC Working Group to make the necessary changes to the draft catalogue with the view to removing from it information of a commercial nature. Regarding the proposed procedure for the placement of the catalogue on the Internet, the Committee was of the view that its financing should be sought through voluntary contributions.

2.9 The delegation of Singapore informed the Committee of the holding of an international oil pollution conference and exhibition from 1 to 3 September 1999 inviting participation by Member Governments and non-governmental organizations. In line with the spirit of co-operation under the OPRC 90 Convention, Singapore and the GEF/UNDP/IMO Regional Programme for the Prevention and Management of Marine Pollution in the East Asian Seas will be jointly sponsoring attendance of twenty senior Government officials from nine regional countries to attend the Conference and a special one-day Consultative Workshop on the "Recovery of Oil Spill Clean-up Costs and Pollution Damage Claims".

## **Interim Report of the OPRC Working Group**

2.10 Having received the interim report of the OPRC Working Group (MEPC 43/WP.7), the Committee:

- .1 decided that the draft HNS Protocol approved, in principle, by MEPC 42 (MEPC 42/22, annex 6) be circulated for the Diplomatic Conference;
- .2 approved in principle draft HNS-OPRC Conference Resolutions, as set out at annex 2, and decided that they should be circulated for the Diplomatic Conference;
- .3 took note of the suggestions of the OPRC Working Group regarding the preparation of the Diplomatic Conference, agreed to hold the Conference in conjunction with MEPC 44 over the period from 9 to 15 March 2000 and instructed the Secretariat to take necessary action;
- .4 agreed to issue the Catalogue of Computer Programmes, as a supplemental reference document for OPRC Model Training Courses, under an MEPC circular, provided that the information of a commercially sensitive nature contained therein is removed and the disclaimer incorporated;
- .5 approved the survey form for the development of a directory of relevant centres of expertise on oil and noxious hazardous substances (MEPC 43/WP.7, annex 2) as MEPC/Circ.360 with a view to its circulation to the IMO Member States, the Parties to the 1973 Intervention Protocol and to regional centres;
- .6 instructed the Secretariat to prepare a preliminary draft of a directory of relevant centres of expertise for consideration by MEPC 45;
- .7 agreed that information on the WMO Marine Pollution Emergency Response Support System (MPERSS) be periodically made available to the MEPC and that relevant national authorities be regularly updated on activities related to MPERSS through the Secretariat; and



- .8 noted the growing concern expressed by the OPRC Working Group regarding the matters pertaining to the ongoing obligations of the Organization under the OPRC Convention and the request for action to be taken in this regard.

2.11 The delegation of Brazil highlighted the specific nature of the OPRC Working Group and its difference from other working groups which are established on an ad-hoc basis. He further insisted on its importance as a body promoting technical co-operation through the preparation of manuals, guidelines, and model courses which would greatly assist countries in implementing the OPRC Convention. As far as the pollution preparedness, co-ordination and support unit is concerned, the Organization's obligations under the OPRC Convention and the HNS-OPRC Protocol to be adopted would make it imperative to have dedicated staff members allocated to the Secretariat.

2.12 The delegation of the Netherlands supported the Brazilian delegation and, referring to the conclusions of the eighty-second session of the Council regarding the pollution preparedness, co-ordination and support unit, expressed its confidence in possible future positive solution to the matter.

### **3 HARMFUL EFFECTS OF THE USE OF ANTI-FOULING PAINTS FOR SHIPS**

#### **Introduction**

3.1 The Committee recalled that, at its last session it approved the draft Assembly resolution on anti-fouling systems used on ships (MEPC 42/22, annex 5), prepared by the Working Group on anti-fouling systems, with a view to adoption by the twenty-first session of the Assembly.

3.2 The Committee also recalled that the Working Group at MEPC 42, in discussing the framework of the draft legal instrument, agreed that the instrument developed by IMO should be legally binding, global in scope, effective, and should be such as to ensure expeditious entry-into-force, and furthermore agreed that the instrument should include a mechanism for addressing anti-fouling systems other than organotin-based systems.

3.3 The Committee further recalled that MEPC 42 recognized the need to consider arrangements for a diplomatic conference for the harmful anti-fouling systems, in order to fulfil the agreement contained in the draft Assembly resolution and agreed to further discuss this issue at MEPC 43.

3.4 The Committee noted that the Council at its eighty-second session noted that the MEPC would consider arrangements for an additional conference for the adoption of a legal instrument addressing harmful anti-fouling systems and requested MEPC 43 to consider seriously the budgetary implications of holding an additional independent conference and requested, in particular, to consider the possibility of holding such a conference jointly with the conference on ballast water management, if the Committee confirmed the holding of such conferences.

3.5 The Committee agreed to establish the Working Group on Harmful Anti-fouling Systems and, in order to provide guidance to the Working Group, agreed to discuss in the plenary matters of principle on the following issues:

- .1 matters relating to the structure and the proposed text of a global legally-binding instrument on anti-fouling systems (MEPC 43/3, MEPC 43/3/2, MEPC 43/3/3 and MEPC 43/3/8); and
- .2 views expressed on the dates set for the ban (MEPC 43/3/6 and MEPC 43/3/9).

**Draft structure/text of legal instrument**

3.6 The Committee considered the document submitted by the Netherlands (MEPC 43/3), and noted the proposal by the Netherlands that:

- .1 the legally-binding instrument to address anti-fouling systems should be developed as a free-standing legal instrument and not as a new Annex to MARPOL 73/78. The conditions for entry into force of the new instrument can be so developed that the dates set forth in the draft Assembly resolution could be met; and
- .2 the precautionary approach should be applied with respect to the admissibility of alternative anti-fouling systems. It is proposed that the legally-binding instrument would contain two annexes, the first showing products/substances that are prohibited for use in anti-fouling systems, and the second showing products/substances that are provisionally admitted for use as anti-fouling systems.

3.7 The Committee considered the document submitted by the United States (MEPC 43/3/2), and noted that the United States provided a draft text for a free-standing legal instrument on anti-fouling systems which attempts to lay out a rational legal structure that will facilitate:

- .1 the proposed phase-out of anti-fouling systems using organotin compounds which act as biocides; and
- .2 consideration of proposals from the Parties for international action to prohibit or otherwise restrict other harmful anti-fouling systems in the future.

3.8 The Committee also noted the document submitted by Japan (MEPC 43/3/3) which contains:

- .1 a proposal on the contents of a new convention on anti-fouling systems which is drafted on the basis that the convention is a free-standing one; and
- .2 the basic structure and procedure for control which are drafted in harmony with the survey, certification and port State control in MARPOL and SOLAS so as to minimize the additional burden on the Administrators and shipowners.

3.9 The Committee furthermore noted the view of Norway provided in document MEPC 43/3/8 that:

- .1 the draft instrument should include a new article on notification of anti-fouling systems;
- .2 notification of all anti-fouling systems should preferably be mandatory; and
- .3 should it not be possible to develop a notification system for anti-fouling systems in time for the proposed 2003 ban date, then the entry into force of the instrument should not be delayed for this reason.

3.10 Having discussed the matter of the framework of the legal instrument based on the above documents, the Committee agreed that the draft legally-binding instrument should be prepared at this stage as a free-standing convention, as a basis for further consideration while keeping other options open, and instructed the Working Group as follows:

- .1 to use the framework and the basic text contained in document MEPC 43/3/2 as a basis for developing the legal instrument;
- .2 to investigate the proposal contained in document MEPC 43/3/8, of including a new article on notification of anti-fouling systems in the draft legal instrument;
- .3 to investigate the feasibility of incorporating only one annex listing of banned products (MEPC 43/3/2);
- .4 to consider whether it agrees with the proposed process of determining the acceptability of alternative anti-fouling systems and amending the controls of anti-fouling systems as outlined in article 5 of MEPC 43/3/2; or whether it agrees with the proposal contained in document MEPC 43/3 of drawing the lists of substances from the findings of a number of States where the admissibility of anti-fouling systems is included in domestic legislation;
- .5 to consider whether a definition of "fouling" should be included in the legal instrument;
- .6 to consider whether administrative requirements to cover small vessels should be included in the legal instrument; and
- .7 to investigate the matter of responsibilities for enforcement, whether these should be done by the port States or flag States.

#### **Comments on the proposed date for the ban**

3.11 The Committee noted the information contained in the documents by the Marshall Islands (MEPC 43/3/6) and the joint document by BIMCO, INTERCARGO, ICS, INTERTANKO, OCIMF, and SIGTTO (MEPC 43/3/9) which provide comments on the proposed dates for the ban contained in the draft Assembly resolution.

3.12 After the discussion on this issue, the Committee decided not to modify the draft Assembly resolution in view of the fact that:

- .1 the Committee at its last session already approved the draft Assembly resolution for submission to the twenty-first session of the Assembly, the approval of which was noted by the eighty-second session of the Council; and
- .2 the proposed ban dates contained in the resolution are intended as tentative target recommendations and will be finalized only once the Committee prepares the legal instrument.

#### **Possibility of the Diplomatic Conference**

3.13 The Committee noted that, in view of the Organization's meeting schedule, it has until its forty-fifth session to develop the draft legal instrument on anti-fouling systems with a view to adoption at a Conference in year 2001, if it intends to meet the target date of 1 January 2003 for the ban on the application of organotin-based anti-fouling systems.

3.14 The Committee also noted that, the request for holding the diplomatic conference should be forwarded to the Assembly through the twentieth extraordinary session of the Council, meeting in November 1999, if such a conference should be held in the next biennium 2000-2001.

3.15 As requested by the Secretary-General, the Committee noted that, the eighty-second session of the Council requested MEPC 43 to seriously consider the budgetary implications of holding an additional independent conference and the Committee was invited to take account of the Council's strong preference to hold conferences only when the preparatory work is such as to assure their success.

3.16 In view of the above, the Committee agreed to instruct the Working Group to:

- (a) assess the feasibility of finalizing a draft text of the legal instrument by the forty-fifth session of MEPC in 2000; and
- (b) provide recommendations to the plenary on Thursday on the timing of the diplomatic conference and necessary arrangements for preparation of the draft text of the legal instrument, taking into account the request by the Council.

### **Instructions to the Working Group**

3.17 Having discussed the above, the Committee instructed the Working Group:

- .1 to introduce all papers not considered at plenary;
- .2 to develop a free-standing draft legally binding instrument for anti-fouling systems used for ships, as a basis for further consideration while keeping other options open, using the framework and basic text contained in the document by the United States (MEPC 43/3/2) reflecting the decisions of the Committee as indicated in paragraph 3.10 above; and
- .3 to deal with the matters related to the diplomatic conference under the instructions of the Committee as indicated in paragraph 3.16 above.

### **Report of the Working Group**

3.18 The Chairman of the Working Group, Mr. Bryan Wood-Thomas (United States), in providing an oral report of the Group's deliberations, informed the Committee of the following:

- .1 the Group considered the draft framework and text of the global legally-binding instrument contained in the document by the United States to be a good basic text for preparing an instrument;
- .2 the vast majority of the Group was in favour of limiting the Group's effort to the creation of a restricted list, as developing and managing a comprehensive list would be inappropriate;
- .3 in view of subparagraph 2 above, the delegate from the Netherlands decided to withdraw the proposal contained in their document, (MEPC 43/3) regarding the compilation of a list of approved anti-fouling systems based on the findings of a number of States where the registration of selected anti-fouling systems is addressed through domestic law. The Netherlands stressed that it supported the development of a free-standing instrument as outlined in MEPC 43/3;
- .4 the Group considered the proposal on a notification system in the instrument (MEPC 43/3/8) and agreed that this would be most efficiently accomplished by requiring a limited set of information in the international anti-fouling system

certificates. The specific elements to be included are the paint manufacturer's name, anti-fouling paint product name (trade name), active ingredient(s) and CAS number;

- .5 the Working Group considered the request from ISO for the Committee to provide guidance on developing an international standard method for measuring leaching rates of TBT-based biocides (MEPC 43/3/1). The majority of the Working Group considered that there was no need for ISO to continue its work on determining the leaching rate of tin-based biocides; and
- .6 the Working Group prepared draft Articles 1, 2, 4 and 5, as well as Annexes 2 and 3 and requested the secretariat to distribute the draft legal instrument as modified by the Working Group.

### **Decision regarding the timing of the Diplomatic Conference**

3.19 Having received the oral report from the Chairman of the Working Group, recognizing that its written report would be ready for consideration at a later stage (MEPC 43/WP.13), the Committee considered the issue of timing of the diplomatic conference. In this context, the Committee noted that, while a number of delegations in the Group were in support of concluding the work in 2001, concern was also expressed on the early stage of development in which total conviction of readiness in compiling the legal instrument of all Member States had not yet been achieved.

3.20 The Committee recalled the recommendation of the Council that a diplomatic conference should be held only when the preparatory work is such as to ensure, insofar as is possible, its success. The Committee also recalled that the eighty-second session of the Council requested the Committee to seriously consider budgetary implications arising from holding an additional Conference on Anti-fouling Systems and requested the Committee to consider the possibility of holding such a Conference jointly with the Conference on Ballast Water Management. The Chairman stated that, unless overwhelming support was given to the proposal for holding the Conference, the Committee could not approach the twentieth extraordinary session of the Council requesting its approval for the holding of a one-week Diplomatic Conference on Anti-fouling Systems in the next biennium 2000-2001.

3.21 During the debate on the anti-fouling systems issue, while a number of delegations expressed their support for holding the conference in the next biennium, caution was also expressed by others. In view of the Council's wishes, as mentioned in paragraph 3.20 above, the Committee was unable to make a firm recommendation, by the closure of the afternoon session of Thursday, 1 July 1999, that would meet the Council's recommendation.

3.22 During the morning session on Friday, 2 July 1999, the Committee wished to discuss further how best to settle the matter of proposing the diplomatic conference and, in view of the fact that the Working Group's written report (MEPC 43/WP.13) was then available, the Committee considered reopening the discussion on the current status of preparation of the draft legal instrument and the possibility of holding the diplomatic conference in the next biennium. However, a number of delegations were reluctant to reopen the discussion at that late stage of the meeting week.

3.23 After a further exchange of views as to how to proceed with this question, in view of the shortage of time and in accordance with the Committee's rules of procedure, a roll-call vote was requested so that a decisive and clear view of the Committee could be provided to the twentieth extraordinary session of the Council.

3.24 Noting the Council's view on the holding of diplomatic conferences, the motion put to the Committee for decision was whether it could agree that:

- .1 the preparatory work for a Diplomatic Conference in the next biennium, 2000-2001, on Anti-fouling Systems had sufficiently advanced to assure, insofar as is possible, that the Conference will be a success; and
- .2 the Committee should request the twentieth extraordinary session of the Council to approve a one-week Diplomatic Conference in the next biennium.

3.25 With a total number of 62 delegations present and voting, the result of the roll-call vote on the above motion was:

- .1 number of delegations \* in favour: 35
- .2 number of delegations \*\* against: 12
- .3 number of delegations \*\*\* abstaining: 15

3.26 As the result of the roll-call vote, the Committee decided that, with the overwhelming majority (35 against 12), the Council should be requested to approve the one-week Diplomatic Conference on Anti-fouling systems to be held in the next biennium 2000-2001.

3.27 The Committee noted that, in view of its decision following the recommendation of the Working Group on Ballast Water, not to hold a diplomatic conference in the biennium 2000-2001, it would not be possible to combine these two matters into one diplomatic conference as had been suggested by the eighty-second session of the Council. The Committee requested that this information be provided to the twentieth extraordinary session of the Council.

## **4 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER**

### **4.1 Introduction**

4.1.1 The Committee recalled that:

- .1 MEPC 42 during its consideration of legal framework options for provisions on ballast water management, instructed the Secretariat to prepare draft provisions that should be included in each of the options for consideration at this session. The Secretariat had prepared such framework options accordingly (MEPC 43/4/1 and its Corr.1).
- .2 MEPC 42 also considered the issue of safety of ships in relation to ballast water management and instructed the DE and SLF Sub-Committees to:

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\* Argentina, Australia, Belgium Congo, Côte d'Ivoire, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Israel, Italy, Jamaica, Japan, Latvia, the Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Republic of Korea, Russian Federation, Saint Vincent and the Grenadines, Singapore, Spain, Sweden, Thailand, Trinidad and Tobago, the United Kingdom and the United States.

\*\* Bahamas, Bangladesh, Barbados, Brazil, China, Egypt, India, Liberia, Malta, Marshall Islands, Saudi Arabia and Vanuatu.

\*\*\* Algeria, Angola, Bulgaria, Canada, Colombia, Cuba, Ecuador, Malaysia, Mexico, Namibia, Portugal, South Africa, Ukraine, Uruguay and Venezuela

- .1 review the Guidance on safety aspects of ballast water exchange at sea contained in Appendix 2 to Assembly resolution A.868(20);
- .2 review and comment on the safety related issues contained in the draft provisions and the draft Ballast Water Management Code prepared by the Ballast Water Working Group (MEPC 43/4); and
- .3 consider and provide advice on the study by IACS (MEPC 41/9/2) and Brazil (MEPC 42/8/3 and MEPC 42/INF.14).

In response to these instructions, the SLF and DE Sub-Committees considered the safety related issues and provided their outcome as contained in MEPC 43/8/1 and MEPC 43/8/2. Furthermore, MSC 71 considered the outcome of SLF 42 and DE 42 and commented on the safety related issues as provided in MEPC 43/9/4;

- .3 finally, MEPC 42 was confident that a draft legal instrument could be prepared at this MEPC 43 session and that all the necessary arrangements and preparations could be finalized within a couple of sessions. It accordingly invited the Council to approve the convening of a five-day Diplomatic Conference on Ballast Water Management during the next biennium, 2000-2001.

4.1.2 The Committee, further, noted the outcome of MSC 71 and C 82, as follows:

**MSC 71 (MEPC 43/9/4)**

- .1 MSC 71 endorsed the work of the SLF and DE Sub-Committees and referred the proposed changes to the draft Code on Ballast Water Management as set out in annex to MEPC 43/8/2 submitted to MEPC 43 for consideration and appropriate action;
- .2 during the discussion at MSC 71, several delegations expressed their serious concern on the safety aspects of ballast water exchange at sea and they further emphasized the need to develop environmental standards as well as to consider thoroughly any possible alternatives to ballast water exchange at sea, such as water treatment techniques;

**C 82 (MEPC 43/9/5)**

- .3 C 82 noted the Committee's request to hold a five-day diplomatic conference during the next biennium, but due to the fact that the Council decided in the first instance to consider the budget for the next biennium in the light of "Zero Nominal Growth" at its twentieth extraordinary session in November 1999, the Council did not approve the proposed diplomatic conference at this stage. It invited MEPC and the Legal Committee, which also had requested the convening of a diplomatic conferences, to take account of the Council's strong preference to hold conferences only when the preparatory work was such as to ensure, as far as possible, its success. It further noted that normally only two diplomatic conferences should be held during a biennium; and
- .4 C 82 also requested MEPC 43 to seriously consider budgetary implications arising from holding an additional conference on anti-fouling systems. It also requested MEPC to consider the possibility of holding such a conference jointly with the conference on ballast water management, if the Committee confirmed the holding of these conferences.

4.1.3 The Committee noted that whether or not the proposed conference on ballast water management would be held depended on the recommendation of the 20th extraordinary session of the Council and the final decision of the 21st session of the Assembly later this year. Having recalled that the matters of ballast water management and anti-fouling paints have been on the agenda of the Organization for a long time and, noting that the last Assembly requested MEPC to develop a legal instrument on ballast water management with a view to its adoption in the year 2000, the Committee shared the view that the Organization should place the highest priority on the proposed conference during the next biennium on ballast water management.

4.1.4 Before discussing various issues under this agenda item, the Chairman emphasized that the two most urgent items to be addressed were:

- .1 to address the safety concerns by ensuring that alternative options to ballast water exchange at sea for ballast water treatment/management were available, and to further develop the means for the Organization to approve alternative options; and
- .2 to devise a clear methodology by which the master of a ship could ensure that he or she met the ballast water management requirements of a port State prior to arrival.

4.1.5 Having noted the decisions of MSC 71 and C 82, the Committee approved, in general, the report of the Working Group which met at MEPC 42 (MEPC 43/4).

## **4.2 Legal framework options and the basic texts**

4.2.1 The Committee considered the document submitted by Greece (MEPC 43/4/2) which suggested that new provisions should be put into effect in the format of a Code before it may become international law and that the preparatory work has not yet reached a stage which would lead to a successful conference, resulting in the postponement of the proposed diplomatic conference presently planned in the next biennium 2000-2001.

4.2.2 Although a number of delegations supported the view of Greece, the Committee considered that it was premature to decide, at this point of time, whether the Diplomatic Conference should be postponed, before discussing at this session the draft text of the legal instrument and other work to be carried out by the Working Group regarding the preparation of the draft legal instrument. Consequently, the Committee agreed to proceed with the preparation of the draft legal instrument in order to assess the stage of development during this session of the Committee.

4.2.3 The Committee noted that, in accordance with the request of MEPC 42, the Secretariat had prepared draft texts of the legal instruments and an outline of provisions (MEPC 43/4/1 and MEPC 43/4/1/Corr.1) and it further recognized that the documents submitted by the United States (MEPC 43/4/4) provided revised regulations. It agreed that the text prepared by the Secretariat should be used as a basic text, but that the revised regulations prepared by the United States should also be closely considered in the drafting work.

4.2.4 Concerning the options for the legal instruments, the Committee considered the following two options:

- .1 a free-standing new Convention; or
- .2 a new Annex to MARPOL 73/78.



4.2.5 Several delegations supported the option for a new Annex to MARPOL 73/78, stating that the MARPOL Convention should cover all marine pollution sources, as indicated in the preamble of the Convention and further that MARPOL 73/78 was considered in many countries as a single basic international Convention for the regulations of shipping-related pollution prevention matters.

4.2.6 Several other delegations, however, supported the option of a free-standing new Convention for several reasons including that the nature of regulations for the management of ships' ballast waters was different from that of regulations contained in the existing Annexes to MARPOL 73/78.

4.2.7 Consequently, the Committee decided to take an indicative vote by a show of cards and noted that the majority of the Committee preferred to proceed with the preparation of a free-standing new Convention (37 for, 23 against).

4.2.8 Although the Committee noted that the majority preferred a free-standing new Convention, several delegations raised serious concern on an early decision regarding the options of the legal instrument at this stage of preparation, where principles and texts of regulations were yet to be considered by the Committee. The Committee did not reopen the discussion on the legal instrument options but noted that this matter may be raised again at a later stage of preparation of the instrument, recognizing, from the experience gained in preparation of other IMO instruments, that the text of regulations to be prepared for a free-standing new Convention could be easily converted into the form of a new Annex to MARPOL 73/78, even at the latest stage of preparation, if the Committee decided to do so.

4.2.9 The Committee noted the suggestion by the Russian Federation, supported by several Members that consideration should be given to the possibility of preparing a single instrument to deal with both the management of ballast water and harmful anti-fouling paints.

### **4.3 Application of regulations and the Ballast Water Management Areas**

4.3.1 The Committee considered the matters of application, exception and the proposal of establishing Ballast Water Management Areas based on draft article 3, regulations 2 and 3 of the basic text (MEPC 43/4/1 and its Corr.1) and regulations 2 and 3 of the United States' text (MEPC 43/4/4) and documents submitted by Japan (MEPC 43/4/3, section 3), Norway (MEPC 43/4/7) and Australia (MEPC 43/4/9).

4.3.2 The Committee had a lengthy exchange of views on these matters, but mainly concentrated its discussion on the following issues:

- .1 universal application vs restricted application based on the concept of the Ballast Water Management Areas;
- .2 opt-in or opt-out options for the Ballast Water Management Areas; and
- .3 the approach proposed by Norway to provide flexibility for Ballast Water Management Areas (Category 2).

4.3.3 Several delegations indicated that, with the concept of the Ballast Water Management Areas, problems might arise in the waters of non-Parties to this instrument. However, the majority of delegations which spoke supported the concept of the universal application, taking into account the views that:

- .1 IMO should aim at a global instrument;

- .2 developing countries may need assistance in deciding the need for regulations; and
- .3 the opt-in option with the concept of Ballast Water Management Areas was not supported from the point of view of the Precautionary Approach.

4.3.4 Although the Committee indicated its preference, at this point of time, for the universal application, a considerable number of delegations still held the view that the concept of Ballast Water Management Areas must be further explored. Having noted the views of those countries which supported the Ballast Water Management Areas, the Committee agreed to instruct the Working Group to prepare the draft text of regulations based on the concept of the universal application as reflected in the United States text, but allowed the Working Group to further consider the options for the Ballast Water Management Areas.

4.3.5 In relation to the United States text, several delegations supported the exclusion of domestic ships and further proposed that the Working Group should consider the exclusion of certain types of ships, e.g., fishing vessels, small ships and ships engaged in short voyages. The Committee instructed the Working Group to consider what types or sizes of ships should be excluded and to prepare a single regulation to cover both the application and exemption.

#### **4.4 Responsibilities of the flag State**

4.4.1 The Committee noted article 6 and regulations 4,5, 12, 13, 14 and 15-1 of the basic text and agreed to instruct the Working Group to further consider the following responsibilities of the flag State to be included in the revised draft text of the legal instrument:

- .1 implementation of requirements for the structure and equipment and operational requirements;
- .2 survey and inspection and issuance of relevant international certificates;
- .3 approval of the Ballast Water Management Plan; and
- .4 training of officers.

4.4.2 The Committee also instructed the Working Group to investigate whether the Guidelines for the authorizations of organizations acting on behalf of Administrations (resolution A.739(18)) and the Specification on the survey and certification function of recognized organizations acting on behalf of the Administration (resolution A.789(19)) should be referred to in the revised draft text of the legal instrument.

#### **4.5 Procedures and scope of port State control**

4.5.1 The Committee noted that articles 7, 8 and 10 of the basic text and regulations 12 and 13 of the United States text are in conformity with the current provisions on port State control in MARPOL 73/78.

#### **4.6 Safety related issues**

4.6.1 The Committee noted that draft regulation 15-1 of the basic text reflects the outcome of discussion by the DE and SLF Sub-Committees, which was endorsed by MSC 71 (see paragraph 4.1.2) and referred it to the Working Group for further consideration.

4.6.2 With regard to the question raised on procedures and equipment employed for alternative techniques, the Committee noted that the requirements on safety of ships prepared by the DE and the SLF Sub-Committees should be considered as applicable to any alternative techniques.

#### **4.7 Alternative Ballast Water Management Techniques**

4.7.1 The Committee noted draft regulations 12 and 15 of the basic text and draft regulation 5 of the United States text and instructed the Working Group to review these regulations in the light of discussions at MSC 71 on the necessity for environmental standards.

4.7.2 The Committee noted the information provided by Brazil (MEPC 43/4/5) and Norway (MEPC 43/4/8) and instructed the Working Group to take them into account when drafting the revised text of the legal instrument.

#### **4.8 Instructions to the Working Group**

4.8.1 Having considered the above matters of principle and guidance needed for the Working Group, the Committee instructed the Group to:

- .1 place the highest priority on the development of revised draft texts of:
  - .1 the new Convention; and
  - .2 regulations;using as a basis the text prepared by the Secretariat (MEPC 43/4/1 and its Corr.1) and further reflecting the relevant decisions on key issues by the Committee;
- .2 consider the means of identifying a mechanism for the Organization for the approval of alternative techniques for treating ballast water and to develop a standard against which ballast water quality can be measured to ensure its acceptability by PSC inspection; and
- .3 present the report during the week of this session.

#### **4.9 Results of the Working Group**

4.9.1 The Chairman of the Working Group, Mr. Denis Paterson (Australia), toward the conclusion of the Committee's session, provided an oral report reflecting the status of achievement of the Ballast Water Working Group. He stated that the following key issues had been reviewed by the Working Group:

- application of the regulations;
- Ballast Water Management Areas;
- responsibilities of flag States;
- procedures and scope of port State control;
- safety-related issues and outcome of DE and SLF Sub-Committees; and
- alternative ballast water management techniques.

4.9.2 Whilst the Working Group reached agreement on several of these key issues, a number of other important issues and aspects remained open for further consideration. These include the following:

- the preferred approach to application - whether the globalized approach, the designation of Ballast Water Management Areas or other approaches;
- development of a range of standards, e.g., for evaluation and acceptance of new ballast water management and control options;
- development of a regionalization concept; and
- the extent of application of the provisions to some categories of vessels, such as fishing vessels, pleasure boats, etc.

4.9.3 The Chairman of the Working Group emphasized that a number of other additional issues of equal importance still have to be resolved. In light of these circumstances while the Working Group had prepared some draft texts and an overall outline of a draft instrument, it was not able at this stage to provide the assurance sought by the Committee that it could resolve all outstanding matters and prepare, within the limited timeframe, an agreed final version of a Convention on Ballast Water Management for consideration at a diplomatic conference in the 2000-2001 biennium.

4.9.4 In this context the Working Group expressed its concern that any significant delay in the adoption by a diplomatic conference of legally binding provisions on ballast water management may result in further proliferation of unilateral actions taken by Governments to minimize the risk of introductions in their waters of harmful aquatic organisms and pathogens and further, that the marine environment will continue to experience the detrimental effects resulting from the introduction of harmful aquatic organisms and pathogens in ships' ballast water.

4.9.5 The Working Group further expressed its view that this potential delay was also of concern to the international shipping community which is already struggling with a variety of individual country requirements.

4.9.6 The Chairman of the Working Group advised the Committee that in order to facilitate further progress on this matter, the Working Group had commenced preparation of a detailed Work Plan covering the many elements of the package that needed to be resolved.

4.9.7 The Chairman of the Working Group further noted that the Working Group on Anti-fouling Paints, in producing a draft instrument, was carrying out work which could be viewed as running in parallel to the draft instrument being prepared by the Ballast Water Working Group. There was a possibility that these two instruments might be finalized at about the same time and possibly even submitted for adoption at the same diplomatic conference. Therefore he thought that it may be in the best interests of the Committee that these two draft instruments be consistent in their approach to the same issues. Examples of such provisions might include violations, enforcement or undue delay.

4.9.8 The Working Group unanimously expressed the view that the ballast water issue is the one of paramount importance and that it must remain firmly on the Committee's agenda and be given a high priority with a view to completing legally binding arrangements as quickly as possible. Accordingly the Chairman of the Working Group suggested that the Working Group should continue to progress its work at the forty-third session of the Committee by:

- .1 finalizing a detailed Work Plan covering the many elements of the total package that need to be resolved before further meaningful drafting can be undertaken; and

- .2 advancing drafting of those provisions where the Working Group has broadly agreed the concept.

4.9.9 The Working Group, noting that the ballast water issue was unlikely to be satisfactorily resolved in terms of a draft Convention, for consideration by a diplomatic conference in the biennium 2000-2001, recommended that:

- .1 the Committee should note the desirability of the proposed Ballast Water Convention and that for Anti-fouling Paints proceeding, to the extent practical, in parallel with, but independent of each other. This would achieve consistent provisions, where appropriate;
- .2 the Ballast Water Working Group should continue its work taking into account the detailed Work Plan under preparation by the Group which specifically focuses on those matters requiring resolution. This Work Plan would be incorporated in the Working Group's report to be circulated intersessionally, thus enabling members of the Committee to bring forward their views on the critical matters and as a consequence, hopefully achieving a greater level of agreement on an approach thus facilitating drafting of the necessary requirements; and
- .3 the current draft text of a Convention prepared so far by the Working Group should be part of the report of the Working Group to be considered as the base document for further consideration at the next meeting. It was essential that constructive input was received on the key threshold issues, to be outlined in the Work Plan, for the next meeting to enable meaningful headway to be made on this matter. Furthermore, and most importantly, the Working Group strongly emphasized that this issue needed to continue to be accorded high priority in the future work plan of the Committee.

#### **4.10 Decision by the Committee**

4.10.1 The Committee thanked the Chairman of the Ballast Water Working Group for his status report, requesting the Secretariat to issue the report of the Working Group as soon as possible after this session.

4.10.2 Concerning the relationship between the draft instruments on anti-fouling paints and on ballast water management, both of which are currently being developed, several delegations expressed the view that the Working Group on Ballast Water Management and the Working Group on Anti-fouling Paints should continue to proceed with work independently and the timing of a conference or two conferences for the adoption of the instruments should be decided on the basis of progress made by each Working Group. The Committee decided that the question of whether the two instruments should be considered by the same conference or separate conferences, or whether they should form part of a single convention or should be separate conventions, should be resolved at a later stage. Several delegations emphasized that any proliferation of conventions should be avoided and that every effort should be made to incorporate them as Annexes to MARPOL 73/78.

4.10.3 The delegation of Brazil requested the Committee to approve the Dilution Method as a valid and safe alternative technique in conducting ship ballast water exchange at sea for inclusion in the Ballast Water Management Code (MEPC 43/4/5). In terms of safety and operational aspects both the SLF and DE Sub-Committees at their forty-second sessions considered the Dilution Method as feasible and therefore agreed that it be incorporated in the planned Ballast Water Management Code.

4.10.4 The delegation of the Bahamas emphasized the need for an environmental performance standard for evaluating the various methods and urged the Working Group to give priority to this

issue at the next session of the Committee. Several other delegations recognized the Dilution Method as an alternative ballast water exchange method as long as it complied with certain safety criteria; they proposed its inclusion in the Ballast Water Management Code after agreement was reached on how the Code should be set up.

4.10.5 The Committee noted this matter and referred it to the Ballast Water Working Group for further consideration.

4.10.6 With regard to the diplomatic conference, the Committee noted the recommendation of the Working Group as reflected in paragraph 4.9.9 above and agreed to inform to the twentieth extraordinary session of the Council that the preparation of the legal instrument has not reached to such a level as to assure successful holding of a conference in the biennium 2000-2001.

## **5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

5.1 Under this agenda item, the Committee considered the proposed amendments to Annexes I and II of MARPOL 73/78 and to the IBC and BCH Codes, which were circulated by the Secretary-General of the Organization in accordance with article 16(2)(a) of MARPOL 73/78 under cover of Circular letter No.2099 of 27 November 1998.

### **Amendments to Annexes I and II of MARPOL 73/78**

5.2 The Committee considered the proposed amendments to regulation 13G of Annex I of MARPOL 73/78 which would make existing oil tankers between 20,000 and 30,000 dwt carrying persistent product oil subject to the same requirements for double hull construction for crude oil tankers (MEPC 43/5). After discussion, the Committee agreed, in principle, with the proposed amendments and referred them to the drafting group for editorial corrections, if any, before formal adoption.

5.3 With regard to the proposed amendments to Forms A and B of the Supplement to the IOPP Certificate (MEPC 43/5 and MEPC 43/5/Add.1), the Committee recalled that, at MEPC 42, it approved, in principle, the draft text of amendments to the Supplement to the IOPP Certificate but the Committee also agreed to refer the draft text of amendments to BLG 4, which met from 12 to 16 April, for consideration of technical details.

5.4 The Committee noted that BLG 4 checked the proposed amendments to Forms A and B of the Supplement to the IOPP Certificate, as contained in document MEPC 43/5 and confirmed that these proposed amendments were in proper order. The conclusion of BLG 4 in this respect was provided in paragraph 5 of MEPC 43/5/Add.1.

5.5 The Committee further noted that BLG 4, recognizing the urgent need to insert corresponding items in the IOPP Certificate to serve as guidance for Administrations, classification societies and other agencies issuing IOPP Certificates as a result of amendments to regulation 13G and new regulation 25A of Annex I of MARPOL 73/78, discussed and agreed with two minor additions to the proposed amendments to Form B of the Supplement to the IOPP Certificate as indicated in MEPC 43/5/Add.1 and recommended to the Committee for adoption.

5.6 After an exchange of views, the Committee agreed, in principle, with the proposed amendments to Forms A and B of the Supplement to the IOPP Certificate, including the two additions to Form B recommended by BLG 4, and decided to refer them to the drafting group for editorial corrections, if any, before formal adoption.

5.7 The Committee further recalled that BLG 4 (paragraph 2.5 of MEPC 43/8/5) invited the Committee to decide whether only tankers which would be affected by the proposed amendments to regulation 13G would need to have the revised IOPP Certificate.

5.8 In this connection, the Committee noted that the proposed amendments to the Supplement to the IOPP Certificate not only relate to the amendments to regulation 13G, but also new regulation 25A. The Committee further noted that there were other amendments to both Forms A and B, such as those relating to the oil separating/filtering equipment and the bilge water holding tank.

5.9 After discussion, the Committee agreed that, in principle, all ships should hold the revised IOPP Certificate, Form A or Form B as appropriate, upon the entry into force of the amendments to the Supplement to the IOPP Certificate which is expected to be on 1 January 2001. However, in view of the validity of existing IOPP Certificates, the Committee agreed that the valid existing supplement to the IOPP Certificate need not be replaced by the revised supplement until its date of expiry.

5.10 With a view to ensuring clear understanding of the matter and uniform implementation of the amendments to the Supplement of the IOPP Certificate, the Committee decided to instruct the drafting group to prepare a draft MEPC circular to address this issue reflecting the decision of the Committee.

5.11 With regard to the proposed amendments to Annex II of MARPOL 73/78 to add a new regulation 16 on "Shipboard marine pollution emergency plan for noxious liquid substances" (MEPC 43/5), the Committee agreed, in principle, with the proposal amendments and referred them to the drafting group for editorial corrections, if any, before formal adoption.

5.12 The Committee recognized that paragraph 2 of new regulation 16 of Annex II requires that "such a plan shall be in accordance with the Guidelines developed by the Organization." In this connection, the Committee recalled that the draft Guidelines for the Development of Shipboard Marine Pollution Emergency Plans for Oil and/or Noxious Liquid Substances were prepared by the BLG Sub-Committee as contained in BLG 1/20, annex 10. Consequently, the Committee requested the Secretariat to reproduce the draft Guidelines for consideration at MEPC 44 with a view to their adoption, since the Guidelines should be adopted before the date of entry into force of new regulation 16, which is expected to be 1 January 2001.

5.13 The Committee further recalled that BLG 1, as instructed by the Committee, also prepared draft amendments to regulation 26 of Annex I on Shipboard oil pollution emergency plan (BLG 1/20, annex 9) as a consequence of the addition of new regulation 16 of Annex II. After discussion, the Committee agreed that the amendments to regulation 26 of Annex I should be a part of the amendments to be adopted at this session and referred them to the drafting group for editorial corrections, if any, before formal adoption. The Committee also requested the Secretariat to reproduce the amendments to the Guidelines for the development of shipboard oil pollution emergency plans prepared by BLG 1 as a result of the amendments to regulation 26 of Annex I (BLG 1/20, annex 11) for consideration with a view to adoption at MEPC 44.

5.14 The Committee considered the draft MEPC resolution on adoption of the proposed amendments to MARPOL Annexes I and II (MEPC 43/5) and decided to approve the dates in the square brackets as contained in operative paragraphs 2 and 3 of the draft MEPC resolution and instructed the drafting group to prepare the final text of the MEPC resolution.

### **Proposed amendments to the IBC Code**

5.15 In considering the proposed amendments to the IBC Code relating to "cargo-tank venting and gas-freeing arrangements" and "operational requirements", the Committee noted that the proposed amendments were approved by MSC 70. After a brief discussion, the Committee agreed, in

principle, with the proposed amendments and referred them to the drafting group for editorial corrections, if any, before formal adoption.

5.16 The Committee also instructed the drafting group to prepare the final text of the MEPC resolution on adoption of the proposed amendments.

### **Proposed amendments to the BCH Code**

5.17 In considering the proposed amendments to the BCH Code relating to "cargo containment", the Committee noted that the proposed amendments were approved by MSC 70. After a brief discussion, the Committee agreed, in principle, with the proposed amendments and referred them to the drafting group for editorial corrections, if any, before formal adoption.

5.18 The Committee also instructed the drafting group to prepare the final text of the MEPC resolution on adoption of the proposed amendments to the BCH Code.

### **Adoption of the amendments (1999 amendments)**

5.19 Having received and considered the report of the Drafting Group (MEPC 43/WP.10), the Committee adopted the amendments to MARPOL Annexes I and II under cover of resolution MEPC.78(43) as contained in annex 3, the amendments to the IBC Code under cover of resolution MEPC.79(43) as contained in annex 4 and the amendments to the BCH Code under cover of resolution MEPC.80(43) as contained in annex 5.

5.20 The United States reserved its position on the amendments to regulation 13G of Annex I of MARPOL 73/78.

5.21 Vanuatu reserved its position on the amendments to regulation 13G of Annex I of MARPOL 73/78 on the grounds that, in their view, the amendments violate the principles of Annex I which deals with the prevention of oil pollution. Regulation 1 of Annex I defines oil as petroleum in any form. In particular, it does not differentiate between persistent oil and non-persistent oil. Therefore the amendments, if adopted, should apply to tankers carrying any type of petroleum and not be limited to persistent oil.

5.22 The Committee endorsed the view of the drafting group that:

- .1 in principle, the Supplements to the IOPP Certificates, Form A or Form B as appropriate, on board ship when the 1999 amendments to MARPOL 73/78 enters into force may remain valid until they expire; and
- .2 however, if the ship becomes subject to the provisions of the 1999 amendments to MARPOL 73/78 with respect to regulation 13G of Annex 1 before the expiry date of the IOPP Certificate, such a ship should be surveyed and, after satisfactory completion of the survey, a new Supplement to the IOPP Certificate (Form B) under the 1999 amendments should be issued.

The Committee accordingly approved the MEPC circular (MEPC 43/WP.10, annex 4) Uniform implementation of the amendments to the Supplements to the IOPP Certificate as MEPC/Circ.361.

5.23 The Committee agreed that the first footnote to regulation 26 of Annex I, in the present publication of MARPOL 73/78 should be replaced by the following:



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

The Committee instructed the Secretariat to include the above new footnote in a future publication of MARPOL 73/78.

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

### **Revision of resolution A.720(17)**

6.1 The Committee recalled that MEPC 42 had noted the progress made by the drafting 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 MEPC 43. Furthermore, the Committee recalled that several delegations had expressed their views on the procedures of identification of, and measures to be adopted for, PSSAs and the Committee, noting these views, had agreed to further consider the matter at MEPC 43.

6.2 Having noted the report of the drafting group in document MEPC 43/6, the Committee decided to consider the following three issues:

- .1 demonstrated need for associated protective measures;
- .2 interim protection of the proposed PSSA; and
- .3 inclusion of information of Sabana-Camagüey PSSA in the revised Guidelines.

### **Demonstrated need for associated protective measures**

6.3 WWF introduced its proposal based on section 2 of its document MEPC 43/6/6, and provided the view that the term "demonstrated need" is inappropriate in a precautionary instrument because "demonstrated need" is easily misinterpreted to mean that damage from shipping must already have occurred.

6.4 Several delegations supported the WWF's view stating that the term "demonstrated need" is inappropriate in the context of a precautionary approach, but, after some discussions, the Committee agreed that this issue should be further considered in conjunction with the next issue, since these two issues are interlinked.

### **Interim protection of the proposed PSSA - Approval of PSSA before approval of measures**

6.5 WWF introduced its proposal based on section 3 of its document MEPC 43/6/6, and stated that some provision should be made for interim approval of PSSAs until Associated Protective Measures have been formally approved and suggested the following two compromises:

- .1 IMO could preliminarily determine that a proposal for a PSSA satisfies all the conditions for identification, and thus allow an area to be marked on charts as a pre-PSSA. Countries could then notify mariners of this step before the PSSA and its Associated Protective Measures have been formally approved; and
- .2 IMO approval to mark an area as a PSSA on nautical charts could be considered an "Associated Protective Measure". Thus when IMO determines that a proposal for a PSSA satisfies all the conditions for identification, it can approve the PSSA and the proposal to have the area marked on charts as a PSSA. If a country wishes to propose

other protective measures, it can still do so and notify mariners once those have been approved.

6.6 During the discussion on the above proposal, several delegations opposed the WWF's view stating that the Committee should not make final decision on identification of proposed PSSAs until the associated protective measures are approved, since identification of a PSSA is meaningless if it was not associated with protective measures.

6.7 However, some other delegations supported the WWF's view stating that the two-step approach, as specified in paragraph 6.5.1, is appropriate in the context of the precautionary approach.

6.8 As a matter of compromise, the Committee, agreed in principle, that:

- .1 regarding the issue on demonstrated need for protection, the term "demonstrated" should be deleted; and
- .2 regarding the issue on interim protection of the proposed PSSAs, the two-step approach should be incorporated in the revised Guidelines.

6.9 With regard to the proposal to mark interim PSSAs in navigational charts, although several observers supported such inclusion, the Committee agreed that interim PSSAs should not be marked on the charts at this point of time.

#### **Footnotes as contained in pages 4 and 5 of annex of MEPC 43/6**

6.10 Several delegations expressed their view that the footnotes, as contained in pages 4 and 5 of annex of MEPC 43/6, should be deleted or included in the main text.

6.11 The Committee, in principle, agreed to this proposal and referred the matter to the drafting group for further consideration.

#### **Proposal by Cuba**

6.12 The delegation of Cuba introduced its document MEPC 43/6/4 and proposed to include information of Sabana-Camagüey PSSA in the revised Guidelines.

6.13 The Committee invited Cuba to shorten this information and agreed to append it in the revised Guidelines. The Committee invited the drafting group to revise the Guidelines accordingly.

#### **Comments by UN Office of Legal Affairs and IUCN**

6.14 IUCN introduced its document MEPC 43/6/3 advising it wished to withdraw its proposal for its paper to be referred to the Legal Committee and wished to amend the covering note of the document. IUCN informed the Committee that it will submit a revised document of MEPC 43/6/3 to MEPC 44 for further consideration.

6.15 UN Office of Legal Affairs introduced its document MEPC 43/6/2 and provided an analysis of the relationship between UNCLOS and resolution A.720(17).

6.16 In relation to the comments by the UN Office of Legal Affairs, the Legal Division expressed its view that MEPC rather than the Legal Committee should consider the relationship between UNCLOS and resolution A.720(17) in the context of revision of the resolution and stated that the Legal Division is willing to provide the necessary assistance if MEPC requests this.

6.17 The Committee recognized the need for the establishment of a Correspondence Group on revision of resolution A.720(17) in the context of further consideration of documents MEPC 43/6/2 and MEPC 43/6/3 but agreed to consider this matter further under agenda item 18.

### **Identification of PSSAs inside and outside the territorial seas**

6.18 One delegation raised the question whether PSSAs can be identified both inside and outside the territorial seas. On this question, the Committee shared the view that PSSAs can be identified both inside and outside the territorial seas.

### **Instructions to the drafting group**

6.19 After the discussion, the Committee established a drafting group on revision of resolution A.720(17) with the following terms of reference:

- .1 to prepare draft procedures for the identification of PSSAs to supplement resolution A.720(17), based on comments and decisions made at the plenary with a view to approval at this session and adoption at A 21; and
- .2 to provide a report for consideration by the plenary at this session.

### **Report of the drafting group**

6.20 Having received the report of the drafting group, the Committee agreed to include information on Sabana-Camagüey PSSA in the resolution set out at annex 2 to MEPC 43/WP.12 and, consequently, agreed to amend the resolution accordingly.

6.21 Having made the above amendments and some editorial amendments, the Committee approved the new procedures for the Identification of Particularly Sensitive Sea Areas which supersede the procedures contained in paragraphs 3.2 and 3.5 of the Annex to resolution A.720(17) and amendments to the Guidelines contained in resolution A.720(17), together with a covering draft Assembly resolution, set out at annex 6 with a view to adoption at the twenty-first session of the Assembly.

6.22 The Committee agreed to invite the NAV Sub-Committee, at its forty-fifth session, to be held in September 1999, to consider the proposed Assembly resolution, contained in annex 6, and provide comments directly to the twenty-first session of the Assembly.

### **Proposals for PSSAs**

6.23 The Committee noted that, for this session, the following proposals were submitted for the Committee's consideration:

- .1 proposal by Egypt for areas to be avoided and the designation of the waters in the vicinity of the Straits of Tiran as PSSAs (MEPC 43/6/1);
- .2 proposal by Argentina for "special protection area" and the area to be avoided (MEPC 43/6/5); and
- .3 proposal by Colombia for designation of Malpelo Island as PSSA (MEPC 43/6/7).

6.24 While considering how to proceed with the above proposals, the Committee noted that, although the Committee is reviewing the Guidelines for the designation of special areas and the identification of PSSAs (resolution A.720(17)), the main objective of such a review is to clarify established procedures for designation of Special Areas and PSSAs and to provide clearer texts for the Guidelines, and therefore, such a review should not entail substantial modifications to criteria for designation of Special Areas and PSSAs at this time.

6.25 Therefore, the Committee agreed that, while reviewing the Guidelines, the Committee should proceed with consideration of proposals for Special Areas and PSSAs and related routing measures against the current criteria and procedures of resolution A.720(17).

#### **Identification of the waters in the vicinity of the Straits of Tiran as PSSAs and establishment of the areas to be avoided**

6.26 Regarding document MEPC 43/6/1, the delegation of Egypt informed the Committee that it will submit further information to MEPC 44, taking into account document MEPC 43/WP.5.

#### **Special protection areas on the Argentine coast and the area to be avoided by oil tankers and chemical tankers**

6.27 Argentina introduced its document MEPC 43/6/5 advising of two national administrative regulations which it had introduced to designate specially protected areas on the Argentine coast. The objective of these regulations is to preserve the particular natural features of this part of the Argentinean coastline and provide a minimum safe distance from the coast for ships to navigate so as to allow a reasonable time for activating emergency plans should a problem arise. The regulations include penalties for contravention of these regulations.

6.28 The Committee requested Argentina to provide clarification on paragraph 9 of its paper as to whether Argentina is proposing an area to be avoided for oil tankers and chemical tankers.

6.29 The delegation of Argentina stated that an area to be avoided, as described in paragraph 9 of MEPC 43/6/5, applies to vessels flying the flag of Argentina engaged in domestic voyages but it also applies, on a voluntary basis, to foreign-flag vessels engaged in the cabotage trade.

6.30 The Committee noted the information provided by Argentina.

6.31 The delegation of the United Kingdom reserved its position with regard to the above statement made by the delegation of Argentina.

#### **Designation of Malpelo Island as a PSSA**

6.32 Colombia introduced its document MEPC 43/6/7, and requested MEPC 43 to examine the possibility of identifying Malpelo Island as a PSSA, based on the ecological importance of Malpelo Island for the conservation of species unique to the region and to the world. Colombia indicated its proposal was justified by the ecological, socio-economic, cultural and scientific criteria contained in its paper.

6.33 During discussion on its proposal Colombia provided additional information in support of its application. The Committee agreed therefore to consider this matter further at MEPC 44 when it would have all the information required to make a decision on the matter.

## **7 INADEQUACY OF PORT RECEPTION FACILITIES**

### **Introduction**

7.1 The Committee recalled that MEPC 42 agreed that in order to achieve "adequate reception facilities" the port should have regard to the operational need of users and provide reception facilities for the type and quantities of waste from ships normally using the port without causing undue delay for the ships.

7.2 The Committee also noted that MEPC 42 agreed that more work has to be done on this issue, and established a Correspondence Group, under the leadership of the United Kingdom, to prepare a base document for consideration during this session.

7.3 Further, the Committee recalled that MEPC 42 instructed the Secretariat to incorporate the new chapter 11 in the Comprehensive Manual on Port Reception Facilities and arrange for printing of the 1999 edition as soon as possible. The Secretariat informed the Committee that the Manual will be issued shortly after MEPC 43.

### **Report of the Correspondence Group on Reception Facilities**

7.4 The Committee considered the report of the Correspondence Group on Reception Facilities, contained in document MEPC 43/7 (United Kingdom), and noted that it consists of the following elements:

- .1 cover note;
- .2 report of the Working Group at MEPC 42 (annex 1);
- .3 draft Assembly resolution (annex 2);
- .4 Guidelines for Ensuring the Adequacy of Port Waste Reception Facilities (annex 3);  
and
- .5 Auditing Procedure (annex 4).

### **Report of the Working Group at MEPC 42**

7.5 The Committee approved the report of the Working Group on Inadequacy of Port Reception Facilities contained in annex 1 of document MEPC 43/7.

### **Draft Assembly resolution**

7.6 The Committee congratulated the Correspondence Group and its Chairman for the work carried out. However, it was recognized that the Guidelines needed further revision before publication. Also, the Management/Auditing Strategy as contained in annex 4 of MEPC 43/7 had not been considered by the Correspondence Group. The Committee therefore decided that the Correspondence Group should continue its work and submit a final draft of the Guidelines and the Management/Auditing Strategy to MEPC 44 for consideration.

7.7 However, in order to stress the importance of this issue, the Committee agreed to prepare draft Assembly resolution and instructed an informal drafting group to develop a draft text based on the draft resolution contained in MEPC 43/7.

7.8 The Committee, having received the report from the informal drafting group (MEPC 43/WP.11), approved the draft Assembly resolution as set out in annex 7 with a view to its adoption at the twenty-first session of the Assembly.

### **Promotion of the Guidelines**

7.9 The Committee agreed that suitable means should be found to distribute the Guidelines for ensuring the adequacy of port waste reception facilities as widely as possible when the Guidelines are finalized.

7.10 In this connection, the observer from INTERTANKO offered to cover the printing cost of the Guidelines to be made as an IMO publication and the Committee thanked INTERTANKO for this generous offer.

### **Reception facilities for recreational craft**

7.11 The Committee noted of the booklet entitled "Port Waste Management Planning - A Guide for Marina Operators and Coastal Clubs" jointly submitted by ISF and ICOMIA (MEPC 43/INF.3).

### **Alleged inadequacy of port reception facilities**

7.12 The Committee noted the information on alleged inadequacy of port reception facilities provided by the Secretariat (MEPC 43/INF.7).

### **Statement by ROPME**

7.13 The observer from ROPME informed the Committee of the outcome of the Fifth Meeting of the Task Force on Reception Facilities which met in Bahrain from 18 to 20 April 1999. The Committee noted that a report of a Feasibility Study on Reception Facilities for Ship-generated Waste was endorsed by the Fifth Meeting, and also by the ROPME Ministerial Executive Committee Meeting held in Kuwait on 19 June 1999.

7.14 The observer from ROPME stated that ROPME will, as a matter of the highest priority, follow up the recommendation of the feasibility study and will carry out the following activities:

- .1 to establish a Steering Committee from Task Force Members and other experts to assist in the implementation of the Feasibility Study and assign a permanent expert for the follow-up of the Plan of Implementation of the Study;
- .2 to co-operate with IMO in arranging a regional workshop to discuss the most feasible ways and means for the implementation of the Plan, provisionally scheduled for September 1999 in Bahrain; and
- .3 to encourage the remaining ROPME Member States, as a matter of urgency, to take steps towards the accession of MARPOL 73/78 and the establishment of reception facilities thus allowing the 'Special Area' status to come into effect.

## **8 REPORTS OF SUB-COMMITTEES**

### **REPORT OF FSI 7**

8.1 The Committee noted that the Sub-Committee on Flag State Implementation held its seventh session (FSI 7) from 22 to 26 March 1999 and its report was circulated under symbol FSI 7/14.

8.2 The Committee approved the report of FSI 7 in general and took action as indicated hereunder.

### **Self-assessment of flag State performance**

8.3 The Committee, noting the relevant decision of MSC 71, approved the draft Assembly resolution on self-assessment of flag State performance for submission to the twenty-first session of the Assembly. The draft Assembly resolution, as approved by the Committee, is set out at annex 8. The Committee also noted the progress made by FSI 7 in the development of criteria for the self-assessment of flag State performance.

### **Annual circulation of deficiency lists**

8.4 The Committee endorsed the decision of FSI 7 to circulate future deficiency lists annually in the form of FSI circulars to cover all deficiencies reported in the preceding calendar year.

### **Revision of the Harmonized reporting procedures**

8.5 The Committee, noting that FSI 7 found that the data requested in section 11 of annex 2 to MSC/Circ.827 - MEPC/Circ.333 on latent factors were redundant, approved, subject to MSC's concurrent decision, the issuance of a revision of the joint MSC/MEPC circular on Revised harmonized reporting procedures.

### **Availability of data on casualties and deficiencies in electronic format**

8.6 The Committee, noting the relevant decision of MSC 71, endorsed the decision of FSI 7 to make data on casualties and deficiencies available in an electronic format on the IMO Secure Internet, noting that the data would be accessible to Member Governments only via login and password and would not be open to the general public.

### **Guidelines on investigation of human factors in marine casualties and incidents**

8.7 The Committee, noting the relevant decision of MSC 71, approved the list of amendments to the draft Guidelines on investigation of human factors in marine casualties and incidents and noted the recommendation of FSI 7 that the Guidelines be attached to the Code for the Investigation of marine casualties and incidents (A.849(20)). The Committee also approved the draft Assembly resolution on Amendments to the Code for the investigation of marine casualties and incidents (resolution A.849 (20)), which was prepared and approved by MSC 71, for submission to the twenty-first session of the Assembly for adoption. The draft Assembly resolution, as approved by the Committee, is set out at annex 9.

### **Procedures for port State control (resolution A.787(19))**

8.8 With regard to the draft Assembly resolution on Amendments to resolution A.787(19) on Procedures for port State control, the Committee noted that MSC 71, after considerable discussion which centred on the question of the need for the establishment of "clear grounds" prior to a more detailed PSC inspection, agreed to retain the original text of paragraph 2.2.3 of resolution A.787(19), as proposed by Cyprus (MSC 71/10/3) and Vanuatu (MSC 71/10/2), with the addition of a second sentence on the examination of Tonnage Certificates. The Committee concurred with the decision of MSC 71 in this regard and approved the draft Assembly resolution on Amendments to the procedures on port State control (resolution A.787(19)) for submission to the twenty-first session of the Assembly for adoption. The draft Assembly resolution, as approved by the Committee, is set out at annex 10. Norway made a reservation regarding the new paragraph 4.7 (Procedures for rectification of deficiencies and release) and, in particular, subparagraph 4.7.3 concerning confirmation from the

flag State to the port State that remedial action had been taken on the ship in question. Norway stated that they would fulfil their obligations in accordance with international conventions in this regard. Bahamas and Vanuatu supported the position of Norway. The Committee noted the recommendation of FSI 7 that a revised composite text of resolution A.787(19) be prepared and issued as a new publication.

### **Implications arising when a vessel loses the right to fly the flag of a State**

8.9 The Committee noted the outcome of discussion at FSI 7 and noted that it agreed to retain the item on its agenda for FSI 8 and invited Members to submit comments and proposals including information with respect to their national practices on the matter to that session for consideration.

### **Work programme of the FSI Sub-Committee**

8.10 The Committee considered the revised work programme of the FSI Sub-Committee under agenda item 18.

### **REPORT OF BLG 4**

8.11 The Committee noted that the Sub-Committee on Bulk Liquids and Gases held its fourth session (BLG 4) from 12 to 16 April 1999 and the report was circulated under the BLG 4/18.

8.12 The Committee approved the report of BLG 4 in general and took action as indicated hereunder.

### **Application of cargo-tank venting requirements to combined chemical/oil tankers**

8.13 The Committee, noting the relevant decision of MSC 71, approved the draft MSC/MEPC circular on Application of cargo-tank venting requirements to combined chemical/oil tankers with the deletion of the words "and 59.2" from paragraph 3 of the draft circular (BLG 4/18, annex 2). The circular will be issued as MSC/Circ.929 – MEPC/Circ.362.

### **Use of Spanish under MARPOL 73/78**

8.14 The Committee noted the statement by Venezuela made at BLG 4 on behalf of the Spanish-speaking countries on the use of Spanish under MARPOL 73/78.

8.15 The Committee recalled that this matter was raised when the BLG Sub-Committee was discussing the languages to be used for the Oil Record Book having received the following guidance from MEPC 42:

- 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."



8.16 The Committee agreed in principle that Spanish should be referenced as one alternative language to be used where relevant and that to introduce this option would require amendments to MARPOL 73/78.

8.17 As a result, the Committee invited those Spanish speaking countries, or one of them, to submit a document to MEPC 44 giving their proposed amendments to the relevant regulations of MARPOL 73/78.

#### **Budgetary implications associated with the GESAMP Hazard Profiles review**

8.18 The Committee noted that document MEPC 43/8/6 - Budgetary implications associated with the hazard evaluation of products in the IBC Code, summarized the costs associated with generating new GESAMP Hazard Profiles for all products in the IBC Code and reflected the discussions of BLG 4 on this matter. The Committee, recognizing the importance of the matter, discussed the situation and measures suggested by BLG 4 towards securing additional funds for the work to be carried out on hazard evaluation.

8.19 The Committee recalled that MEPC 42 set the new target completion date for the review of Annex II to MARPOL 73/78 at 2002. However, this is 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 were provided for additional meetings and support.

8.20 The Committee noted that BLG 4, while recognizing that securing the necessary funds was a matter of consideration and decision by MEPC 43 and the Council at its twentieth extraordinary session preceding the twenty-first Assembly, was of the opinion that finalization of the GESAMP Hazard Profiles was of paramount importance for the re-categorization of chemical substances and the revision of MARPOL Annex II and stressed that priority and resources should be given to the work of the GESAMP EHS Working Group to enable it to finalize the Hazard Profiles as soon as possible.

8.21 The Committee recognized the important contribution that the GESAMP EHS Working Group were making to facilitate the achievement of the 2002 target date for the completion of the revision of Annex II to MARPOL 73/78.

8.22 Having discussed a number of options for securing the additional £167,400 needed to finance the project, the Committee agreed that:

- .1 as IMO's budget proposals for the next financial period (2000-2001) must reflect zero nominal growth, it is not a feasible option to request the Council to include the additional resource needed in this budget;
- .2 as the postponement of BLG 5 to 2001 would only provide £34,000 and so would not solve the problem but would prevent other important issues being resolved, BLG 5 should be held in 2000 as planned;
- .3 the cost of the review may be reduced if the GESAMP EHS Working Group could find alternative work methods, such as the use of electronic mail, etc.;
- .4 GESAMP could utilise the resources (£6000 per annum) allocated for the Endocrine Disrupting Substances Working Group for the EHS Group; and
- .5 some resources may be provided by financial contributions.

8.23 Whilst reluctantly accepting that the current target date for the revision of Annex II to MARPOL 73/78 may have to be set back, the Committee agreed to request GESAMP to take account of the points identified in paragraphs 8.22.3 and 8.22.4 and to continue their work within the restrictions of the resources available.

8.24 With reference to paragraph 8.22.2 above, the Committee noted the views of several delegations that postponing BLG 5 to 2001 in combination with voluntary contributions from interested parties still provides a feasible option to resolve the issue on financing the work of GESAMP EHS. Consequently, the Committee invited interested parties to investigate whether the necessary funding could be provided.

8.25 The Committee decided to invite GESAMP as a matter of priority to complete the re-evaluation of substances transported in high volume and high frequency and to revise evaluation criteria established by GESAMP which are not in line with the harmonized criteria.

### **Revision of the COW Specifications and the COW Manual**

8.26 The Committee, recognizing that the use of crude oil washing system remains an important tool for reducing marine pollution from oil tankers and the necessity to update the COW requirements, approved the proposed amendments to the Revised Specifications for the design, operation and control of crude oil washing systems (resolution A.446(XI) as modified by resolution A.497(XII)). The proposed amendments to the COW Specifications, as approved by the Committee, is set out at annex 11. The Committee also decided to request the Secretariat to prepare a draft Assembly resolution on adoption of the proposed amendments to the COW Specifications and submit it to the twenty-first session of the Assembly for consideration and adoption.

8.27 With a view to help end-users of the revised COW Specifications, the Committee, recognizing that the last IMO publication of the COW Specifications were published in 1983, decided to request the Secretariat to prepare a consolidated edition of the revised COW Specifications together with other information for publication after the Assembly has adopted the proposed amendments.

8.28 In connection with the approval of the revised COW Specifications, the Committee also adopted the proposed amendments to section 9 of the Standard Format for the COW Manual (resolution MEPC.3(XII)) under cover of resolution MEPC.81(43). The amendments to section 9 of the Standard Format of the COW Manual and the MEPC resolution on adoption of them is set out at annex 12. The Committee also requested the Secretariat to include the amended section of the Standard Format of the COW Manual in the proposed new consolidated publication on COW Specifications.

8.29 In reaching these decisions, the Committee noted that Norway considered that there is still further work to be done in relation to COW, particularly in respect of testing and acceptance of a COW installation as well as examining the potential contribution to air pollution that COW may cause.

8.30 As a result, the Committee invited Norway to make a formal proposal on these issues to MEPC 44 for further consideration.

### **Proposed amendments to the IBC and BCH Codes**

8.31 The Committee approved, subject to MSC's concurrent decision, the proposed draft amendments to chapter 15 of the IBC Code regarding the carriage of carbon disulphide for their adoption as part of the 2002 amendments to the IBC Code (BLG 4/18, annex 8).

8.32 The Committee also approved, subject to MSC's concurrent decision, the draft amendments to the IBC and BCH Codes resulting from the revision of the Medical First Aid Guide (BLG 4/18, annex 11).

8.33 The Committee further approved, subject to MSC's concurrent decision, the draft amendments to the IBC and BCH Codes regarding cargo hose requirements (BLG 4/18, annex 13) whilst noting that Japan could not support this amendment which it considered could not be justified.

8.34 The Committee then instructed the Secretariat to circulate the above proposed amendments in accordance with article 16(2)(a) of MARPOL 73/78 for adoption at MEPC 45 which is tentatively scheduled in October 2000.

8.35 In this connection, the Committee noted that the above proposed amendments to the IBC and BCH Codes are expected to be approved by MSC 72 in May 2000 and adopted by MSC 73 in November 2000.

#### **Revised Guidelines on tank cleaning additives**

8.36 The Committee approved the draft Revised Guidelines on tank cleaning additives, guidance note and product data sheet (BLG 4/18, annex 9) for distribution as MEPC/Circ.363.

#### **Tripartite contact details**

8.37 The Committee urged Member Governments to respond to MEPC/Circ.320 providing the tripartite contact details to the Secretariat.

#### **Intersessional meeting of the ESPH Working Group in 2000**

8.38 The Committee, noting the relevant decision of MSC 71, approved the holding of an intersessional meeting of the ESPH Working Group in 2000, subject to the approval by the Council.

#### **Equivalent arrangements for cargo tank location under MARPOL and the IBC Code**

8.39 The Committee noted BLG 4's consideration of the equivalent arrangements for cargo tank location under MARPOL 73/78 and the IBC Code as a result of an equivalent notification by Malaysia. The Committee further noted the decision of BLG 4 that it was not necessary to take further action on the matter.

#### **Matters considered under other agenda items**

8.40 The Committee considered the draft Assembly resolution on Global implementation of the harmonized system of survey and certification (HSSC) for submission to the twenty-first session of the Assembly for adoption under agenda item 9. The issue of the procedures to be followed for the change-over from the existing system to the harmonized system of survey and certification upon entry into force of the 1988 SOLAS and Load Line Protocols was also considered under agenda item 9.

8.41 The Committee considered the recommendations of BLG 4 on amendments to the Supplement to the IOPP Certificate with regard to whether only ships which are affected by the proposed amendments would need to have the revised IOPP Certificate under agenda item 5.

8.42 The Committee considered the revised work programme of the BLG Sub-Committee under agenda item 18.

## OUTCOME OF DSC 4

8.43 The Committee noted that the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers held its fourth session (DSC 4) from 22 to 26 February 1999 and its report was circulated under document symbol DSC 4/14.

8.44 The Committee considered the matters related to marine environmental protection and took action as indicated hereunder.

8.45 The Committee noted the DSC Sub-Committee's action on the reformatting of the IMDG Code in that, in spite of its best efforts, the Sub-Committee was unable to complete the work before MSC 71 in May 1999 and endorsed the request of the E&T Group for the allocation of two additional meeting weeks in September/October 1999 and one week following DSC 5 for completing the work of reformatting the IMDG Code.

8.46 Whilst endorsing the recommendation to delete tainting as a criterion for marine pollutants the Committee agreed that it was premature to make additional amendments to the Guidelines for the identification of harmful substances in packaged form (Appendix to Annex III of MARPOL 73/78) in order to harmonize the criteria with the OECD definition of hazardous to the aquatic environment using the revised GESAMP Hazard Evaluation Procedure. In taking this decision, the Committee took the following points into account:

- .1 it will not be possible for GESAMP to start evaluating the products in the IMDG Code until the evaluation of the IBC Code products has been completed (2003) which indicates that the task could not be completed before 2010 even if the additional resources were made available; and
- .2 it is anticipated that, as part of the Global Harmonization Exercise, the definition of Marine Pollutants in packaged form will follow that developed by the UN Committee of Experts on the Transport of Dangerous Goods in line with the criteria defined by the OECD.

8.47 As a result, the Committee approved the proposed amendments to the Appendix to MARPOL Annex III for the deletion of tainting as a criterion for marine pollutants from the Guidelines for the identification of harmful substances in packaged form (MEPC 42/11, annex 1), and requested the Secretary-General to circulate the proposed amendments in accordance with article 16(2)(a) of MARPOL 73/78 together with an appropriate MEPC resolution for adoption at MEPC 44.

8.48 In regard to the recommendation of DSC 4 for the draft amendments to SOLAS chapters VI and VII and MARPOL Annex III to make the IMDG Code mandatory, the Committee noted the view of MSC 71 that the most important matter to be resolved, before these amendments to SOLAS and MARPOL are approved, is the amendment procedure for a mandatory IMDG Code under both SOLAS and MARPOL. The Committee further noted that MSC 71, after extensive discussion including consideration of a number of possible Options on amendment procedure for the IMDG Code, could not resolve the matter relating to the amendment procedures for a mandatory IMDG Code and decided that, before the matter could be pursued further and a final decision could be taken as to the mandatory status of the Code and the amendment procedure to be followed, it was necessary that the complete text of the reformatted IMDG Code be finalized and the DSC Sub-Committee's advice as to which parts thereof should become mandatory be available. Following the above decisions, MSC 71 instructed the DSC Sub-Committee to proceed with the reformatting of the IMDG Code, including the identification of those parts of the Code which should be made mandatory and those which should remain recommendatory in nature; and advise MSC 72 accordingly.

8.49 Having noted the discussion and decision of MSC 71, the Committee agreed to await the report of the DSC Sub-Committee on reformatting of the IMDG Code and the outcome of MSC 72 on whether to make the IMDG Code mandatory through amendments to SOLAS chapters VI and VII, before giving the matter further consideration, which would not be before MEPC 45.

#### **Making the INF Code mandatory**

8.50 The Committee noted that MSC 71 considered the report of DSC 4 with regard to the draft revised text of the INF Code and adopted the INF Code in its mandatory form together with relevant amendments to SOLAS chapter VII unanimously by resolution MSC.88(71).

#### **OUTCOME OF SLF 42**

8.51 The Committee noted that the Sub-Committee on Stability and Load Lines and on Fishing Vessel Safety held its forty-second session (SLF 42) from 8 to 12 February 1999 and its report was circulated under the symbol SLF 42/18.

8.52 The Committee further noted that there were two matters of interest to the Committee: one is the development of a Code on Polar Navigation, the other is the safety aspects of ballast water exchange at sea.

8.53 The Committee considered that matter on development of a Polar Code under the outcome of the DE Sub-Committee, which is the co-ordinating sub-committee for the matter.

8.54 The Committee considered the outcome of SLF 42 on safety aspects of ballast water exchange at sea under agenda item 4.

#### **OUTCOME OF DE 42**

8.55 The Committee noted that the Sub-Committee on Ship Design and Equipment held its forty-second session (DE 42) from 8 to 12 March 1999 and its report was circulated under the symbol of DE 42/15.

8.56 The Committee considered the matters related to marine environment protection and took action as indicated hereunder.

#### **Safety aspects of ballast water management**

8.57 The Committee noted the work done by the DE Sub-Committee on the safety aspects of ballast water management and considered the matter under agenda item 4.

#### **Revision of MEPC resolutions on pollution prevention equipment**

8.58 The Committee noted the progress made by the DE Sub-Committee on the revision of resolutions MEPC.60(33) and A.586(14) with regard to pollution prevention equipment required under MARPOL 73/78 in that DE Sub-Committee, noting that this was a complex task and needed specialist expertise, invited Members to send their experts on the subject to DE 43 where the matter could be discussed in more detail.

#### **Draft Polar Code**

8.59 The Committee noted the request of DE 41 that the MEPC comment on the relevant paragraphs of the draft Polar Code (MEPC 42/2/2 and DE 41/17, annex 3). However, due to heavy

workload of MEPC 42, the Committee decided to consider this matter at MEPC 43 (MEPC 42/22, paragraph 2.44).

8.60 The Committee noted the outcome of the Antarctic Treaty's 22nd meeting in Tromsø from 25 May to 5 June 1998 on the draft Polar Code (MEPC 42/21/2 and MEPC 42/INF.34). In that meeting, the Antarctic Treaty Parties recalled that the issue of maritime safety in the Antarctic area was addressed through the Environmental Protocol and that Parties retained primary responsibility for the implementation of the Protocol, including protection of the marine environment. The requirements of Article 10 of Annex IV relating to ship design, construction and operation were noted particularly. The Committee further noted that the Meeting agreed that a draft Polar Code, whether adopted as a mandatory or non-mandatory document within IMO, would have a significant influence on future shipping activity in Antarctica. Consequently, Parties to the Antarctic Treaty was invited to take part in the development of the Polar Code in order to ensure that Antarctic issues are adequately represented.

8.61 The Committee also noted the outcome of MSC 71 on the Polar Code (MEPC 43/9/4, paragraphs 9 to 11) and recognized that MSC 71, after an extensive exchange of views, agreed that:

- .1 recommendatory guidelines, instead of a Code, should be developed only for SOLAS 74 ships operating in ice-covered waters; and
- .2 Antarctic waters be excluded from the application of the guidelines, unless Antarctic Treaty members decide otherwise.

8.62 The Committee was further informed of the result of the twenty-third session of the Antarctic Treaty Consultative Meeting held in Lima from 24 May to 4 June 1999 and noted that:

- .1 the IMO Secretariat, who attended the meeting, informed it that MSC had confirmed its intention to develop the Polar Code in the form of non-mandatory Guidelines and had decided to exclude Antarctic waters from the Polar Guidelines, unless the Antarctic Treaty Parties decide otherwise;
- .2 the meeting identified the following options for the Antarctic Treaty Consultative Parties to consider:
  - .1 to agree that IMO should continue to develop the Guidelines to cover Antarctic waters;
  - .2 to encourage IMO to develop the Guidelines, but with two sections dealing separately with the Antarctic and the Arctic;
  - .3 to suggest that IMO develop two separate Guidelines; one for the Arctic and the other for the Antarctic; and
  - .4 to exclude Antarctic waters from IMO's further development of the Polar Navigation Guidelines.
- .3 in conclusion the Consultative meeting agreed to:
  - .1 give priority to the development of its own guidelines for Antarctic Shipping and related activities pursuant to Article 10 of annex IV to the Protocol;

- .2 once the guidelines are prepared, seek subsequent adoption of these guidelines by IMO as a means of extending their applicability to all members of IMO; and
- .3 request Peru, as the host Government of XXIII ATCM, to convey these decisions to IMO.

8.63 The delegation of Peru expressed appreciation for the presence of participating countries and of the IMO representative who had assisted the Consultative meeting.

8.64 Having noted the above information, the Committee concurred with the decision of MSC 71 on the Polar Code.

### **OUTCOME OF STW 30**

8.65 The Committee noted that the Sub-Committee on Standards of Training and Watchkeeping held its thirtieth session (STW 30) from 25 to 29 January 1999 and its report was circulated under the symbol of STW 30/13.

8.66 The Committee endorsed the view of STW 30 that training of seafarers on ballast water management should be covered by the STCW Convention rather than in the instrument on ballast water management and instructed the Ballast Water Working Group accordingly.

## **9 WORK OF OTHER BODIES**

### **OUTCOME OF MSC 70 AND MSC 71**

9.1 The Committee noted the decisions of MSC 70 and MSC 71 as summarized in documents MEPC 43/9 and MEPC 43/9/4 respectively.

9.2 The decisions of MSC 70 and MSC 71 concerning both safety and environment were considered under relevant agenda items, except the matters as indicated below.

#### **Harmonized System of Survey and Certification**

9.3 The Committee noted that MSC 71 had agreed with the proposal of BLG 4 for the adoption of an Assembly resolution recommending States which are not Parties to the 1988 SOLAS and Load Line Protocols to implement HSSC as equivalent to the system of survey and certification in force in those States.

9.4 The Committee, noting the relevant decision of MSC 71, approved the draft Assembly resolution on Global and uniform implementation of the harmonized system of survey and certification, which is set out at annex 13, for submission to the twenty-first session of the Assembly for adoption.

#### **Performance standards and technical specifications**

9.5 The Committee, noting the relevant decision of MSC 71, approved the draft Assembly resolution on Procedure for adoption of, and amendments to, performance standards and technical specifications, with the removal of the square brackets which is set out at annex 14 to this report, for submitting to the twenty-first session of the Assembly for adoption.

**Guidelines on referencing IMO instruments**

9.6 The Committee, noting the relevant decision of MSC 71, approved the draft Guidelines on methods for making reference to IMO and other instruments in IMO conventions and other mandatory instruments (MEPC 43/9/4, annex 3) with the removal of the square brackets and agreed to issue them as MSC/Circ.930/MEPC/Circ.364.

**OUTCOME OF THE SPI WORKING GROUP AT FAL 26**

9.7 The Committee noted the outcome of the SPI Working Group which met from 7 to 11 September 1998 during FAL 26 ( MEPC 43/9/1).

9.8 The Committee recalled that, at MEPC 42, it decided to address the concern expressed by some delegations on insufficient control over the work programme of the SPI Working Group and agreed to review its work programme at MEPC 43.

9.9 Having noted the outcome of the SPI Working Group the Committee confirmed its previously held view that this Group needs greater control and should be reminded of the Organization's Guidelines for methods of work. Specifically, it was agreed that there is no need for the Group's continuous agenda item on reception facilities or the model course that it was proposing.

**OUTCOME OF TCC 46**

9.10 The Committee considered the outcome of TCC 46 (MEPC 43/9/2) under agenda item 16.

**OUTCOME OF CSD 7**

9.11 The Committee recalled that, at MEPC 42, it approved the IMO report to the seventh session of the Commission on Sustainable Development (CSD 7) and requested the secretariat to submit it in due course. The IMO report, among other submissions, were discussed at CSD-7. The report on conclusions and recommendations agreed at CSD 7 will be submitted to the next session of the United Nations Economic and Social Council (ECOSOC).

9.12 The Committee noted the outcome of CSD 7 (MEPC 43/9/3).

9.13 Following some preliminary discussions of the CSD Recommendations, the Committee agreed to defer detailed consideration on the outcome of CSD 7 to MEPC 44 and requested the Secretariat to inform other Committees of IMO of the Commissions recommendations.

**URGENT MATTERS EMANATING FROM C 82**

9.14 The Committee took note of the information provided in document MEPC 43/9/5 on urgent matters emanating from the eighty-second session of the Council (C 82) which was held from 14 to 18 June 1999. Where particular action was required, this was undertaken in conjunction with the relevant agenda item.

**10 PREVENTION OF AIR POLLUTION FROM SHIPS**

10.1 The Committee considered the following matters under this agenda item:

- .1 progress report by the Secretariat (MEPC 43/10/2);
- .2 matters related to the Trial run for sulphur monitoring (MEPC 43/10);



- .3 draft resolution on world-wide sulphur content monitoring (MEPC 43/10/1); and
- .4 rectification and interpretation of some editorial errors in the NOx Technical Code (MEPC 43/10/3 and MEPC 43/10/4).

### **Progress report by the Secretariat**

10.2 The Committee considered the progress report prepared by the Secretariat on the following activities as set out in document MEPC 43/10/2 and noted the outcome of relevant discussions at FP 43, DE 42 and FSI 7.

### **IMO Study on Greenhouse Gas Emissions from Ships**

10.3 The Committee recalled that, at its last session it instructed the Secretariat to initiate a Study on Greenhouse Gas Emissions from Ships and approved the Scope of Work for the Study as developed by a drafting group. The Committee also agreed to establish a Steering Committee for the purpose of the Study.

10.4 The Committee was informed that the following Member States had informed the Secretariat of their interest in becoming members of the Steering Committee: Denmark, Germany, Japan, The Netherlands, Norway, Panama, Sweden and the United States.

10.5 The Committee was also informed that the Governments of Denmark, the Netherlands, Norway, Sweden and the United States, and the European Commission have provided financial contribution for the Study.

10.6 The Committee was further informed that on 23 March 1999, invitations to submit an abstract of the content of the study were submitted to seven possible contractors, who have been identified by Member Governments. Having consulted with Members of the Steering Committee it is expected that a contract to carry out the study will be signed in the near future.

### **Communication with UNFCCC**

10.7 As instructed by the Committee at its forty-first session, the outcome of the Committee's considerations on greenhouse gas emissions from ships was communicated to the Secretariat of the UNFCCC for information.

10.8 The 10th session of the Subsidiary Body on Scientific and Technological Aspects (SBSTA 10) under the United Nations Framework Convention on Climate Change was held from 31 May to 11 June 1999, in Bonn, Germany. The Committee noted that the Secretariat has been informed of the outcome of SBSTA 10 and noted that:

- .1 the SBSTA noted that the data on emissions from international bunker fuels provided by Annex I Parties are often incomplete and inconsistent, as reported in document FCCC/SBSTA/1999/INF.4. It noted that further methodological work is needed to ensure consistent and transparent inventories, including the development and use of consistent definitions, taking into account any good practice guidance by the IPCC on the issue. The SBSTA requested ICAO and IMO to make available their data and expertise on the issue. It invited Annex I Parties to provide emission data and information on methods used to estimate emissions in a transparent manner, including the definitions applied, as part of their annual greenhouse gas inventory;

- .2 the SBSTA noted the informal paper “Methods used to collect data and to estimate and report emissions from international bunker fuels” was made available to Parties by the secretariat during the session. The SBSTA requested Parties to provide comments on that paper to the secretariat by 16 August 1999. It requested the secretariat to revise the paper, based on these comments provided by Parties, and to make the revised version available as soon as possible;
- .3 recalling relevant articles of the Convention, decisions of the Conference of the Parties, including decision 2/CP.3, and the relevant conclusions of the SBSTA, the SBSTA invited IMO and ICAO to inform it of their work plans relating to emissions based on fuel sold to ships or aircraft engaged in international transport and to provide regular progress reports at future sessions of the SBSTA; and
- .4 the SBSTA invited the secretariat to explore ways to further strengthen the exchange of information between ICAO, IMO and the SBSTA. It requested the secretariat to report to it on these issues at its eleventh session.

10.9 Having received the report by the Secretariat the Committee:

- .1 instructed the Sub-Committee on Fire Protection, at its next session, if agreement is reached on the essential uses of PFCs in shipboard fire-extinguishing systems, to prepare the consequential amendment to SOLAS Chapter II;
- .2 noted, with regard to the IMO Study on Greenhouse Gas Emissions from Ships, that, depending on the outcome of the contract negotiations between the Secretariat and the contractor for the study, that the final report of the study may not be ready for submission to the Committee before MEPC 45;
- .3 noted the outcome of the 10th session of the Subsidiary Body on Scientific and Technical Advice (SBSTA 10) under the UNFCCC;
- .4 instructed the Secretariat to continue its co-operation with the Secretariat of UNFCCC;
- .5 instructed the Secretariat to provide a progress report to MEPC 44 on issues related to air pollution from ships; and
- .6 noted that a general presentation on the outcome of the IMO Study on Greenhouse Gas Emissions from Ships would be given at MEPC 44, outside normal working hours, by the contractor for the study.

**Matters related to the trial run for sulphur monitoring**

10.10 The Committee recalled that it at its forty-second session welcomed the offer from the Netherlands to run a trial monitoring and to report on the outcome at this session for consideration and agreed that the calculation of the average sulphur content should not be weighted for quantity and should only give a world-wide figure. The Committee noted that the funding for the initial trial and following five-year monitoring is available through contributions from the Governments of Denmark, Finland, the Netherlands, Norway, Sweden and the United Kingdom.

10.11 The Committee noted the document submitted by the Netherlands (MEPC 43/10) which presented a trial run for the calculation of the average sulphur content of fuel for 1998. The trial run

shows the kind of information to be provided on the basis of the guidelines to the Committee. The guidelines provide for calculations of a rolling average of sulphur content over a three-year period. Therefore, only after the third year (the first year being 1999), in the course of 2002, it will be possible to establish a reference value. A comparison between the rolling average and the reference value can be made in the course of 2003. The data will be provided to the first meeting of the Committee for which the deadline for submission of documents can be met, after processing the data of the preceding year.

### **Draft resolution on world-wide sulphur content monitoring**

10.12 The Committee recalled that, at its last session, it considered the draft guidelines submitted by the Netherlands, and agreed that the Guidelines should be adopted in the form of an MEPC resolution and requested the drafting group to prepare a revised text of the Guidelines for further consideration at this session with a view to adoption. The draft resolution with the revised Guidelines, as prepared by the Secretariat, was set out in document MEPC 43/10/1.

10.13 The Committee noted the view that it is not appropriate to include names of particular companies as providers of sampling and testing services. The Committee agreed with this view and amended the text of draft Guidelines accordingly.

10.14 The Committee adopted, by resolution MEPC.82(43), Guidelines for monitoring the world-wide average sulphur content of residual fuel oils supplied for use on board ships, as amended by the Committee, the text of which is set out at annex 15.

### **Rectification and interpretation of some editorial errors in the NO<sub>x</sub> Technical Code**

10.15 The Committee recalled that the NO<sub>x</sub> Technical Code was adopted by Conference resolution 2 at the MP Conference in September 1997, and that the NO<sub>x</sub> Technical Code was developed by a drafting group prior to the MP Conference. The Code is based on the draft international standards being developed by International Organization for Standardization (ISO) at that time and the final text of the ISO standard, ISO 8178, is now available. There is, therefore, a need to compare the NO<sub>x</sub> Technical Code with the final version of ISO 8178 to ensure that the relevant calculations and equations are identical.

10.16 The Committee noted that the Secretariat has already received information on a number of editorial errors which have to be rectified before Annex VI enter into force.

10.17 The Committee noted the information provided by Japan on editorial corrections to the NO<sub>x</sub> Technical Code (MEPC 43/10/3) and agreed to refer the matter to an experts group to check if they could be circulated under the procedures of Rectification. However, the Committee considered that modifications proposed in document MEPC 43/10/4 entail substantial amendments, including modifications regarding factor "fa", and agreed to further consider these modifications at MEPC 44.

### **Report of the expert group**

10.18 Having received the oral report from the expert group on NO<sub>x</sub> Technical Code, the Committee noted that the NO<sub>x</sub> Technical Code should be urgently reviewed with a view to making necessary corrections on technical requirements in the light of current developments in ISO/TC 70/SC 8 and agreed to hold a drafting group on NO<sub>x</sub> Technical Code review at MEPC 44. Member Governments were invited to include experts on NO<sub>x</sub> Technical Code matters in their delegations to MEPC 44.

## **The North Sea as SO<sub>x</sub> emission control area**

10.19 The Committee noted the statement by Germany on behalf of the EC countries and the North Sea countries with regard to the proposed SO<sub>x</sub> emission control area to be established for the North Sea. The statement is set out at annex 16.

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

### **Harmonized System of Survey and Certification (HSSC)**

11.1 The Committee noted that the points addressed in document MEPC 43/11 had already been discussed under agenda item 9.

### **Issuance of HSSC for floating platforms**

11.2 In introducing document MEPC 43/11/6, Panama made the following points:

- .1 article 2(5), in conjunction with Annex I and Annex II of MARPOL 73/78, defines the Administration responsible for the issuance of certificates as the State on whose continental shelf the platform is operating (shelf State);
- .2 however, it appears to be common practice for most shelf States to expect the validity of the IOPP Certificates to be maintained by the flag State while the floating platform remains on the continental shelf; and
- .3 without prejudicing the rights of the shelf State, it is proposed that this practice be recognized as a valid interpretation of the provisions of Annexes I, II and VI of MARPOL 73/78.

11.3 The Committee concurred with the above points made by Panama and agreed that the most appropriate method of dealing with this was to leave it to the flag State and shelf State to come to an arrangement whereby the flag State may act on behalf of the shelf State to issue the IOPP Certificates.

### **Issues associated with Annex IV to MARPOL 73/78**

11.4 The Committee recalled that, though adopted in 1973, Annex IV to MARPOL 73/78 had not yet entered into force and during MEPC 40 it was decided to issue a questionnaire in order to determine the reasons why many Member States have not acceded to Annex IV.

11.5 The Committee further recalled that this questionnaire was issued as MEPC/Circ.338 on 2 December 1997 and eleven Member States and one Associate Member responded. The responses were considered during MEPC 42 when it was noted that one of the main reasons given for not accepting Annex IV was related to the difficulties in providing reception facilities for sewage from ships. In addition to this, other difficulties such as the definition of sewage and its treatment on-board with associated effluent standards were also cited as reasons for not accepting Annex IV.

11.6 The Committee also recalled that it had agreed that, in order to make further progress in understanding the problems of accepting Annex IV, more responses would need to be analysed and the Secretariat was instructed to write to those Member States which had not responded, inviting them to do so.

11.7 The Committee noted the summary of responses from a further ten Member States (MEPC 43/11/1, MEPC 43/11/1/Add.1 and MEPC 43/11/Add.2).

11.8 The Committee noted the outcome of the Correspondence Group on the Revision of MARPOL Annex IV (MEPC 43/11/2) which made the following points:

- .1 the Group were instructed to review the responses by Member Governments to the questionnaire in MEPC/Circ.338 and consider a course of action which will assist the entry into force of MARPOL Annex IV;
- .2 the Group used the modified version of Annex IV as contained in the annex to MEPC 37/12/10 as a basic document which contained some appropriate relaxations from the original text;
- .3 taking account of those responses received in answer to the questionnaire, the Group made further amendments to regulations 9, 11 and 12 in order to assist the entry into force of Annex IV.

11.9 Having taken the responses to the questionnaire and the report of the Correspondence Group into account, the Committee requested the Secretariat to prepare a draft text of the revision of Annex IV for consideration by the Committee at its next session.

#### **Clarification of Annex V of MARPOL 73/78**

11.10 The Committee recalled that, at MEPC 40, The Republic of Korea had pointed out that the Garbage Record Book, shown in the appendix to annex V of MARPOL 73/78, does not cover all operational wastes according to the definition given in paragraph 1.7.10 of *the Guidelines for the Implementation of Annex V of MARPOL 73/78*. As a result, The Republic of Korea, supported by a number of delegations, proposed that such uncategorized wastes should be categorized.

11.11 The Committee also recalled that it had expressed a preference to resolve this problem by providing an interpretation to the regulations rather than by a formal amendment to the Garbage Record Book and referred the problem to the Drafting Group on Interpretations and Amendments.

11.12 Furthermore, based on the report of The Drafting Group, the Committee had recognized that the Republic of Korea's clarification, which proposed that all operational wastes could be referred to by "etc." under paragraph 3.4 of the appendix to Annex V, could result in operational wastes being mixed with other wastes. This could result in some operational wastes being subject to Annex V when normally they would be exempt and the Republic of Korea undertook to make a further submission on the subject to take this problem into account.

11.13 In introducing its document (MEPC 43/11/4) the Republic of Korea made the following points:

- .1 having taken note of the comments made by the Drafting Group during MEPC 40, there are still some difficulties in categorizing some operational wastes generated on board; and
- .2 In order to overcome such difficulties, the categories of operational wastes, defined in paragraph 1.7.7 of *the Guidelines for the Implementation of Annex V of MARPOL 73/78*, should be further clarified in the form of an MEPC Circular (as proposed in the annex to MEPC 43/11/4) which may be attached to the ship's Garbage Record Book.

11.14 In presenting document MEPC 43/11/5 (Australia and Hong Kong, China) on a related topic Hong Kong, China made the following points:

- .1 cargo residues are rightly categorized as operational wastes under Annex V of MARPOL 73/78. However, bilge water, which may be present inside a loaded cargo hold may also contain some cargo particles and it is not clear where this should be regarded as garbage and, therefore, subject to control under Annex V. As the discharge of garbage is prohibited in Special Areas under Annex V, this would also apply to bilge water; and
- .2 recognizing that the discharge of engine room bilge water and some Noxious Liquid Substances are permitted in Special Areas under MARPOL and that cargo hold bilge water only contains small quantities of fine cargo particles, it was proposed that cargo hold bilge water should not be subject to the provisions of Annex V of MARPOL 73/78 even when it contains some cargo particles.

11.15 Having taken these issues into consideration, the Committee agreed that, whilst supporting the proposal by the Republic of Korea in principle, it was premature to issue a clarification as an MEPC Circular as the Garbage Record Book had only been in use for one year and insufficient experience in its use had been gained.

11.16 Nevertheless, the Committee agreed that the following operational wastes should be included in the six categories of garbage's shown in the *Record of Garbage Discharges* and referred to in paragraph 1.7.7 of the Guidelines for the implementation of annex V of MARPOL 73/78 as shown below:

- .1 **Oily rag or contaminated rags** must be kept on board and transferred to a port reception facility or incinerated. Therefore these can be included as "Other".
- .2 **Soot** is very similar to the incinerator ash in its nature since both of them are leftover of what is burnt. Therefore, it should be covered by "Category 6".
- .3 Since garbage are classified according to their nature, **Cargo residue** can be classified as any of categories according to what cargo the ship was carrying.
- .4 **Machinery deposits** can be divided into oily ones and non-oily ones. If oil substance is contained, it cannot be disposed to the sea so it can be classified as "Other", and if not, it can be classified according to their nature.
- .5 **Scrapped paint, fibreglass, laminated structure, insulation adhesive** are mentioned in the Appendix I, 1.7.3 and are included in the definition of plastic. Therefore, they should be categorized as "Category 1".
- .6 **Ash from the combustion of plastic products**, which may contain heavy metals, should not be discharged into sea. Such ash should therefore be covered by "other" in the Garbage Record Book.

11.17 Whilst some delegations supported the Australian/Hong Kong, China proposal, an equal number of delegations considered that it was inappropriate as it was likely to provide a loophole for ships to illegally discharge cargo residues through washing out cargo holds. Following the Australian proposal to provide additional information, the Committee agreed to discuss the issue at the next session.

### **Discrepancies between SOLAS and MARPOL**

11.18 The Committee recalled that regulation 13G of Annex I to MARPOL 73/78 requires that an oil tanker be subject to an enhanced programme of inspections in compliance with the Guidelines contained in Assembly resolution A.744(18).

11.19 The Committee also recalled that in 1994 chapter XI to SOLAS was adopted making resolution A.744(18) mandatory and that amendments to the Guidelines in this resolution were adopted by resolution MSC.49(66) and resolution 2 of the 1997 SOLAS Conference.

11.20 Furthermore the Committee recalled that, during its forty-first session, it had agreed to consider ways of ensuring that any amendments made to such IMO instruments by either MSC or MEPC would not lead to any discrepancies.

11.21 In considering document MEPC 43/11/3, the Committee noted the following points:

- .1 the International Code for the Construction and Equipment of ships Carrying Dangerous Chemicals in Bulk (IBC Code) and the Guidelines on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers (resolution A.744(18)) are mandatory instruments under both the SOLAS and MARPOL Conventions;
- .2 though there are procedures for amending the IBC Code under both SOLAS and MARPOL (SOLAS regulation VII/8.1 and MARPOL regulation II/1/(10)), only SOLAS includes a procedure for amending the Enhanced Inspection Guidelines (regulation XI/2);
- .3 experience with amending the IBC Code has shown that the following principles should be maintained:
  - .1 safety matters are decided by MSC whilst those related to environmental protection are dealt with by MEPC;
  - .2 any amendments are adopted by both MEPC and MSC in order to ensure that the texts are identical; and
  - .3 the dates of entry into force of such amendments are the same under each Convention wherever possible.
- .4 recognizing that amendments to the Enhanced Inspection Guidelines are primarily related to safety and that there is no formal amendment procedure under MARPOL for these, formal recognition by the MEPC of amendments adopted under SOLAS should be sufficient;
- .5 if this approach is accepted then no further formal action should be necessary.

11.22 Having taken these points into consideration, the Committee agreed to maintain the status quo but instructed the Secretariat to advise the Committee of any problems, should they arise.

### **Hydrostatic Balance Loading**

11.23 The Committee recalled that, during its forty-second session, it had approved the draft MEPC circular on Interpretation of requirements for application of hydrostatic balance loading in cargo

tanks which was disseminated as MEPC/Circ.347. This circular included the IACS Unified Interpretation MPC 7 "Hydrostatic Balance Loading" which was subject to certain clarifications.

11.24 In introducing its document (MEPC 43/11/7) IACS identified a number of minor corrections to the original interpretation that, in its view, should be incorporated.

11.25 The Committee agreed with the proposals by IACS and instructed the Secretariat to issue a revised interpretation as MEPC/Circ.365 to replace MEPC/Circ.347.

## **12 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL 73/78 AND RELATED CODES**

### **Identification of oil pollution sources (e.g. tagging system)**

12.1 The Committee recalled that at MEPC 40, the United Kingdom proposed that systems for marking oil with an identifying code ("oil tagging") be included in the Work Programme of the Committee. The Committee 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.

12.2 The Committee further recalled that at its forty-second session, the United Kingdom, in introducing document MEPC 42/13/1, 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. During the discussions on this document concern had been expressed about the potential effect that the tags themselves may have on the environment and doubt was expressed about the validity of the trials which had been carried out using ballast water which, it was claimed, was easier to test. In addition, it was suggested that a cost/benefit analysis be carried out in order to justify such an approach.

12.3 The delegation of the United Kingdom agreed to take these comments into account and revert to MEPC 45 with further information and the Committee agreed to defer any discussion on this matter until its forty-fifth session.

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

12.4 The Committee recalled that, at its thirty-seventh session, it had agreed to finalize the draft Manual on Shipboard Waste Management 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.

12.5 However, the Committee also recalled that at MEPC 38 several delegations expressed concern 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 during that session 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).

12.6 In addition, the Committee recalled that during MEPC 38 it had agreed that there was no compelling need to continue development of the Manual, but that the information 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".



12.7 The Committee recalled that, as a result, a correspondence group was established under the leadership of Germany, and that MEPC 40 had agreed to include this agenda item for this session. At MEPC 42, the delegation of Germany had stated that a number of points had 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 (paragraph 13.10 of MEPC 42/22).

12.8 Germany indicated that, at MEPC 40, it had expressed the view that the development of the draft Manual had progressed satisfactorily and that any further work on it would be counter-productive and would delay its availability. Germany expressed the view that as there has only been a little interest in revising the manual further, a decision has to be made now about its future.

12.9 The Committee wished to consider this issue further under agenda item 18, but because of shortage of time, the Committee could not reach a firm solution and agreed to place this item on the agenda of MEPC 45.

### **MARPOL - How to do it**

12.10 The Committee recalled that, at MEPC 41, it 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.

12.11 The Committee recalled that, the Secretariat had submitted document MEPC 42/13 to its forty-second session which contained:

- .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.

12.12 The Committee further recalled that it had 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.

12.13 In introducing document MEPC 43/12, the United States, as leader of the Correspondence Group, indicated that the draft text had been improved considerably whilst keeping the original framework used in MEPC 42/13.

12.14 The leader of the Correspondence Group indicated that twelve areas had been identified for which consensus had not been reached within the group, and that paragraph 5 of MEPC 43/12 provides three points which require detailed consideration by the Committee.

12.15 In introducing document MEPC 43/12/1, Germany addressed paragraphs 20.1.2 and 20.3 of the revised text in MEPC 43/12, expressing the view that, in order to avoid additional work, misinterpretations and open questions, these paragraphs should be combined and should mainly include references to existing Guidelines.

12.16 In introducing document MEPC 43/12/2, the Republic of Liberia addressed the issue of making frequent references to UNCLOS in this document which was one of the three main issues identified in paragraph 5 of MEPC 43/12. Liberia questioned the need for such references and

expressed the view that too much use of the UNCLOS text had been incorporated which could result in UNCLOS being imposed on states that are parties to MARPOL but not to UNCLOS. Liberia pointed out that some of the text were excerpts of a package of UNCLOS provisions that are not mutually exclusive with respect to the protection of the rights of flag States and enforcement. The position of Liberia was supported by several delegations.

12.17 The Legal Division noted that concerns raised by Liberia regarding the repeated status of UNCLOS in the text could be addressed, noting the comprehensive document issued by the IMO Secretariat on "Implications of the entry into force of the United Nations Convention on the Law of the Sea for the International Maritime Organization" (document LEG/MISC/2). He noted that 83 MARPOL Parties were also parties to UNCLOS and other MARPOL Parties had either signed UNCLOS or formally expressed their acknowledgement of UNCLOS as constituting International Law. In his view, these features justify inclusion of references to UNCLOS as a general jurisdictional framework for the application of UNCLOS. He suggested that concerns regarding this application could be addressed by proper explanations and language in the Guidelines.

12.18 This opinion was supported by the Secretariat from the Legal Office of the UN which also expressed the opinion that those States which are parties to UNCLOS but not to MARPOL are still obliged to follow the MARPOL rules.

12.19 Having had this preliminary discussion, the Committee addressed the three specific issues raised in paragraph 5 of the report of the Correspondence Group (MEPC 43/12).

#### **Should MARPOL - *How to do it* include references to UNCLOS?**

12.20 Some delegations considered that a description of the relationship between MARPOL and UNCLOS helped to illustrate how MARPOL is enforced. However, others considered that the purpose of the Guidelines is to be a practical assistance and that this objective is degraded by unnecessary references to different regulations.

#### **Should MARPOL - *How to do it* include sections on Annexes that are not yet in force?**

12.21 Whilst one delegation considered that all Annexes to MARPOL that are not yet in force should be excluded from the Guidelines in order to be consistent, it was generally agreed that references to Annex VI should be excluded at this stage whereas references to Annex IV may be useful but should be included with the appropriate footnotes.

#### **Should MARPOL - *How to do it* include references to equivalent zones as well as exclusive economic zones (EEZ)**

12.22 Some delegations favoured referring to the equivalent zones recognizing that some countries have a fishing zone but no EEZ whilst others considered that this would be inappropriate and the Secretariat of the UN Legal Office, having provided information on the practice of States, indicated that there was no precedent for the inclusion of a reference to a zone requirement to an EEZ in addition to a reference to an EEZ, in any global instrument since UNCLOS was adopted and that if this were done it would be the first time in relation to international maritime regulations.

12.23 Recognizing the importance of this issue, the Committee agreed to further consider the issue, among other things, at the next session.

## **13 INF CODE RELATED MATTERS**

### **Background**

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

### **Progress Report**

13.2 In introducing document MEPC 43/13, the Secretariat made the following points:

- .1 two consultants have been selected to carry out the initial literature review based on the terms of reference set out in MEPC 40/WP.4;
- .2 a meeting to agree on the approach that will be taken on this part of the literature study was held at IAEA in Vienna from 3 to 4 June 1999, the outcome of which is reflected in MEPC 43/WP.4, the important elements of which are:
  - .1 the primary source of information will be the INIS database;
  - .2 using this database in conjunction with supplementary sources of information a general search strategy was developed;
  - .3 the final report will comprise separate sections in accordance with each of the terms of reference and will include a list of reference titles from which abstracts will be provided for the most relevant ones;
  - .4 the report will be available for MEPC 44.

13.3 The Committee noted the report and instructed the Secretariat to circulate the report of the literature review as soon as it becomes available.

## **14 ROLE OF THE HUMAN ELEMENT WITH REGARD TO POLLUTION PREVENTION**

14.1 The Committee recalled that the Joint MSC/MEPC Working Group on the Human Element (HE) and on Formal Safety Assessment (FSA) was established as one Joint MSC/MEPC Working Group at MSC 69. MEPC 42 concurred with that decision. MSC 69 and MEPC 42 also agreed to keep the present items concerning the role of the human element and Formal Safety Assessment as separate items on their agenda and to establish priorities for both agenda items.

14.2 The Committee recalled also that MSC 70 considered, from the human element viewpoint, the report of the joint session of the HE and FSA Working Groups at MSC 69 (MSC 70/23 paragraphs 13.1 to 13.10) and approved, in general, the joint Groups' report with regard to human element matters and noted that the Committee at its last session had endorsed the action proposed by the Groups, and that the Joint MSC/MEPC Working Group did not consider any matters relating to HE during MSC 70, as the consideration of the Joint Working Group was dedicated to FSA issues.

14.3 The Committee recalled that at its last session it considered the report of the Joint MSC/MEPC Working Group on the HE and FSA (MEPC 42/22 paragraphs 16.1 to 16.6) and

- .1 approved the draft MSC/MEPC circular on Interim Guidelines for the application of HEAP into the IMO rule-making process (MEPC 42/16/1, annex), and instructed the Secretariat to issue it as MSC/Circ.878/MEPC/Circ.346;
- .2 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;
- .3 noted the preliminary consideration on fatigue;
- .4 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; and
- .5 approved the report of the Joint MSC/MEPC Working Group in general.

14.4 The Committee noted that MSC 70:

- .1 noted the Joint MSC/MEPC Working Groups preliminary considerations on fatigue; and
- .2 agreed to establish an intersessional Correspondence Group on Fatigue, co-ordinated by the United States and established terms of reference for the correspondence Group (MSC 70/23, paragraph 13.4).

14.5 The Committee noted the oral brief presentation by the Secretariat on the outcome of the Joint MSC/MEPC Working Groups' consideration during MSC 71 on matters related to the human element, and that these issues will be submitted to MEPC 44 for consideration and action.

14.6 As an urgent matter, MSC 71 considered the submission by BIMCO (MSC 70/6/4) relating to interpretations of the ISM Code and, having received the report of the Joint MSC/MEPC Working Group, approved, subject to MEPC's concurrent decision, the draft MSC/MEPC circular on clarification related to the implementation of the ISM Code, as set out in MSC 71/WP.17.

14.7 The Committee concurred with the decision of MSC 71 and instructed the Secretariat to issue it as MSC/Circ.927/MEPC/Circ.359.

14.8 The Committee agreed to urge Member States and observer organizations to submit comments on issues related to the human element and protection of the marine environment to its next session.

14.9 The Committee also agreed to urge Member Governments to submit information on incidents for consideration by the Joint MSC/MEPC Working Group, where the human element has played an influential role in the incident in view of the protection of the marine environment.

## **15 MATTERS RELATED TO THE 1973 INTERVENTION PROTOCOL**

15.1 This item was discussed under agenda item 2.

## **16 TECHNICAL CO-OPERATION PROGRAMME**

16.1 The Committee noted the information in documents MEPC 43/16 which provided a status report on the programme of activities under the ITCP Sub-programme in the field of the marine

environment and the information in MEPC 43/16/2 on the marine environment component of the ITCP for 2000-2001. The Committee noted that IMO, in pursuance of its regional approach to technical co-operation, signed a number of Memoranda of Understanding, namely with the South Pacific Regional Environment Programme (SPREP) for the Pacific region, the Government of Singapore for Asia and the Operative Network of Regional Co-operation among Maritime Authorities (ROCRAM) for South America, Mexico, Panama and Cuba.

16.2 The Committee noted that two IMO Regional Presence Offices have already been opened in Nairobi, Kenya and in Accra, Ghana for the Eastern and Southern Africa and West and Central Africa subregions, respectively. The Committee also noted that the Government of Côte d'Ivoire has offered to host the IMO Regional Presence for the West and Central African subregion.

16.3 The Committee was informed of the GEF/UNDP/IMO Regional Programme for the Prevention and Management of Marine Pollution in the East Asian Seas which is coming to an end and would be followed by the five-year project with a US\$16 million budget. Furthermore, information was also provided on the GEF/UNDP project on ballast water to be executed by IMO. This project, with a US\$7.5 million budget, is to be implemented in a three-year period.

16.4 The Committee was also informed of the project for the Malacca Straits on Marine Electronic Highway which will address maritime safety and marine environment-related matters.

16.5 In commenting on documents MEPC 43/16 and MEPC 43/16/2, the delegation of Australia pointed out that all references to "South Pacific Region" in the new ITCP project RAS/98/317 "Improving Ship's Waste Management" and in future IMO documents, should be "Pacific Islands Region" as requested by the members of SPREP located north of the equator. Likewise, the reference to "South Pacific Commission" (SPC) should be "Secretariat of the Pacific Community" (SPC). In reference to paragraph 19, on page 7 of the Annex to document MEPC 43/16/2, Sub-programme for the Protection of Marine Environment of the ITCP for 2000-2001, the Australian Delegation reminded the difficulties inherent to the securing of the necessary funds for the activities under the ITCP. In so doing, it insisted upon the need for rationalization in certain areas between the proposed ITCP projects (2000-2001), for the region and SPREP projects under the Pacific Ocean Pollution Prevention Programme (PACPOL).

16.6 The Representative of SPREP expressed his gratitude to Australia for the assistance being provided to their organization. He also agreed with Australia on the need for rationalization between the new ITCP and the SPREP projects under PACPOL; this being all the more feasible because of the existence of a Memorandum of Understanding (MOU) entrusting SPREP with the execution of a number of IMO projects for the region.

16.7 The delegation of Barbados referred to document MEPC 43/16 and stressed that IMO has indeed developed a strong working relationship with the CARICOM Regional Maritime Adviser. The delegation also stated that the Caribbean Region anticipated that the presence of IMO in the region would be strengthened perhaps through the establishment of a Regional Office.

16.8 The Chairman, in summarizing, urged all development partners from the public and private sectors, to contribute generously to the funding of the ITCP.

## **17 APPLICATION OF THE COMMITTEES' GUIDELINES**

17.1 The Committee recalled that the present Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies were approved by MEPC 39 and finalized by MSC 68. The Guidelines were then circulated under cover of MSC/Circ. 816 and MEPC/Circ.331 dated 25 June 1997.

17.2 The Committee noted that, following a number of proposals to amend the Guidelines, the Chairmen of the MSC and MEPC, with the assistance of the Secretariat, undertook a review and prepared a joint Note on proposed amendments to the Guidelines. This joint Note was submitted to MSC 70 (MSC 70/19) and MEPC 42 (MEPC 42/18), however, both Committees were unable to deal with the Guidelines at these sessions due to a heavy workload.

17.3 The Maritime Safety Committee, at MSC 71, after consideration of proposals by Cyprus (MSC 71/19/1) and Norway (MSC 71/19) and a number of further proposals during the debate, approved, subject to concurrent decision by the MEPC, the draft revised Guidelines.

17.4 The Committee considered the draft revised Guidelines, as modified and approved by MSC 71, which was contained in the annex to MEPC 43/WP.2.

17.5 After a brief discussion, the Committee agreed to make minor modifications of editorial nature (MEPC 43/WP.6) and approved the revised Guidelines and instructed the Secretariat to issue them as MSC/Circ.931/MEPC/Circ.366.

17.6 The Committee also agreed with the authorization of MSC 71 given to the Secretariat that the draft revised Guidelines may be restructured, if necessary, by the Secretariat in a more logical and sequential manner before issuance as a joint MSC/MEPC circular, and instructed the Secretariat to take the necessary action.

17.7 In connection with the approval of the revised Guidelines, the Committee considered the issue of number of working/drafting groups (MEPC 43/18/3), comments from ROPME (MEPC 43/18/4) and the function and form of the OPRC Working Group (MEPC 43/18/5) and the discussion of the Committee on these issues are reflected in section 18 (see paragraphs 18.16 to 18.28).

## **18 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES**

### **NEW ITEMS TO BE INCLUDED IN THE WORK PROGRAMME**

18.1 The Committee considered MEPC 43/WP.1 which was prepared by the Chairman with the assistance of the Secretariat on a preliminary assessment of proposals for new work programme items in accordance with the provisions of paragraph 20 of the Committees' Guidelines (MSC/Circ.816/MEPC/Circ.331) with the aim of facilitating consideration of the proposals.

#### **Bunker fuel in ships' routing measures**

18.2 The Committee noted that the proposal, which was also submitted to MSC 71 by the United Kingdom, is to include in the NAV Sub-Committee's work programme a new item concerning the possible extension of the criteria governing existing and new routing and reporting measures to ships which may pose a pollution threat because of their bunker fuel.

18.3 In its proposal (MEPC 43/18), the United Kingdom demonstrated the need for such measure in that, at present, recommendatory and mandatory ships' routing measures (including reporting requirements) are applied on the basis of gross tonnage (GT) without any assessment of the size or hazard of a ship's cargo. In particular, measures tend to concentrate on an application to laden tankers, but no distinction is made between oil and chemical cargoes. Most routing measures apply at either 5,000GT or 10,000GT. These existing arrangements are straightforward and therefore have the advantage of being readily enforceable. However, they fail to take any account of the pollution threat posed by ships' bunkers. Spilled bunker fuels are very persistent in the marine environment and generally require a greater clean-up effort (per unit weight) than for all but the heaviest crude oils

and refined products. A high viscosity means that bunker fuels cause serious smothering problems and dispersants are less likely to be effective. Also, because of an especially high asphaltene content, they quickly form stable water-in-oil emulsions (or 'mousses'), causing further problems. The United Kingdom believed that the present ships' routing measures lack some credibility while they continue not to take account of the pollution hazard posed by ships' bunkers. The Organization's Legal Committee is already considering the issue of compensation for pollution from ships' bunkers, recognising the environmental damage that can be caused.

18.4 The Committee noted that MSC 71 agreed to refer the document to NAV 45 for preliminary consideration in the context of its agenda item on "Routing of ships, ship reporting and related matters" (MSC 71/23, paragraph 20.27), and concurred with the decision of MSC 71.

### **Scrapping of ships**

18.5 The Committee recalled that the delegation of Norway stated at MEPC 42 that the scrapping of ships was 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 with the aim of developing safety and environmental measures regarding ship scrapping. MEPC 42 agreed that this matter should be discussed further and requested Norway to submit a proposal to MEPC 43 in accordance with the Committees' Guidelines.

18.6 The Committee noted that, in document MEPC 43/18, which was submitted by Norway in response to the request to MEPC 42, Norway expressed grave concern about the environmental aspects of the ship scrapping activity in that ships sold for scrapping may contain several environmentally hazardous substances such as asbestos, PCB, heavy metals, hydrocarbons, ozone depleting substances and others. The presence of these substances in older vessels, even after major modifications and retrofits, is to a large extent a consequence of the standards in force at the time of construction. The environmentally hazardous substances are located both in the operative systems of the ship, and as waste and residues. The amount of the substances varies with ship size and ship type, but normally a ship sold for scrapping contains environmentally hazardous substances in substantial quantities. Reports on the conditions at the majority of the world's scrapping locations clearly indicate that both the working environment and the environmental conditions give rise to grave concern. No adequate procedure for handling hazardous substances are documented, reception facilities for environmental hazardous wastes are not or rarely present and water, soil and air pollution at the scrapping location is observed. In addition, the working conditions and the lack of personnel protection lead to a high number of injuries and fatalities among the workers.

18.7 In the view of Norway, there is a compelling need for measures to secure that the decommissioning of ships is undertaken in an environmentally and safe manner, and the measures must prevent possibilities of circumvention. An IMO regime is considered suitable and necessary in solving the identified problems in scrapping activities. Norway further noted that co-ordination with other relevant international regimes, in particular the Basel Convention and the London Convention, needs to be considered.

18.8 The above views of Norway were supported by Denmark, Greenpeace International and ICFTU in their submissions (MEPC 43/18/6, MEPC 43/18/9 and MEPC 43/INF.8). Greenpeace International, referring to their joint submission with ICFTU (MEPC 43/18/6), stated that they are seeking to ensure the protection of the environment and also of workers in the scrapping of ships. Also they do not in any way want to compromise the safety of life at sea or the protection of the marine environment by providing any incentive or pretext to extend the operating life of sub-standard ships. It is their view that the multiple problems and challenges posed by the "scrapping" or "recycling" of ships and the need for "cleaner" ships require a holistic "cradle-to-grave" approach to this issue.

18.9 ICS, in its paper MEPC 43/18/10, while fully supported the proposal of Norway, pointed out that this problem is not straightforward. It is most important, in the context of the global campaign against substandard shipping, that nothing should discourage the withdrawal of vessels that have reached the end of their economic lives. The concentration of ship disposal yards in countries with low labour costs and a ready use for the recycled materials is a situation that is unlikely to change. However, any approach to the problem has to take account of the need to address it in a global and not simply a regional context, as well as the need to recognize the realities of commercial life.

18.10 A representative of UNEP informed the Committee that the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention at its fourth session in June 1999 prepared a draft Decision on Dismantling of Ships for consideration by the fifth meeting of the Conference of the Parties to the Basel Convention to be held in December 1999. The draft Decision requested the Conference of Parties to give a mandate to the Technical Working Group under the Basel Convention to collaborate with the appropriate body of IMO on the subject and to prepare guidelines for environmentally sound management on dismantling of ships and to discuss related legal aspects together with the Consultative Sub-group of Legal and Technical Experts of the Basel Convention. The draft Decision further requested these two Groups to report on how this issue should finally be resolved to the sixth meeting of the Conference of Parties.

18.11 The Netherlands informed the Committee about the Ship Scrapping Summit (later renamed the Ship Recycling Summit) held a week before MEPC 43, the aim of which was "Raising Awareness and Considering Actions". The Conference served its purpose in that there was an open exchange of views on this widely acknowledged problem and suggestions for improvements were made. The Summit noted that there is preparedness for action and the marine industry have already taken various initiatives. The Netherlands delegation announced that they would submit an information paper on the outcome of the Summit to the next session of the Committee.

18.12 During the discussion of the matter, many delegations supported the proposal of Norway that this matter should be included in the work programme of the Committee. In their view, the matter is within IMO's scope since the matter is related to ships and scrapping of ships presents an issue of concern with regard to the pollution of the environment by ships and, therefore, IMO should consider to develop necessary measures. They also referred to the outcome of the seventh session of the Commission on Sustainable Development which called on IMO to look into this issue and encouraged States to ensure that responsible care is applied with regard to the disposal of decommissioned ships. While acknowledging the need to co-operate with other relevant international regimes, including the Basel Convention and the London Convention, they held the view that IMO is the appropriate agency to address the problem.

18.13 Other delegations were not in favour of including this matter in the work programme of the Committee. In their view, when a ship is taken out of service and removed from the register, it is no longer a "ship". Besides, ship scrapping is basically an industry on shore with the main concern being shipbreaking workers' health and safety, which, in their view, are outside the purview of IMO. It was noted that this matter would best be addressed through industry self-regulation and at national level. A view was also expressed that the Committee has already got many other priority items and the matter of ship scrapping, if put on the agenda of the Committee, would not help the Committee to deal with its priority items.

18.14 In the course of discussion, the attention of the Committee was drawn to resolution MEPC.53(32) on Development of the capacity of ship scrapping for the smooth implementation of the amendments to Annex I of MARPOL 73/78, which were adopted by the Committee on 6 March 1992. This MEPC resolution recommended that Member Governments, especially the Governments of States with shipbuilding and shipping interests to take initiatives to develop ship scrapping facilities and to provide technical assistance and transfer of technology to developing countries in



their efforts to develop ship scrapping facilities. Several delegations expressed their view that Ship scrapping is a matter of interest for IMO.

18.15 After an extensive exchange of views, the majority of the delegations who spoke supported the inclusion of ship scrapping in the work programme of the Committee. Recognizing the divergence of views and that more information on how to deal with this complicated issue would help the Committee to make a decision, the Committee decided to include the item of ship recycling in the agenda of MEPC 44 and invited Norway and other interested Members to provide more information to the next session of the Committee particularly on how this matter should be handled by IMO.

## **MATTERS RELATED TO WORKING/DRAFTING GROUPS**

### **Number of working/drafting groups**

18.16 The Committee noted that the document by the Chairman (MEPC 43/18/3) highlighted the following points:

- .1 The plenary meeting of MEPC is a decision making body of the Organization which is usually attended by several hundred delegates and observers. Because of its responsibilities and the scope of meetings, deliberations in the plenary meeting are of a formal nature and are not suitable for preparation and development of documents including texts of regulations, standards, codes, guidelines and resolutions, etc. Clearly this type of work can only be accomplished efficiently by smaller groups.
- .2 In order to undertake the work of the Committee more effectively, it is necessary to establish small groups of delegations as working or drafting groups and to entrust such groups to carry out the development of material for consideration and approval by the plenary meeting. The Committee has, and will continue to have, a high work load aimed at protection of the marine environment. The Committee only meets three times in two years, therefore, in order to achieve the outcomes desired by its members, it is necessary to undertake the initial or preparatory work of the Committee using small groups, where more informal discussion and drafting can take place.
- .3 The current Committees' Guidelines apply to the working or drafting groups, and there are a number of accepted principles:
  - .1 a working group is not a subsidiary body permanently established by the Committee, and should be terminated when its tasks have been completed;
  - .2 paragraphs 31, 32, 33, 35 and 36 of the Committees' Guidelines must be observed. Under the current Guidelines, a maximum of three working groups are permissible and, in spite of its ad hoc nature, the working group could work throughout the week of the Committee submitting its report to the Committee's next session; and.
  - .3 it is expected that delegations would be able to provide experts for working groups in order to ensure that the matter concerned can be discussed comprehensively.

18.17 The Committee expressed its appreciation for this document as a basis for discussion but a number of delegations expressed their concern that it had gone further than originally envisaged and had not taken full account of the needs of many of the smaller countries which, whilst being affected by the decisions made to protect the environment, are not in a position to send the required number of representatives to attend all of the working groups, drafting groups and plenary session.

18.18 In particular, concern was expressed about some points raised in MEPC 43/18/3 which could be interpreted to extend the number of working groups beyond the maximum of three at a meeting by:

- .1 allowing a new working group to be convened if one of the three completed its task before the end of the session; and
- .2 convening intersessional working groups (specifically on ballast water management and anti-fouling paints).

18.19 Some delegations considered that three working groups were too many and that the number should be limited to two whilst others agreed that, as the scope of MEPC is expanding, particularly since the 1992 UNCED Conference, more resources are required to meet the additional work load.

18.20 Notwithstanding this, the Committee agreed that the Guidelines of the organization of work should be followed and that no more than three working groups should be convened during one session and that this number should be reduced whenever possible. In this context, the Committee noted that it may be necessary to prioritise the meetings of working groups in such a way that certain ones do not meet at every session. The OPRC Working Group was cited as one such possibility for which it was suggested that consideration may be given to moving it under the auspices of one of the sub-committees.

18.21 In considering this issue, the Committee noted a suggestion supported by a number of delegations to reconsider the structure and operation of the sub-committees as a means of completing the necessary tasks whilst adhering to the Committees' Guidelines.

18.22 Having given due consideration to the document (MEPC 43/18/3), the Committee agreed that:

- .1 the number of working groups should be kept to a minimum but that a maximum of three should be permitted where necessary, unless the Committees' Guidelines are amended;
- .2 a priority order should be established for possible working group items which require detailed discussion within small groups;
- .3 even when a working group has finalized its tasks and has been terminated, this should not allow another working group to be convened in its place during the same session;
- .4 where more than three unrelated topics need to be covered by independent working groups over several sessions, this may be achieved by some groups meeting at alternate sessions of the Committee within the maximum of three groups per session;
- .5 intersessional working groups should be avoided unless considered to be absolutely essential and the necessity of such intersessional meetings should be assessed on a case by case basis; and
- .6 the Chairman should consider method of work of the Committee to see if other resources, such as the sub-committees and other international organizations, may be used more effectively and submit proposals to the next session of MEPC on this issue.

18.23 The Committee noted the offer from Cyprus to submit a document to the next session expressing their views on the work method of the Committee.

18.24 The Committee noted that, ROMPE, in its document MEPC 43/18/4, shared the views of the Bahamas with regard to the number of working/ drafting groups. ROPME further expressed the concern that the long established procedure of holding all IMO meetings at the London Headquarters places a significant burden on non-European members with regard to travel costs. Travel budget constraints continue to put pressure on the size of delegations, and their views cannot be made known during group meetings. The inevitable outcome of this is a significant delay in the desired implementation of a number of agreed IMO initiatives to the detriment of their Member States in these important respects.

18.25 ROPME welcomed the establishment of an IMO regional presence in the ROPME Sea Area as soon as practicable. In this connection, the Committee noted that the proposal to establish regional co-ordinators in selected areas was agreed at the seventy-eighth session of the IMO Council in 1997, and is currently being implemented by the Technical Co-operation Division.

### **The OPRC Working Group**

18.26 The Committee noted that document MEPC 43/18/5 by Canada provided the view that when the OPRC Convention was adopted in 1990 it was recognized that there was a requirement for a standing working group to oversee and promote the implementation of the OPRC Convention in general and in particular to assist developing countries. The paper further listed achievements of the OPRC Working Group since its inception, including preparation and revision of a comprehensive set of manuals and guidance documents on every aspect of oil pollution preparedness and response and development of the HNS-OPRC Protocol.

18.27 Canada believed that the OPRC Working Group differs from other working groups in that it was not formed to carry out a specific technical task and then be disbanded. Once the HNS-OPRC Protocol is adopted, the expertise of members of the OPRC Working Group will be essential if IMO is to meet this new challenge. Therefore, the functions and activities performed by the OPRC Working Group should continue to be provided.

18.28 The Committee, noted the view expressed by Canada that to limit the work of the OPRC Working Group at this time would be inappropriate as it provided valuable assistance to developing countries through its work.

## **WORK PROGRAMMES**

### **Work programmes of the BLG, DE, DSC, FP, FSI and SLF Sub-Committees**

18.29 The Committee reviewed the work programmes of the BLG, DE, DSC, FP, FSI and SLF Sub-Committees (MEPC 43/18/7 and MEPC 43/18/8) taking into account the outcome of MSC 71 and approved their MEPC-related work programmes as contained in annex 17.

### **Substantive items to be included in the Committee's agenda of its forthcoming three sessions**

18.30 The Committee considered and approved the substantive items to be included in the Committee's agenda of its forthcoming three sessions, which is set out at annex 18 to this report.

### **Long-term work plan of the Committee (up to 2006)**

18.31 The Committee noted that document MEPC 43/18/2, which was prepared in response to resolution .846(20), set out the draft long-term work plan of the Committee (up to 2006) together

with proposed priorities for submitting to the twenty-first session of the Assembly for approval through the twentieth extraordinary session of the Council.

18.32 The Committee noted that, in preparing the draft long-term work plan, the directives contained in resolution A.500(XII) on the Objectives of the Organization, resolution A.777(18) on the Work methods and organization of work in the Committees and their subsidiary bodies, and the general policy that emphasis should be shifted 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. The Committee noted that, although all the items in the draft plan are necessary for the enhancement of pollution prevention and control, those items which would lead to the achievement of a more effective implementation of existing standards, including the development of a safety culture and environmental conscience in all maritime activities, should receive high priority.

18.33 After an exchange of views, the Committee approved the Long-term work plan of the Committee (up to 2006) including priority items, which is set out at annex 19, for submission to the twenty-first session of the Assembly for approval through the Council.

18.34 The Bahamas, supported by Cyprus, expressed its concern about the lack of practicability of the long-term work programme. They asked for the programme to be more focused on what would be realistically achieved in the period up to 2000.

#### **Working/drafting groups at MEPC 44**

18.35 The Committee, in principle, agreed to hold the following working/drafting groups at MEPC 44:

- |                  |  |
|------------------|--|
| Working groups:  | - Ballast water management;<br>- Anti-fouling paints; and<br>- Reception facilities. |
| Drafting groups: | - Revision of MARPOL Annex IV; and<br>- NOx Technical Code.                          |

18.36 The delegation of New Zealand expressed its disappointment that the OPRC Working Group would not meet at MEPC 44.

#### **Correspondence groups**

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

- .1 Review of the Manual on Oil Pollution;
- .2 reception facilities; and
- .3 revision of resolution A.720(17).

18.38 The details of contact points for the leaders of the above correspondence groups and their terms of reference are set out at annex 20.

## **Dates for MEPC 44 and MEPC 45**

18.39 The Committee agreed to hold MEPC 44 from 6 to 8, 10 and 13 March 2000 in conjunction with the proposed three-day HNS-OPRC Conference, which will be held on 9, 14 and 15 March 2000, and noted that MEPC 45 is tentatively scheduled to be held in October 2000.

## **19 ELECTION OF THE CHAIRMAN AND VICE CHAIRMAN FOR 2000**

19.1 In accordance with rule 17 of its Rules of Procedure, the Committee unanimously re-elected Mr. Michael Julian (Australia) as Chairman and Mr. Zafrul Alam (Singapore) as Vice-Chairman for 2000.

## **20 ANY OTHER BUSINESS**

### **Environmental awareness in youth**

20.1 The Committee congratulated HELMEPA on the excellent initiative contained in document MEPC 43/20, which describes HELMEPA's action plan to raise environmental awareness among the youth. The Committee fully agreed that it is clearly of paramount importance that young people be made aware of the oceans and the issues facing them. In order to ensure the successful continuation of IMO activities by generations to follow, it is essential to raise the awareness of young people to the marine environment in general, and, in particular, the activities of IMO for the protection of the marine environment, providing opportunities to the young in encouraging them to take part in the leadership of various activities related to IMO's work.

20.2 The Committee agreed that raising awareness among young people by means of education and information on the state of the oceans and on how to improve the marine environment is a very important issue which needs to be addressed. IMO should therefore consider incorporating the promotion of this issue through the Technical Co-operation Programme. Furthermore, in order to raise awareness on a global scale, this issue may also be considered as a theme for a future World Maritime Day. Australia and a number of other delegations informed the Committee on similar ongoing activities in their countries and were invited to submit information on these activities to the Committee for consideration. The delegate of Australia invited the Committee to view the Australian Maritime Safety Authority's Internet site regarding two educational systems: <http://www.amsa.gov.au>. The Committee requested the Secretariat to liaise with UNESCO on this matter, as appropriate.

20.3 The Committee also noted that several other delegations, while expressing their appreciation for the work done by HELMEPA, expressed their intention to incorporate activities similar to HELMEPA's School Children Action Plan into their national youth environmental educational programmes.

### **Regional co-operation between Governments and industry in the field of marine pollution prevention and response in the ROPME sea area**

20.4 The Committee noted the information provided by ROPME (MEPC 43/INF.6) containing information on current activities of the eight ROPME States, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. In particular, the information paper describes its wide ranging programme of initiatives to improve marine environment protection throughout the region, including the status of activities related to the following subjects:

- .1 ratification of MARPOL 73/78;
- .2 establishment of an Emergency Fund;

- .3 development of procedures to facilitate the transboundary movement of equipment, materials and manpower between ROPME Member States;
- .4 regional port State control;
- .5 emergency response action by MEMAC;
- .6 ratification of the OPRC Convention;
- .7 oil spill trajectory modelling and sensitivity mapping; and
- .8 regional training centre.

#### **Port facilities for ship-generated waste**

20.5 The Committee noted the information provided by Cuba (MEPC 43/INF.10) on reception facilities for ship-generated waste in Cuban ports.

#### **Casualty of m/v BAHAMAS at Rio Grande - 30 August 1998**

20.6 The Committee noted the information submitted by Brazil (MEPC 43/INF.11) and its attachment containing the report of the casualty of m/v **Bahamas** at the Rio Grande port in August 1998.

#### **Report on ISO/TC8 new Secretariat**

20.7 The Committee noted the information submitted by ISO (MEPC 43/INF.15) advising the change of the Secretariat to ISO/TC8.

#### **An environmental agenda for the port sector of Brazil and the programme concerning the control and minimization of degradation and contamination due to incidents during transportation and storage of oil and its by-products**

20.8 The Committee noted the information provided by Brazil (MEPC 43/INF.16) which contains information on the Brazilian efforts in developing an environmental agenda for its port sector which encompasses the following five programmes:

- .1 expansion of the port activities;
- .2 environmental control of the port activities;
- .3 environmental monitoring of the port activities;
- .4 elaboration of contingency plans; and
- .5 training and environmental extension.

20.9 Further, the Committee noted the information provided by Brazil (MEPC 43/INF.24) which provides a brief description of the Regional Programme of Action to Protect Marine, Coastal and Associated Freshwater Environment from Land-based Activities in the Upper Southwest Atlantic (PASO) which has an objective; *inter alia*, the control and minimization of degradation and contamination due to incidents during transportation and storage of oil and its by-products.

### **Report of the oil removal operations from oil tankers sunk off the south coast of Korea**

20.10 The Committee noted the information provided by the Republic of Korea (MEPC 43/INF.17) and its attachments which contains a report on the oil removal operation which was successfully carried out by Korea Marine Pollution Response Corp. (KMPRC) in 1998 for the two wrecks sunk off the south coast of the Republic of Korea. Several delegations expressed their appreciation for the information.

### **IT changes in the Secretariat**

20.11 The Secretariat orally informed the Committee that as part of the continuing efforts to provide the Secretariat with efficient and effective tools for it to discharge its responsibilities and also to provide more efficient means of communication with Member Governments and international organizations as well as to ensure Year 2000 compliance, a number of important changes to the information technology system of the Organization are currently being implemented.

20.12 As a result, the current word processing software (Word Perfect for Windows 6.0a) will be replaced by Microsoft Word 97. Word is widely used all over the world by Administrations and organizations. This change will facilitate easier and more efficient exchange of documents between the Secretariat and Member Governments and international organizations.

### **Development of an Internet project**

20.13 The Chairman informed the Committee on the development of an Internet project to facilitate availability of IMO documents on the Internet, which has been carried out by Australia, in conjunction with Canada, Sweden, the United Kingdom and the United States as supporting donor countries, together with the Secretariat. After experiencing some problems since the start up of the project in November 1998, the system is now working satisfactorily.

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## ANNEX 1

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

**1 Adoption of the Agenda**

MEPC 43/1		Provisional agenda
MEPC 43/1/1	Secretariat	Annotations and provisional timetable
MEPC 43/1/1/Add.1	Secretariat	Annotations and provisional timetable: Presentations on Ballast Water Management

**2 Implementation of the OPRC Convention and the OPRC Conference resolutions**

MEPC 43/2		Report of the OPRC Working Group at MEPC 42
MEPC 43/2/1	Secretariat	Provisional agenda for the OPRC Working Group meeting during MEPC 43
MEPC 43/2/2	Secretariat	Draft Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000
MEPC 43/2/3	ITOPF	Guidelines for Fisheries Management during and after an Oil Pollution Incident
MEPC 43/2/4	Venezuela	Combating Manuals/Guidelines: Guidelines for Response to Spills of Emulsified Fuels
MEPC 43/2/5	Secretariat	Combating Manuals/Guidelines: Catalogue of Computer Programs and Internet Information Related to Responding to Oil Spills: Draft Procedure for Internet Placement
MEPC 43/2/6	Australia	Combating Manuals/Guidelines: Catalogue of Computer Programs and Internet Information Related to Responding to Oil Spills

MEPC 43/2/7	Canada	Combating Manuals/Guidelines: Development of Guidelines for Countermeasures to Spills of Emulsified Fuels
MEPC 43/2/8	France	Combating Manuals/Guidelines: Guidelines on bioremediation
MEPC 43/2/9	WMO	WMO Marine Pollution Emergency Response Support System (MPERSS)
MEPC 43/INF.4	Venezuela	Combating Manuals/Guidelines: Guidelines for Response to Spills of Emulsified Fuels: Draft Orimulsion® Spill Response Manual
MEPC 43/INF.5	Venezuela	Combating Manuals/Guidelines: Guidelines for Response to Spills of Emulsified Fuels: Orimulsion® Spill Field Guide for the Protection and Cleanup of Marine Shorelines

### **3 Harmful effects of the use of anti-fouling paints for ships**

MEPC 43/3	Netherlands	Choice of instrument and consideration of the admissibility of alternatives
MEPC 43/3/1	ISO	ISO 15181-3 Paints and varnishes - Part 3: Determination of tin-based biocide in the extracts in the extract and calculation of the release rate
MEPC 43/3/2	United States	Discussion text for the proposed Convention
MEPC 43/3/3	Japan	New Convention on the anti-fouling systems used on ships
MEPC 43/3/4	WWF	The accumulation and impact of organotins on the marine biota within the Mediterranean region: Summary Report
MEPC 43/3/5	CEFIC	Environmental risk assessment - a tool to evaluate the impact of biocidal paints on the environment

MEPC 43/3/6	Marshall Islands	Adjusting the timing of the TBT-based anti-fouling paints ban on the need to validate that alternative paints meet environmental and human factor concerns
MEPC 43/3/7	FOEI	Outline of approach for handling the regulation of alternatives to organotin-based anti-foulings
MEPC 43/3/8	Norway	Comments on document MEPC 43/3/2 "Discussion text for the proposed Convention" submitted by the United States
MEPC 43/3/9	BIMCO/ INTERCARGO/ INTERTANKO/ OCIMF/SIGTTO	Proposals for a draft resolution and a global instrument on the use of anti-fouling paints for ships
MEPC 43/INF.14	WWF	The accumulation and impact of organotins on the marine biota within the Mediterranean region
MEPC 43/INF.19	Germany	Comparative assessment of TBT-free anti-fouling paints based on copper-acrylate systems and ion-exchange copolymer systems versus anti-fouling paints containing TBT

#### **4 Harmful aquatic organisms in ballast water**

MEPC 43/4		Report of the Working Group on Ballast Water convened during MEPC 42
MEPC 43/4/1	Secretariat	Draft texts of the legal instruments and outline of provisions in regulations
MEPC 43/4/1/Corr.1	Secretariat	Corrigendum
MEPC 43/4/2	Greece	Harmful aquatic organisms in ballast water
MEPC 43/4/3	Japan	Ballast Water Management and Control Procedures

MEPC 43/4/4	United States	Comments on the Report of the Working Group on Ballast Water convened during MEPC 42 (MEPC 43/4)
MEPC 43/4/5	Brazil	The Dilution Method as an alternative method of ballast water exchange to be included in the BWM Code
MEPC 43/4/6	Secretariat	Compilation of responses to the Questionnaire on Ballast Water Management (MEPC/Circ.342)
MEPC 43/4/7	Norway	Comments and proposals related to the concept of "International Ballast Water Management Areas"
MEPC 43/4/8	Norway	Comments and proposals on "ballast water management techniques" to include in the draft new provisions on the handling of ballast water
MEPC 43/4/9	Australia	Suggestions for amendments to draft articles and regulations
MEPC 43/INF.12	Australia	Australia's Ballast Water Maritime Awareness Campaign
MEPC 43/INF.13	Australia	Development of Australia's ballast water decision support system
MEPC 43/INF.23	Norway	Ballast Water Transfer Atlas, Hazard Assessment and Decision Support

## **5 Consideration and adoption of amendments to mandatory instruments**

MEPC 43/5	Secretariat	Amendments to Annexes I and II of MARPOL 73/78
MEPC 43/5/Add.1	Secretariat	Revised text of amendments to the Supplement (Form B) to the IOPP Certificate
MEPC 43/5/1	Secretariat	Amendments to the IBC Code
MEPC 43/5/2	Secretariat	Amendments to the BCH Code

## **6 Identification and protection of Special Areas and Particularly Sensitive Sea Areas**

MEPC 43/6	Report of the Drafting Group	Revision of resolution A.720(17)
MEPC 43/6/1	Arab Republic of Egypt	Areas to be avoided and precautionary measures in particularly sensitive sea areas in the region of the natural protected areas from Taba to Nuweiba Port, from Nuweiba Port to the Northern Limits of Abou Galum protected and Jazirat Tiran
MEPC 43/6/2	Division for Ocean Affairs and the Law of the Sea, UN Office of Legal Affairs	Relationship between the 1982 United Nations Convention on the Law of the Sea and the IMO Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas
MEPC 43/6/3	IUCN	Identification and protection of Special Areas and Particularly Sensitive Sea Areas
MEPC 43/6/4	Cuba	Revision of resolution A.720(17)
MEPC 43/6/5	Argentina	Special protection areas on the Argentina coast, routing of ships carrying oil and noxious liquid substances (NLS)
MEPC 43/6/6	WWF	Procedures for Identifying Particularly Sensitive Sea Areas
MEPC 43/6/7	Colombia	Designation of Malpelo Island as a "particularly sensitive sea area"

## **7 Inadequacy of reception facilities**

MEPC 43/7	United Kingdom	Report of the Correspondence Group on Reception Facilities
MEPC 43/INF.3	ISF and ICMIA	Reception facilities for recreational craft
MEPC 43/INF.7	Secretariat	Alleged inadequacy of port reception facilities

## **8 Reports of Sub-Committees**

MEPC 43/8	Secretariat	Report of the seventh session of the FSI Sub-Committee
MEPC 43/8/1	Secretariat	Outcome of SLF 42
MEPC 43/8/2	Secretariat	Outcome of DE 42
MEPC 43/8/3	Secretariat	Outcome of STW 30
MEPC 43/8/4	Secretariat	Outcome of DSC 4
MEPC 43/8/4/Corr.1	Secretariat	Outcome of DSC 4 – Corrigendum
MEPC 43/8/5	Secretariat	Report of BLG 4
MEPC 43/8/6	Secretariat	Budgetary implications associated with the hazard evaluation of products in the IBC Code

## **9 Work of other bodies**

MEPC 43/9	Secretariat	Outcome of MSC 70
MEPC 43/9/1	Secretariat	Outcome of the SPI Working Group at FAL 26
MEPC 43/9/2	Secretariat	Outcome of TCC 46
MEPC 43/9/3	Secretariat	Outcome of the 7th session of the Commission on Sustainable Development
MEPC 43/9/4	Secretariat	Urgent matters emanating from MSC 71
MEPC 43/9/5	Secretariat	Urgent matters emanating from the eighty-second session of the Council

## **10 Prevention of air pollution from ships**

MEPC 43/10	Netherlands	Trial run for sulphur monitoring
MEPC 43/10/1	Secretariat	Draft resolution on world-wide sulphur content monitoring

MEPC 43/10/2	Secretariat	Progress report on follow-up activities
MEPC 43/10/3	Japan	Rectification of the simple editorial errors in the NOx Technical Code
MEPC 43/10/4	Japan	Interpretation of some items to be rectified in the NOx Technical Code

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

MEPC 43/11	Secretariat	Draft Assembly resolution on Global Implementation of the Harmonized System of Survey and Certification (HSSC)
MEPC 43/11/1	Secretariat	Summary of the responses to the questionnaire on Annex IV of MARPOL 73/78
MEPC 43/11/1/Add.1	Secretariat	Summary of response to the questionnaire on Annex IV of MARPOL 73/78 provided by Ghana
MEPC 43/11/1/Add.2	Secretariat	Summary of response to the questionnaire on Annex IV of MARPOL 73/78 provided by Barbados
MEPC 43/11/2	Singapore	Report of the Correspondence Group on the revision of MARPOL Annex IV
MEPC 43/11/3	Secretariat	Procedures to avoid discrepancies in requirements under the SOLAS and MARPOL Conventions
MEPC 43/11/4	Republic of Korea	Clarification of MARPOL Annex V
MEPC 43/11/5	Australia and Hong Kong, China	Discharge of cargo hold bilge water
MEPC 43/11/6	Panama and IADC	Surveys of floating platforms engaged in exploration of the seabed
MEPC 43/11/7	IACS	Hydrostatic balance loading

**12 Promotion of implementation and enforcement of MARPOL 73/78 and related Codes**

MEPC 43/12	United States	Progress in preparation for a new publication "MARPOL - How to do it": Report of the Correspondence Group
MEPC 43/12/1	Germany	Progress in preparation for a new publication " <i>MARPOL - How to do it</i> " to incorporate guidance for enforcement: Revision of paragraphs 20.1.2 "Recording evidence: discharge samples" and 20.3 "Chemical analysis"
MEPC 43/12/2	Liberia	" <i>MARPOL - How to do it</i> " to incorporate guidance for enforcement
MEPC 43/INF.2	Australia	National Oil on the Sea Identification Database Project
MEPC 43/INF.18	Canada	Oiled seabirds on the Continental Shelf off Eastern Canada

**13 INF Code related matters**

MEPC 43/13	Secretariat	Progress report on the literature study on specific hazards associated with the carriage of INF material and consequence of accidents
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**14 Role of the human element with regard to pollution prevention**

*No documents submitted*

**15 Matters related to the 1973 Intervention Protocol**

MEPC 43/15	Secretariat	List of Experts for the Intervention Protocol
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**16 Technical co-operation programme**

MEPC 43/16	Secretariat	Technical Co-operation Sub-Programme for the Protection of the Marine Environment: Status Report on the Programme Activities
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MEPC 43/16/1	Secretariat	Technical Co-operation Sub-Programme for the Protection of the Marine Environment: Status Report on the current activities under the IMO/Industry Global Initiative
MEPC 43/16/2	Secretariat	Technical Co-operation Sub-Programme for the Protection of the Marine Environment: Integrated Technical Co-operation Programme (ITCP) for 2000-2001
MEPC 43/INF.9	OSPAR Commission	Relevant Activities within the Framework of the Bonn Agreement and the OSPAR Commission
MEPC 43/INF.20	Secretariat	Progress Report 1997-1998: Implementation of the Protocol to the Barcelona Convention concerning co-operation in combating pollution in the Mediterranean Sea by oil and other harmful substances in cases of emergency
MEPC 43/INF.21	Secretariat	Status Report on the Programme of Activities June 1998-May 1999 for the Regional Marine Pollution Emergency Information and Training Centre Caribbean (REMPEITC-Carib)
MEPC 43/INF.22	Secretariat	GEF/UNDP/IMO Regional Programme for the Prevention and Management of Marine Pollution in the East Asian Seas

## **17 Application of the Committees' Guidelines**

MEPC 43/17	Chairmen of MSC and MEPC	Proposed amendments to the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies
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## **18 Work programme of the Committee and subsidiary bodies**

MEPC 43/18	United Kingdom	Taking account of bunker fuel in ships' routing measures
MEPC 43/18/1	Norway	Scrapping of ships
MEPC 43/18/1/Corr.1	Secretariat	Scrapping of ships
MEPC 43/18/2	Secretariat	Long-Term Work Plan of the Committee (up to 2006)
MEPC 43/18/3	Chairman	Number of Working/Drafting Groups
MEPC 43/18/4	ROPME	MEPC Working/Drafting Groups
MEPC 43/18/5	Canada	The OPRC Working Group
MEPC 43/18/6	Greenpeace International and ICFTU	Scrapping of ships
MEPC 43/18/7	Secretariat	Work programme of the BLG and FSI Sub-Committees and provisional agendas for their forthcoming sessions
MEPC 43/18/8	Secretariat	Work programmes of the DE, DSC, FP and SLF Sub-Committees which relate to environmental issues
MEPC 43/18/9	Denmark	Scrapping of ships
MEPC 43/18/10	ICS	Scrapping of ships
MEPC 43/INF.8	Greenpeace International	Scrapping of ships

## **19 Election of the Chairman and Vice-Chairman for 2000**

*No documents submitted*

## **20 Any other business**

MEPC 43/20	Secretariat	Environmental awareness in youth
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MEPC 43/INF.6	ROPME	Regional co-operation between Governments and industry in the field of marine pollution prevention and response in the ROPME sea area
MEPC 43/INF.10	Cuba	Facilidades portuarias para los desechos generados por los buques
MEPC 43/INF.11	Brazil	Casualty of M/V "Bahamas" at Rio Grande 30 August 1998
MEPC 43/INF.15	ISO	Report on ISO/TC8 New Secretariat
MEPC 43/INF.16	Brazil	An Environmental Agenda for the Port Sector of Brazil
MEPC 43/INF.17	Republic of Korea	Report of the oil removal operations from the oil tankers sunk off the south coast of Korea
MEPC 43/INF.24	Brazil	Description of the programme and its potential co-operation to IMO, concerning the control and minimization of degradation and contamination due to incidents during transportation and storage of oil and its by-products

## 21 Consideration of the report of the Committee

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## ANNEX 2

## DRAFT HNS-OPRC CONFERENCE RESOLUTIONS

## Resolution 1

*Accession to the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention) and ratification and early implementation of the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (HNS Protocol)*

**THE CONFERENCE,**

**HAVING ADOPTED** the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, (HNS Protocol),

**MINDFUL** that, at the time of adoption of the HNS Protocol, [45] States are Parties to the OPRC Convention,

**BEING AWARE** that accession to the OPRC Convention is a prerequisite for becoming a Party to the HNS Protocol,

**DESIRING** that the provisions of the HNS Protocol should become effective as soon as possible to facilitate international co-operation on preparedness for and response to pollution incidents involving hazardous noxious substances,

1. **URGES** all States not yet being Parties to the OPRC Convention, including those which have not participated in this Conference, to accede to the OPRC Convention as soon as possible;
2. **CALLS UPON** all States being Parties to the OPRC Convention to become Parties to the HNS Protocol and to implement its provisions as soon as possible;
3. **URGES FURTHER** all States to establish, as soon as and to the extent possible, national systems for responding to pollution incidents involving hazardous noxious substances;
4. **URGES ALSO** all States, pending the entry into force of the HNS Protocol, to co-operate among themselves and with the International Maritime Organization, as appropriate, in exchanging information on pollution incidents involving hazardous noxious substances and in facilitating prompt assistance in the event of a major pollution incident.

## Resolution 2

### *Early entry into force of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS 1996)*

#### **THE CONFERENCE,**

**HAVING ADOPTED** the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, (HNS Protocol),

**RECOGNIZING** that the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention) draws special attention to the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND 1971) and being aware of the 1992 CLC Protocol and the 1992 FUND Protocol,

**RECOGNIZING ALSO** that measures introduced by the HNS Protocol take into account the provisions of other important conventions developed by the International Maritime Organization, in particular the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78),

**BEARING IN MIND** the liability and compensation regime established by the 1996 International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea,

**DESIRING** that the provisions of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS 1996) should become effective as soon as possible,

**CALLS UPON** all States, including those that have not participated in this Conference, to become Parties to HNS 1996, with a view to its early entry into force.

### **Resolution 3**

#### ***Promotion of Technical Assistance***

#### **THE CONFERENCE,**

**HAVING ADOPTED** the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, (HNS Protocol),

**NOTING** that key elements for the success of any action to respond to HNS incidents are good administrative organization in the countries concerned in this field and, at least, a minimum level of technical preparation,

**BEING AWARE** of the difficulties that may be encountered by certain States in establishing such an organization and in preparation through their own resources,

**RECOGNIZING** the role played in this connection by the International Maritime Organization, by regional agreements, by bilateral co-operation and by government and industry programmes,

**RECOGNIZING ALSO** the contribution made by the Organization's technical co-operation programme, the United Nations Development Programme, the United Nations Environment Programme and national aid agencies in this regard,

**NOTING ALSO** resolution A.677(16) which invites the Secretary-General of the Organization to undertake on a priority basis an evaluation of the technical assistance needs of some countries with a view to formulating the long-term objectives of the Organization's technical assistance programme in the environment field, and to report the outcome to the Assembly of the Organization,

1. **REQUESTS** Member States of the Organization, in co-operation with the Organization when appropriate, other interested States, competent international and regional organizations and industry programmes, to strengthen support for countries needing assistance, especially in:
  - (a) the training of personnel;
  - (b) ensuring the availability of relevant technologies, equipment and facilities, necessary for preparedness and response to HNS incidents, so as to enable them to establish at least the minimum structures and resources for responding to such incidents commensurate with the perceived pollution risks;
2. **REQUESTS ALSO** Member States, in co-operation with the Organization when appropriate, other interested States, competent international or regional organizations and industry programmes, to strengthen support for countries needing assistance in the initiation of joint research and development programmes,
3. **URGES** Member States to provide such support without delay, inter alia, through bilateral or multilateral co-operation,
4. **REQUESTS FURTHER** the Organization to re-evaluate the principles underlying co-operation and assistance in articles 5, 6, and 7 of the HNS Protocol.

## Resolution 4

### *Development and implementation of a training programme for preparedness and response to pollution incidents by hazardous and noxious substances*

#### **THE CONFERENCE,**

**HAVING ADOPTED** the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, (HNS Protocol),

**NOTING** that a key element in the International Maritime Organization's strategy for protection of the marine environment is the enhancement of national and regional capacity to prevent, prepare for, respond to, and mitigate marine pollution and to promote technical co-operation to this end,

**BEING AWARE** that the capability of a State to respond to a pollution incident involving HNS depends on the initial assessment, the availability of suitable HNS combating equipment, where feasible, as well as of trained response personnel,

**RECOGNIZING** the role of the Organization in facilitating and organizing national, regional and global training courses and in developing training aids aimed at providing the necessary technical expertise, in particular for countries needing assistance in the field of responding to marine pollution incidents,

**RECOGNIZING ALSO**, due to the unique characteristics of hazardous and noxious substances, the role of industry in particular the chemical industry in providing specialized training,

**RECOGNIZING FURTHER** the support of the United Nations Development Programme, the United Nations Environment Programme and several Member States of the Organization for the training component of the Organization's technical co-operation programme,

**CONSIDERING** the need for an increased global effort by all those concerned with the maritime transport of hazardous and noxious substances and their environmental impact toward the development of a global training programme for preparedness and response to pollution incidents by hazardous and noxious substances,

1. **INVITES** the Secretary-General of the Organization, in co-operation with interested governments, relevant international and regional organizations and, in particular, chemical and shipping industries, to endeavour to develop a comprehensive training programme for preparedness and response to pollution incidents by hazardous and noxious substances,

2. **INVITES ALSO** the Marine Environment Protection Committee of the Organization, on the basis of proposals made by the Secretary-General, to consider and endorse, as appropriate, such training programme for preparedness and response to pollution incidents by hazardous and noxious substances,

3. **INVITES FURTHER** Member States of the Organization to endeavour to make available the expertise necessary for the development and implementation of the training programmes.



**Resolution 5**

***Technical Co-operation***

**THE CONFERENCE,**

**HAVING ADOPTED** the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, (HNS Protocol),

**NOTING** that a key element in the International Maritime Organization's strategy for protection of the marine environment is the enhancement of national and regional capacity to prevent, prepare for, respond to, and mitigate marine pollution and to promote technical co-operation to this end,

**RECOGNIZING** the wide variety of hazardous and noxious substances, each of which requires specialized response functions and technical expertise,

**RECOGNIZING ALSO** the inherent hazards associated with these substances,

**CONVINCED** that it is desirable to establish close co-operation between a State that has suffered pollution by hazardous and noxious substances and the entities that handle such substances, in connection with maritime transportation,

**REQUESTS** co-operation between Member States and those entities that handle hazardous noxious substances to provide assistance to those responding to an HNS incident.

## Resolution 6

### *Early implementation of the provisions of article 10 of the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000*

#### **THE CONFERENCE,**

**HAVING ADOPTED** the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, (HNS Protocol),

**NOTING** the provisions of resolution A.448(XI) of the Assembly of the International Maritime Organization on regional arrangements for combating major incidents or threats of marine pollution, and further Assembly resolutions on technical assistance in the field of protection of the marine environment (A.349(IX), A.677(16)),

**NOTING ALSO**, in particular, that article 10 of the HNS Protocol by which the Parties designated IMO, subject to its agreement and the availability of adequate resources to sustain the activity, to carry out certain functions and activities and to meet certain objectives of the HNS Protocol.

**NOTING FURTHER** the importance of taking account of the experience gained with the OPRC Convention and in regional agreements on combating marine pollution,

**RECOGNIZING** the importance of early implementation of the objectives of article 10 of the HNS Protocol,

1. **INVITES** the Secretary-General of the Organization, pending the entry into force of the HNS Protocol, to initiate the early implementation of functions and activities in order to meet the objectives in article 10 of the HNS Protocol;
2. **INVITES** the Organization to provide a forum for discussion of experiences gained within regional conventions and agreements concerning response to pollution incidents involving hazardous noxious substances;
3. **REQUESTS** the Secretary-General to present to the Organization, within one year of this Conference, a programme which indicates the way in which the Organization contemplates carrying out the duties mentioned in this Protocol;
4. **INVITES FURTHER** the Organization to review periodically progress made in implementing article 10 of the HNS Protocol.

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## ANNEX 3

**RESOLUTION MEPC.78(43)  
adopted on 1 July 1999****AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING  
TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION  
OF POLLUTION FROM SHIPS, 1973****(Amendments to regulations 13G and 26 and IOPP Certificate of Annex I and  
addition of new regulation 16 to Annex II of MARPOL 73/78)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

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

HAVING CONSIDERED the proposed amendments to make existing oil tankers between 20,000 and 30,000 tons deadweight carrying persistent product oil subject to the same construction requirements for crude oil tankers and the proposed amendments to the Supplement of the International Oil Pollution Prevention Certificate (IOPP Certificate),

HAVING ALSO CONSIDERED the proposed amendments to regulation 26 of Annex I and the proposed new regulation 16 of Annex II of MARPOL 73/78,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annexes I and II of MARPOL 73/78, the text of which is set out at annex to the present resolution;
2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2000, unless prior to the date, not less than one-third of the Parties or the Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the amendments shall enter into force on 1 January 2001 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the annex; and
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the resolution and its annex.

ANNEX

AMENDMENTS TO ANNEXES I AND II OF MARPOL 73/78

I AMENDMENTS TO ANNEX I OF MARPOL 73/78

Amendments to regulation 13G

1 The existing text of paragraph (1)(a) is replaced 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 which are delivered before the dates specified in regulation 13F(1) of this Annex; and"

2 The existing text of paragraph (2) is replaced by the following:

"(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."

3 The following new paragraph (2bis) is inserted after paragraph (2):

"(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.\*\*"

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\* 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.

**Amendments to regulation 26**

4 The following new paragraph (3) is added after the existing paragraph (2):

"In the case of ships to which regulation 16 of Annex II of the Convention also apply, such a plan may be combined with the shipboard marine pollution emergency plan for noxious liquid substances required under regulation 16 of Annex II of the Convention. In this case, the title of such a plan shall be "Shipboard marine pollution emergency plan"."

**II AMENDMENTS TO THE IOPP CERTIFICATE UNDER ANNEX I OF MARPOL 73/78**

**1 Amendments to the Supplement to the IOPP Certificate (Form A)**

The existing paragraphs 2.4 to 3.2 is replaced by the following:

"2.4 Approval Standards\* :

2.4.1 The separating/filtering equipment:

- .1 has been approved in accordance with resolution A.393(X)
- .2 has been approved in accordance with resolution MEPC.60(33)
- .3 has been approved in accordance with resolution A.233(VII)
- .4 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII)
- .5 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 ..... m<sup>3</sup>/h

2.6 Waiver of regulation 16:

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\*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.

2.6.1 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):.....

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

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
			Total volume .....(m <sup>3</sup> )

**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:

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
			Total volume .....(m <sup>3</sup> )

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

3.2.1 Incinerator for oil residues, capacity .....l/h

3.2.2 Auxiliary boiler suitable for burning oil residues

3.2.3 Tank for mixing oil residues with fuel oil, capacity .....m<sup>3</sup>

3.2.4 Other acceptable means:.....

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\*Bilge water holding tank(s) are not required by the Convention, entries in the table under paragraph 3.3 are voluntary.

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

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
			Total volume .....(m <sup>3</sup> )

**2 Amendments to the Supplement to the IOPP Certificate (Form B)**

2.1 The following is added after the existing paragraph 1.11.2:

"1.11.2bis Product carrier not carrying fuel oil or heavy diesel oil as referred to in regulation 13G(2bis), or lubricating oil  "

2.2 The existing paragraphs 2.4 to 3.2 is replaced by the following:

"2.4 Approval Standards\* :

2.4.1 The separating/filtering equipment:

- .1 has been approved in accordance with resolution A.393(X)
- .2 has been approved in accordance with resolution MEPC.60(33)
- .3 has been approved in accordance with resolution A.233(VII)
- .4 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII)
- .5 has not been approved

2.4.2 The process unit has been approved in accordance with resolution A.444(XI)

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\*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.

2.4.3 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 ..... m<sup>3</sup>/h

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): .....

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

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
			Total volume .....(m <sup>3</sup> )

2.6.3 In lieu of the holding tank(s) the ship is provided with arrangements to transfer bilge water to the slop tank



**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:

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
			Total volume .....(m <sup>3</sup> )

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

3.2.1 Incinerator for oil residues, capacity ..... l/h

3.2.2 Auxiliary boiler suitable for burning oil residues

3.2.3 Tank for mixing oil residues with fuel oil, capacity ..... m<sup>3</sup>

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:

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
			Total volume .....(m <sup>3</sup> ) "

2.3 The following is added after existing paragraph 5.7.2:

"5.7.3 The ship is required to be constructed according to, and complies with the requirements of regulation 25A.

\* Bilge water holding tank(s) are not required by the Convention, entries in the table under paragraph 3.3 are voluntary.

5.7.4 Information and data required under regulation 25A for combination carriers have been supplied to the ship in a written procedure approved by the Administration.  "

2.4 The existing paragraph 5.8.4 is replaced by the following:

"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 accepted in accordance with regulation 13G(7) and resolution MEPC.64(36)
- .4 is provided with the operational manual approved on ..... in accordance with resolution MEPC.64(36).  "

### III AMENDMENTS TO ANNEX II OF MARPOL 73/78

The following new regulation 16 is added after the existing regulation 15:

#### "Regulation 16

##### Shipboard marine pollution emergency plan for noxious liquid substances

- (1) Every ship of 150 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 not later than 1 January 2003.
- (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

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\*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.851(20).

- (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".

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**ANNEX 4****RESOLUTION MEPC.79(43)  
adopted on 1 July 1999****AMENDMENTS TO THE INTERNATIONAL CODE FOR THE  
CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING  
DANGEROUS CHEMICALS IN BULK (IBC CODE)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

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

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

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

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

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

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

4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the annex; and
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1978 Protocol copies of the resolution and its Annex.

ANNEX

**AMENDMENTS TO THE 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 the 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 ships of less than 500 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 the 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 The 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 requirements (paragraph 16.7, "8.3.6" is added underneath "7.1.6.3."

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## ANNEX 5

**RESOLUTION MEPC.80(43)  
adopted on 1 July 1999****AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT  
OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (BCH CODE)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

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

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

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

NOTING FURTHER resolution MEPC.79(43), by which the Committee adopted relevant amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code),

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

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

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

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

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

ANNEX

**AMENDMENTS TO THE BCH CODE**

**Chapter II Cargo containment**

- 1 The following new paragraph 2.14.3 is added after the 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 ships of less than 500 gross tonnage."

- 2 The existing paragraphs 2.14.3 and 2.14.4 are renumbered as paragraphs 2.14.4 and 2.14.5.

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**ANNEX 6****DRAFT ASSEMBLY RESOLUTION****PROCEDURES FOR THE IDENTIFICATION OF PARTICULARLY SENSITIVE  
SEA AREAS AND THE ADOPTION OF ASSOCIATED PROTECTIVE  
MEASURES AND AMENDMENTS TO THE GUIDELINES  
CONTAINED IN RESOLUTION A.720(17)**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the function of the Assembly in relation to regulations and guidelines concerning maritime safety, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

RECALLING ALSO resolution A.720(17) by which the Assembly adopted the Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas,

RECALLING FURTHER that the Assembly, at its seventeenth session, when adopting resolution A.720(17), requested the Marine Environment Protection Committee and the Maritime Safety Committee to keep the Guidelines under review,

RECOGNIZING the need to supplement the Guidelines in order to clarify the procedures for the identification of Particularly Sensitive Sea Areas and the adoption of associated protective measures,

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee at its forty-third session [and the NAV Sub-Committee at its forty-fifth session],

1. **ADOPTS:**

- .1 new procedures for the identification of Particularly Sensitive Sea Areas and the adoption of associated protective measures which supersede the procedures contained in paragraphs 3.2 and 3.5 of Annex to resolution A.720(17), the text of which is set out in Annex 1 to the present resolution; and
- .2 amendments to the Guidelines contained in resolution A.720(17) as set out in Annex 2 to the present resolution;

2. **INVITES** Governments to apply the new procedures when proposing a Particularly Sensitive Sea Area;

3. **REQUESTS** the Marine Environment Protection Committee and the Maritime Safety Committee to keep the Guidelines and the annexed procedures under review.

## ANNEX 1

### **DRAFT PROCEDURES FOR THE IDENTIFICATION OF PARTICULARLY SENSITIVE SEA AREAS AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES**

#### **1 OBJECTIVES**

1.1 The purposes of this procedure for the identification of particularly sensitive sea areas (PSSAs) and the adoption of Associated Protective Measures are to: set forth the practical steps necessary to implement chapter 3 of the Guidelines; provide guidance to Member Governments in the formulation and submission of applications for identification of PSSAs and adoption of their necessary Associated Protective Measures; ensure that in that process all interests--those of the coastal State, flag State, and the environmental and shipping communities--are thoroughly considered on the basis of relevant scientific, technical, economic, and environmental information regarding the area at risk of damage from international maritime activities and the protective measures to minimize that risk; and provide for the assessment of such applications by IMO.

1.2 Identification of any PSSA and the adoption of Associated Protective Measures require consideration of three integral components: the particular environmental conditions of the area to be identified, the vulnerability of such area to damage by identified international maritime activities, and the competence of IMO to provide Associated Protective Measures for the area to address those risks from these maritime activities.

#### **2 DEFINITIONS**

2.1 Associated Protective Measure - An international rule or standard that falls within the purview of IMO and regulates international maritime activities for the protection of the area at risk.

2.2 Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas (Guidelines) - The Guidelines were adopted by Assembly resolution A.720(17) in 1991, as amended and are primarily intended to assist IMO and Member Governments in identifying, managing, and protecting sensitive sea areas.

2.3 Identification of a particularly sensitive sea area - A determination by IMO that a Proposing Member Government, in accordance with the Guidelines, has established a need for Associated Protective Measures for a particular sea area because of the area's recognized ecological, socio-economic, or scientific characteristics and its vulnerability to damage (that is, injury or environmental harm) by identified international maritime activities.

2.4 International maritime activities - Vessel traffic and other vessel-based operations that are subject to regulation by international rules and standards within the purview of IMO.

2.5 Member Governments - Those governments that are Contracting Parties to the Convention on the International Maritime Organization.

2.6 IMO - The International Maritime Organization (IMO), which is the international body responsible for identifying areas as Particularly Sensitive Sea Areas and adopting the Associated Protective Measures.

2.7 Particularly Sensitive Sea Area - An area that needs special protection through action by IMO because of its significance for recognized ecological or socio-economic or scientific reasons and which may be vulnerable to damage by international maritime activities.

2.8 Proposing Member Government - A Member Government (or Governments) submitting an application for PSSA identification with its Associated Protective Measures to IMO.

### **3 APPLICATION BY A PROPOSING MEMBER GOVERNMENT FOR IDENTIFICATION OF A PSSA AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES**

3.1 An application to IMO for identification of a PSSA and the adoption of Associated Protective Measures, or an amendment thereto, may be submitted only by a Proposing Member Government. Where two or more Governments have a common interest in a particular area, they should formulate a co-ordinated proposal. The proposal should contain integrated measures and procedures for co-operation between the jurisdictions of the Proposing Member Governments.

3.2 The application should first clearly set forth a summary of the objectives of the proposed PSSA identification, the location of the area, the need for protection and the preliminary proposal for Associated Protective Measures. The summary should include the reasons why the proposed Associated Protective Measures are the preferred method for providing protection for the area to be identified as a PSSA.

3.2.1 Each application should then consist of two parts. In the first part, the application should contain a description of the area, the significance of the environmental characteristics of the area at risk of damage from particular international maritime activities, and an assessment of its vulnerability to damage by these activities. In the second part, the application should show how the proposed Associated Protective Measures will protect the area from the identified risks and show that the measures are within the competence of IMO.

3.2.2 Part I. Description, Significance of the area and Vulnerability.

- .1 Description. A detailed description of the location of the proposed area, along with a chart on which the location of area is clearly marked, should be submitted with the application.
- .2 Significance of the area. The application should state the significance of the area on the basis of recognized ecological, socio-economic, or scientific reasons and should explicitly refer to the criteria listed in paragraph 3.3.5 of the Guidelines.
- .3 Vulnerability of the Area to Damage by International Maritime Activities. The application should provide an explanation of the nature and extent of risk that international maritime activities pose to the environment of the proposed area. The application should describe: the particular ongoing or future international maritime activities that are causing or may cause damage to the marine environment of the proposed area and the damage and degree of harm that may result from such activities, either from such activity alone or in combination with other potential threats.
  - (a) Maritime activities: The application should set forth such information as:
    - types of maritime activities in the proposed area;
    - the nature and volume of international vessel traffic;
    - types of cargo carried by such traffic;

- the prevailing oceanographic and meteorological conditions;
  - any evidence that these activities are causing damage and whether damage is of a recurring or cumulative nature;
  - any history of groundings, collisions, or spills in the area and any consequences of such incidents; and
  - any foreseeable circumstances or scenarios under which significant damage could occur.
- (b) Potential harm: After identification of the activities and the risk of damage, the application should state the harm that may be expected to result from such activities. The application should explain the effects of the damage on the environmental characteristics of the proposed area and indicate any potential economic harm that may result from such damage.

### 3.2.3 Part II. Appropriate Associated Protective Measures and IMO's Competence to Adopt Such Measures.

- .1 The application should propose the Associated Protective Measures which are available through IMO and show how they provide the needed protection from the threats of damage posed by international maritime activities occurring in and around the area.
- (a) The application should identify the proposed measures which may include (i) any measure that is already available in an existing instrument; or (ii) any measure that does not yet exist but that should be available as a generally applicable measure and that falls within the competence of IMO; or (iii) any measure proposed for adoption in the territorial sea or pursuant to Article 211(6) of the United Nations Convention on the Law of the Sea that is specifically tailored to particular, localized circumstances of the area proposed to be identified as a PSSA where existing measures or a generally applicable measure (as described in subparagraph (ii) above) would not adequately address the particularised need of the area at risk. For non-parties to the United Nations Convention on the Law of the Sea, such measures may still be adopted pursuant to customary international law.
- (b) These measures may include ships' routing measures; discharge restrictions; operational criteria; and prohibited activities, and should be specifically tailored to meet the need of the area at risk.
- .2 The application should clearly specify the category or categories of ships to which the proposed Associated Protective Measures would apply, consistent with the provisions of the United Nations Convention on the Law of the Sea--including those related to vessels entitled to sovereign immunity--and other pertinent instruments.
- .3 The application should include the steps that the Proposing Member Government has taken or will take to pursue the adoption of a generally applicable measure or the recognition of the proposed measure by IMO.
- .4 The application should indicate the possible impact of any proposed measures on the safety and efficiency of navigation, taking into account the area of the ocean in which



the proposed measures are to be implemented. The application should set forth such information as:

- consistency with the General Provisions on Ships' Routeing;
- implications for vessel safety;
- impact on vessel operations; and
- financial implications for shipowners.

3.3 An application for PSSA identification should address all relevant considerations and criteria in the Guidelines and these procedures, and should include relevant supporting information for each such item.

3.4 The application should contain a summary of steps taken, if any, by the Proposing Member Government to date to protect the proposed area.

3.5 The Proposing Member Government should also include in the application the details of action to be taken pursuant to domestic law for the failure of a ship to comply with the requirements of the Associated Protective Measures. Any action taken should be consistent with the international law as reflected in the United Nations Convention on the Law of the Sea.

#### **4 CRITERIA FOR ASSESSMENT OF APPLICATIONS FOR IDENTIFICATION OF PSSAs AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES BY IMO**

4.1 IMO should consider each application, or amendment thereto, submitted to it by a Proposing Member Government on a case by case basis to determine whether identification of the area as a PSSA and the adoption of Associated Protective Measures are warranted.

4.2 In assessing each proposal, IMO should take into account the criteria which are to be included in each application as set forth above in section 3.3 of the Guidelines. In particular, IMO should consider:

- .1 the full range of protective measures available and determine whether the Associated Protective Measures identified by the Proposing Member Government are appropriate to address effectively the assessed risk of damage to the proposed area by identified international maritime activities and to provide the needed protection;
- .2 whether such measures might result in potential significant adverse effects by international maritime activities on the environment outside the proposed PSSA area; and
- .3 whether the size of the area is limited to that necessary to address the identified need.

4.3 The procedure for considering a PSSA Application by IMO is as follows:

- .1 the Marine Environment Protection Committee (MEPC) should bear primary responsibility within IMO for considering PSSA applications and all applications should first be submitted to the MEPC;

- .2 the MEPC should initially review the application to determine whether it addresses the provisions of the Guidelines. If it does, the MEPC may approve in principle the identification of the area as a PSSA, and should refer the application with its Associated Protective Measures, to the appropriate Sub-Committee or Committee (which could be the MEPC itself) that is responsible for addressing the particular Associated Protective Measures proposed for the area. The Sub-Committee may seek the advice of the MEPC on issues pertinent to the application. The MEPC should make no final determination to approve identification until after the Associated Special Protective Measures are considered and approved by the pertinent Sub-Committee or Committee;
- .3 for measures that require approval by the Maritime Safety Committee (MSC), the Sub-Committee should forward its recommendation for approval of the Associated Protective Measures to the MSC or, if the Sub-Committee rejects the measures, it should inform the MEPC and provide the Proposing Member Governments a statement of reasons for its decision. The MSC should consider any such recommendations and, if the measures are to be adopted, it should notify the MEPC of its decision;
- .4 if an application is submitted without fully identifying Associated Protective Measures, the MEPC may approve in principle the identification of the area as a PSSA, pending submission of at least one proposed Associated Protective Measure within 2 years of such approval and subsequent adoption of at least one Associated Protective Measure; and
- .5 after the approval by the appropriate Sub-Committee or Committee of the Associated Protective Measures, the MEPC may provide final approval of the application for PSSA identification. If the application is rejected, the MEPC shall notify the Proposing Member Government and provide a statement of reasons for its decision.

4.4 IMO should provide a forum for the review and re-evaluation of any Associated Protective Measure adopted, as necessary, taking into account pertinent comments, reports, and observations of the measures. Member Governments which have ships operating in the area of the identified PSSA are encouraged to bring any concerns with the Associated Protective Measures to IMO so that any necessary adjustments may be made. Member Governments that originally submitted the application for identification with the Associated Protective Measures should also bring any concerns and should bring proposals for additional measures or modifications to any Associated Protective Measure to IMO.

4.5 After adoption of the application for identification of a PSSA and its Associated Protective Measures, IMO should ensure that the effective date of implementation is as soon as possible based on rules of IMO and consistent with international law.

4.6 IMO should, in assessing applications for identification of PSSAs and their Associated Protective Measures, take into account the technical and financial resources available to developing Member Governments and those with economies in transition.

## **5 IMPLEMENTATION OF IDENTIFIED PSSAs AND THEIR ASSOCIATED PROTECTIVE MEASURES**

5.1 When a PSSA is finally approved, all Associated Protective Measures should be identified on charts in accordance with symbols and methods of the International Hydrographic Organization (IHO). Proposing Member Governments may also chart identified PSSAs in accordance with appropriate national symbols; however, if an international symbol is adopted by the IHO, Proposing

Member Governments should mark PSSAs in accordance with such symbol and other IHO recommended methods.

5.2 Proposing Member Governments should ensure that any Associated Protective Measure is implemented in accordance with the international law as reflected in the United Nations Convention on the Law of the Sea and any other applicable instruments.

5.3 Member Governments should take all appropriate steps to ensure that ships flying their flag comply with the Associated Protective Measures adopted to protect the area identified as a PSSA. Those Member Governments which have received information of an alleged violation of an Associated Protective Measure by a ship flying their flag should provide the Government which has reported the offence the details of any appropriate action taken.

## ANNEX 2

### AMENDMENTS TO THE GUIDELINES CONTAINED IN RESOLUTION A.720(17)

**The following text is added at the end of present text of Appendix C:**

#### **"Sabana-Camagüey Archipelago (Cuba)**

The Sabana-Camagüey Archipelago was designated as a PSSA in September 1997 (MEPC.74(40)). It is located in the north-central portion of the Republic of Cuba, extending for 465 kilometres between the Hicacos Peninsula and the Bay of Nuevitas. It is the most extensive island sub-group of the Cuban Archipelago, comprising more than 2,515 islands and small keys.

Within this zone, consideration must be given to the coral reef that borders the Archipelago to the North, which gives it good protection and a high conservation value, particularly in view of its good state of preservation and the ecological functions it fulfils.

Along its outer edge there is a coral reef 400 kilometres long, considered as one of the most notable of the Wider Caribbean Region on account of its size and the diversity of its species.

Characteristics which Contribute to Giving this Area Special Significance:

#### Ecological Criteria

The Archipelago is a highly singular and unique territory particularly on account of its natural scenery and associated biodiversity. Its singularity derives from the predominance of cumulative carbonaceous island complexes which have features not found in the rest of the Cuban sub-archipelagos.

This group of islands presents highly significant features, particularly in terms of its biotic resources, on account of which it has been categorised as an independent and clearly defined bio-geographical, ecological and scenic unit.

Its importance in this connection is not only national but also regional, since within this area almost all the habitats, ecosystems and biocenosis found in the different Caribbean islands are represented. The particular ecological sensitivity of this territory lies in its high degree of interdependency, both internal and external.

Internally, there is a high degree of interaction and interdependence between the coastal and marine ecosystems, specially in the sequence of coastal lagoons/dune/systems/beaches/algae/coral reefs; and similarly in the combination of mangrove swamps/coastal lagoons/algae/coral reefs, which occurs most often, and most extensively, in the island group.

#### Social, Cultural and Economic Criteria

The Archipelago is one of the country's three most productive fishery zones. If productivity is to be maintained, a priority requirement is the conservation of natural habitats and ecosystems. The area is also of great significance for its fish-farming producing large quantities of fish and shellfish to supply both the domestic and international markets and the tourist industry.

Additionally, the tourist potential of the hundreds of kilometres of beaches of the highest quality, both aesthetically and environmentally, constitute a feature of significant importance. An extensive development programme for tourism is being implemented on a short-term, medium-term and long-term basis, promoting not only the "sea, sun and sand" type of tourism but also "ecological" tourism, which explores the wide range of existing natural resources.

#### Scientific and Educational Criteria

A Coastal Ecosystems Research Centre based in Cayo Coco, collects and processes data on the area and develops new lines of research and monitoring, providing basic information for the wide range of environmental studies needed to support the longer term development of the territory.

The Centre is also involved in developing studies related to the monitoring of the effects of global climate changes, epidemics and mortality in marine organisms; bird and turtle migration; and genetic interchange between marine organisms. It is also responsible for environmental monitoring, particularly, in regard to the impact of tourism.

The Centre's activities make an important contribution to education and to a better understanding of the environment. The many ecosystems, biotic communities and characteristic natural processes that exist in the area provide ideal subjects for study, not only by experts and specialists, but also by local people, and by Cuban visitors and tourists who come for purposes of recreation.

#### **Protective Measures**

The Traffic Separation Schemes in the territorial waters of the north coast, including those at the latitude of the Costa de Matanzas and in the Canal Viejo de Bahamas, within the territorial waters of the Archipelago Sabana-Camagüey, were approved at the forty-eighth MSC's session.

Regulations relating to discharges in inland and territorial waters under the jurisdiction of the Sabana-Camagüey Archipelago.

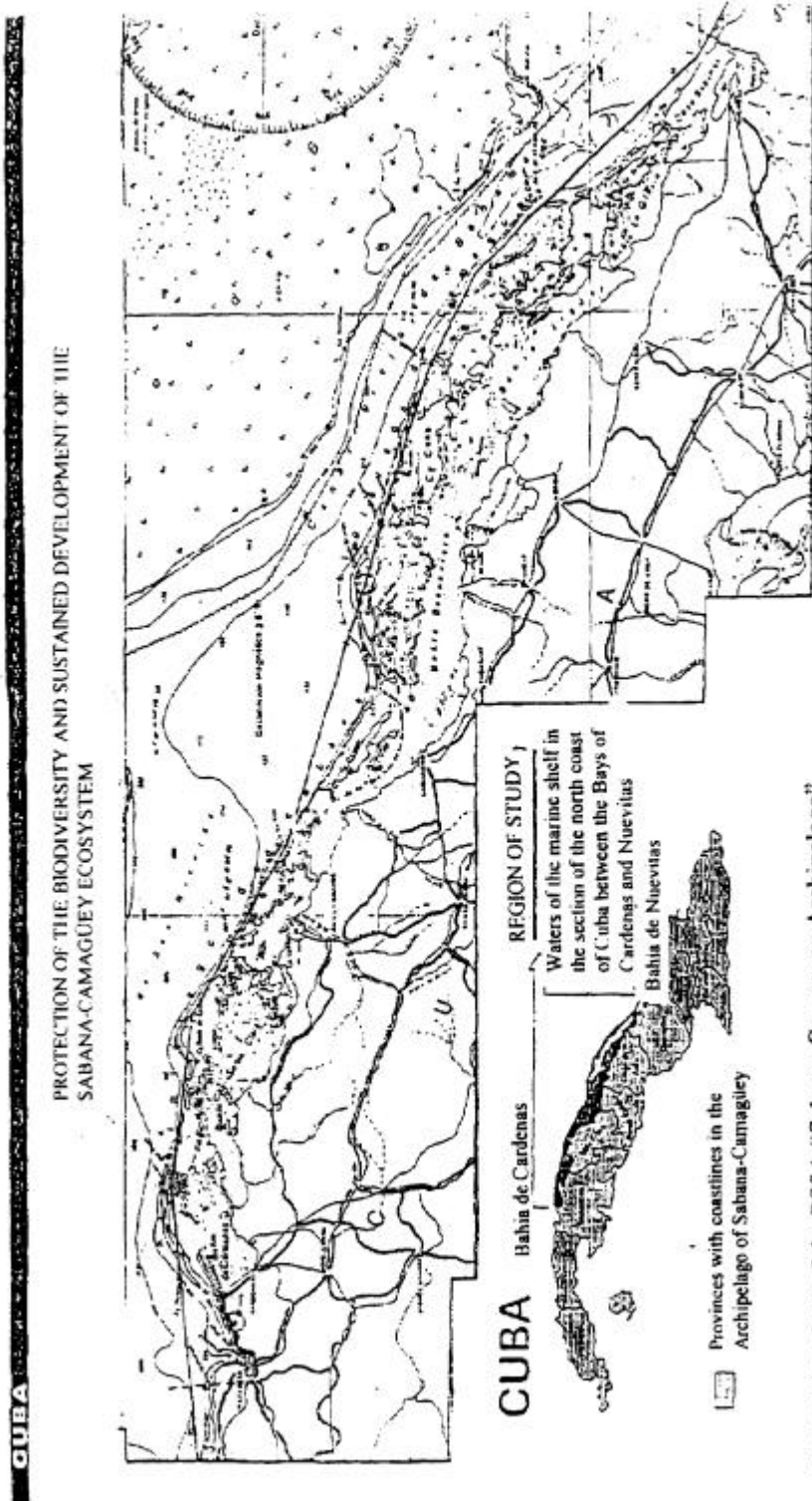
#### **Prohibitions:**

Any discharge into the sea, of oil, oily mixtures, noxious liquid substances, garbage or harmful substances from vessels of any type or size.

Any discharge of oil or oily mixtures from cargo tanks, including cargo pumps, from petrol tankers and from engine-room bilge areas, mixed with cargo waste.

Dumping at sea of the following types of garbage from ships of any type or size: 1) Plastics, synthetic fishing lines and nets, plastic garbage bags; 2) loose stowage materials, packing materials and coverings; 3) paper, rags, glass, metal, bottles, ceramics or similar materials.

Ships should avoid discharging ballast water or discharging and reloading while transiting waters under the jurisdiction of the Sabana-Camagüey Archipelago (Resolution A.774(18): Guidelines for preventing the introduction of unwanted aquatic organisms and pathogens from ships ballast water and sediment discharges).



Illustrative chart of the PSSA "Sabana-Camagüey Archipelago"  
Instituto Cubano de Hidrografía

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**ANNEX 7****DRAFT ASSEMBLY RESOLUTION****PROVISION AND USE OF PORT WASTE RECEPTION FACILITIES**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines on maritime safety and the prevention and control of marine pollution from ships,

NOTING the continuing concerns about the inconsistent provision and use of port waste reception facilities,

NOTING ALSO that States Parties to MARPOL 73/78 have undertaken to ensure the provision of adequate waste reception facilities in their ports, and should, to this end, take appropriate measures to ensure the effective implementation of their obligations,

NOTING FURTHER that Governments may delegate this duty to their ports industry or to other public or private bodies, but that States Parties retain the ultimate responsibility for ensuring that their undertaking is fulfilled and review how they may meet their obligations,

RECOGNIZING that, to achieve adequacy, it is necessary to have regard to the operational needs of users and provide reception facilities for the types and quantities of waste from ships normally using a port,

RECOGNIZING FURTHER that, while the Comprehensive Manual on Port Reception Facilities provides guidance and technical advice, there is a need for guidelines on how best to plan the provision and utilisation of port waste reception facilities that meet the needs of their users,

1. REQUESTS the Marine Environment Protection Committee to develop guidelines on the provision and use of port waste reception facilities;
2. REQUESTS FURTHER that the Marine Environment Protection Committee considers the most appropriate means of promoting the guidelines and subsequently requests the Secretary-General to promote the guidelines;
3. INVITES the Marine Environment Protection Committee to keep the guidelines under review and to amend them as necessary in the light of experience.

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## ANNEX 8

## DRAFT ASSEMBLY RESOLUTION

## SELF-ASSESSMENT OF FLAG STATE PERFORMANCE

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that one of the goals of the Organization is the consistent and effective implementation of IMO instruments globally and compliance with their requirements,

RECALLING FURTHER that amongst the objectives of the Organization is the assessment of the current level of implementation and the identification of those areas where flag States have difficulties in fully implementing IMO instruments to which they are party, paying special attention to difficulties encountered by some Member States,

FURTHER RECALLING that, at its eighteenth session, with the adoption of resolution A.777(18), it reaffirmed the content of resolution A.500(XII) and thus the assignment of the highest priority to promoting the implementation of relevant international instruments for the improvement of maritime safety and pollution prevention,

RECOGNIZING that States are required to meet and fulfil the obligations and the responsibilities which are set forth in international regulations, procedures and practices contained in IMO instruments and other mandatory instruments which they adopt and to take any steps which may be necessary to secure their observance,

RECOGNIZING ALSO that Parties to international conventions, such as: the United Nations Convention on the Law of the Sea, 1982 (UNCLOS); the International Convention on the Safety of Life at Sea, 1974, as amended (SOLAS 1974); the Protocol of 1978 relating to the International Convention on the Prevention of Pollution from Ships, 1973, as amended (MARPOL 73/78); the Convention on the International Regulations for Preventing Collisions, 1972, as amended (COLREG 1972); the International Convention on Load Lines, 1966 (LL 1966); and the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969), have, as part of the ratification process, accepted the obligation under applicable international law to fully meet their responsibilities and to discharge their obligations as prescribed by the conventions and instruments to which they are party,

REAFFIRMING its desire that ships comply at all times with maritime safety and pollution prevention standards laid down in relevant international instruments,

REAFFIRMING ALSO that flag States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag and to ensure they comply with relevant international rules and regulations,

HAVING ADOPTED resolution A.847(20) - Guidelines to assist flag States in the implementation of IMO instruments, resolution A.739(18) - Guidelines for the authorization of organizations acting on behalf of the Administration and resolution A.789(19) - Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration,

NOTING that, while States may realise certain benefits by becoming party to instruments aiming at promoting maritime safety and the prevention of pollution from ships, these desired benefits can only be fully achieved when all Parties concerned carry out their obligations as required by the conventions,

NOTING FURTHER that the ultimate effectiveness of any instrument depends, inter alia, upon all States:

- (a) becoming party to the instruments mentioned above;
- (b) implementing them fully and effectively;
- (c) enforcing them rigorously; and
- (d) reporting to the Organization, as required,

CONSCIOUS of the difficulties a number of Member States may face in giving full and complete effect to all the provisions of the various IMO instruments to which they are party,

RECOGNIZING that any such difficulties need to be minimised and for that reason the Organization has established and maintains an integrated Technical Co-operation Programme,

WELCOMING the decision of the Maritime Safety Committee, at its seventieth session, to draw up clear criteria against which the success of the performance of the flag States might be assessed,

UNDERSTANDING that the development, acceptance and adoption of such internal and external criteria be used for the self-assessment of the ability, capacity and performance of States, to carry out and fulfill the obligations and responsibilities they undertake to perform by becoming Parties to various instruments is still in progress,

BEING DESIROUS to assist further Member States in improving their capabilities and performance as flag States and in giving full and complete effect to the instruments to which they are Party,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its seventy-first session and by the Marine Environment Protection Committee at its forty-third session,

1. ADOPTS the Guidance to assist flag States in the self-assessment of their performance, as set out in the Annex to the present resolution;
2. URGES Member Governments, in their efforts to improve safety of life at sea and to protect the marine environment, to carry out, at regular intervals at their discretion, a self-assessment of their capabilities and performance in giving full and complete effect to the various instruments to which they are Party;
3. URGES ALSO Member Governments to use the Guidance, in conjunction with resolution A.847(20), and to bear in mind the relevant provisions of the various IMO instruments to which they are Party, when assessing their performance as a flag State in the context of these instruments;

4. ENCOURAGES Member Governments, when seeking technical assistance from or through the Organization, to provide the Secretary-General with the results of their most recent self-assessment, so as to enable and assist the Secretary-General to identify, qualify and quantify, in consultation with the State concerned, the needs and the priorities of the State in question. For this purpose, any submission of the results is not a prerequisite for seeking or obtaining technical assistance. In this respect, any such submission is to be treated with the utmost and strictest confidence;
5. INVITES Member Governments to submit, on a voluntary basis, to the Organization a copy of their self-assessment report in order to enable the establishment of a database which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments;
6. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to consider other measures necessary to ensure the effective and consistent global implementation of IMO instruments and, in doing so, to pay particular attention to the special difficulties faced by some Member States; and
7. REQUESTS ALSO the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Guidance under continuous review and update it in the light of their work on the matter.

#### ANNEX

#### GUIDANCE TO ASSIST FLAG STATES IN THE SELF-ASSESSMENT OF THEIR PERFORMANCE

[MSC 71/23/Add.1, annex 11, annex]

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**ANNEX 9****DRAFT ASSEMBLY RESOLUTION****AMENDMENTS TO THE CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS (RESOLUTION A.849(20))**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.849(20) by which it adopted the Code for the Investigation of Marine Casualties and Incidents,

CONSIDERING that practical advice for the systematic investigation of human factors in marine casualties and incidents will assist an effective analysis and promote the identification and implementation of preventive action,

RECOGNIZING the need for development and use, as appropriate, of practical guidelines for the investigation of human factors in marine casualties and incidents,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its seventy-first session and by the Marine Environment Protection Committee and at its forty-third session,

1. ADOPTS amendments to the Code for the Investigation of Marine Casualties and Incidents incorporating the Guidelines for the Investigation of Human Factors in Marine Casualties and Incidents, as set out in the Annex to the present resolution;
2. INVITES Governments to implement the Guidelines as soon as practicable, as far as national law allows, with a view towards improving the quality and completeness of casualty investigations and reports;
3. AUTHORIZES the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Guidelines under review and amend them as necessary.

**ANNEX****AMENDMENTS TO THE CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS (RESOLUTION A.849(20))**

[MSC 71/23/Add.1, annex 12, annex]

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**ANNEX 10****DRAFT ASSEMBLY RESOLUTION****AMENDMENTS TO THE PROCEDURES FOR PORT STATE CONTROL  
(RESOLUTION A.787(19))**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.787(19) by which it adopted Procedures for port State control,

RECALLING FURTHER that, at its nineteenth session, when adopting resolution A.787(19), it requested the Maritime Safety Committee and the Marine Environment Protection Committee to continue their work on this subject with a view to improving further the said procedures, as may be necessary,

NOTING resolution A.741(18) by which it adopted the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code),

NOTING ALSO that the ISM Code has been made mandatory for certain ships, under the provisions of chapter IX of the International Convention for the Safety of Life at Sea, 1974, since 1 July 1998,

RECOGNIZING the need to develop guidelines for port State control related to the ISM Code and to incorporate them in the procedures,

RECOGNIZING ALSO the need to amend the reporting formats contained in the procedures on the basis of experience gained,

RECOGNIZING FURTHER the need to keep the procedures as a whole updated in the light of experience gained in their implementation,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its seventy-first session and by the Marine Environment Protection Committee at its forty-third session,

1. ADOPTS amendments to the Procedures for port State control (resolution A.787(19)), the text of which is set out in the Annex to the present resolution;
2. INVITES Governments, when exercising port State control, to implement resolution A.787(19) and the amendments annexed to this resolution;
3. INVITES ALSO Governments, when exercising port State control related to the ISM Code, to note that port State control related to the ISM Code should be an inspection and not an audit and that their port State control officers should have the requisite training in, and appropriate knowledge of, the provisions of the ISM Code;

4. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the revised Procedures under review on the basis of experiences gained from the implementation of such procedures;

5. AUTHORIZES the Maritime Safety Committee and the Marine Environment Protection Committee to amend the reporting formats contained in appendices 5, 6 and 7 of the Procedures on the basis of experience gained.

ANNEX

AMENDMENTS TO THE PROCEDURES FOR PORT STATE CONTROL  
(RESOLUTION A.787(19))

[MSC 71/23/Add.1, annex 13, annex]

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**ANNEX 11****DRAFT ASSEMBLY RESOLUTION****AMENDMENTS TO THE REVISED SPECIFICATIONS FOR THE DESIGN,  
OPERATION AND CONTROL OF CRUDE OIL WASHING  
SYSTEMS (RESOLUTION A.446 (XI) AS AMENDED BY  
RESOLUTION A.497(XII))**

THE ASSEMBLY,

RECALLING article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning prevention and control of marine pollution from ships,

NOTING regulation 13B(2) of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) concerning requirements for crude oil washing and resolution 15 of the International Conference on Tanker Safety and Pollution Prevention, 1978 (TSPP Conference), which contains the Specifications for the Design, Operation and Control of Crude Oil Washing Systems,

RECALLING ALSO resolution A.446 (XI) by which it adopted the revised Specifications which superseded the Specifications contained in resolution 15 of the TSPP Conference and resolution A.497(XII) by which it adopted amendments to the revised Specifications as adopted by resolution A.446(XI),

HAVING CONSIDERED the recommendation made by the Marine Environment Protection Committee at its forty-third session,

1. ADOPTS amendments to the revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems (resolution A.446(XI) as amended by resolution A.497(XII)), as set out in the Annex to the present resolution;
2. INVITES Governments to implement the Specifications, as amended, by the present resolution.

ANNEX

**AMENDMENTS TO THE REVISED SPECIFICATIONS FOR THE DESIGN,  
OPERATION AND CONTROL OF CRUDE OIL WASHING SYSTEMS  
(RESOLUTION A.446(XI) AS AMENDED BY RESOLUTION A.497(XII))**

Paragraph 4.2.10 of the Annex to resolution A.446(XI) as amended by resolution A.497(XII) is replaced by the following:

"4.2.10 To confirm the effectiveness of the crude oil washing system and stripping system, the crude oil washing operation should be witnessed to the satisfaction of the Administration.

- (a) For ships that comply with regulation 13F(3), the crude oil washing operations are to be carried out using the approved crude oil washing equipment and as specified in the approved Operations and Equipment Manual. For at least one tank of a group of tanks of similar configuration, the Administration should:
  - (i) Confirm the operation of the stripping system by observing the monitoring devices and monitoring the oil level (by dipping or other means) during bottom washing.
  - (ii) Monitor the proper operation of the washing machines with particular reference to supply pressure, cycle times and machine function.

On completion of washing and final draining, the tanks are to be hand dipped, as close as practical to the forward end, centre and aft end in each tank and a record of these dips should be made in the COW Manual. An Administration may require an internal examination as described in subparagraph (b)(i) of this section, or by an alternative method acceptable to the Administration, if deemed necessary.

- (b) For ships other than those complying with regulation 13F(3), where fitted with cargo tanks intended to be used in certain circumstances as ballast tanks, the following requirements apply in addition to those specified in paragraph (a) of this section:
  - (i) To ensure that the tank is essentially free of clingage and deposits, the Administration may require that the cleanliness of the tank be confirmed by a visual inspection made by entering the tanks after a crude oil washing but prior to any water rinse which may be specified in the Operations and Equipment Manual. If the tanks cannot be gas freed for safe entry of the surveyor, an internal examination should not be conducted and the stripping test specified in 4.2.10(b)(ii) will be acceptable.

In this case, the bottom of the tank to be inspected may be flushed with water and stripped in order to remove any heel of crude oil before gas-freeing for entry, if the flushing procedure is adopted, a similar but unflushed tank must be used for the test specified in (ii) below.

- (ii) To verify the effectiveness of the stripping and drainage arrangements, a measurement shall be made of the amount of oil floating on top of the departure ballast. The ratio of the volume of oil on top of the total departure ballast water to the volume of tanks that contain this water shall not exceed 0.00085. This test shall be carried out after crude oil washing and stripping in a tank similar in all relevant respects to the tank examined in accordance with (a) above, which has not been subjected to a water rinse or to the intervening water flushing permissible in (a) above.
  - (iii) To verify the design, installation and operation of the system, the arrival ballast, after a typical ballast voyage before which the arrival ballast tanks have been crude oil washed and during which the tanks have been water rinsed in accordance with the programme set out in the Operations and Equipment Manual, shall be totally discharged to the loading port harbour through an Oil Discharged Monitoring and Control (ODM) system approved by the Administration. The oil content of the effluent in this test shall not exceed 15 ppm. Alternatively, the option of taking ballast water samples to be analysed in a shore-based laboratory is also acceptable.
- (c) During all COW system surveys, internal visual inspections of the tanks by inspectors should not be considered a mandatory requirement. When an Administration considers that there is a possible failure of the COW system indicated by other COW survey requirements, the Administration may require an internal examination of the tanks involved. Internal examinations may be completed using alternative methods, e.g., video survey or other new technology, as accepted by the Administration."

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**ANNEX 12**

**RESOLUTION MEPC.81(43)  
adopted on 1 July 1999**

**AMENDMENTS TO SECTION 9 OF THE STANDARD FORMAT FOR  
THE COW MANUAL (RESOLUTION MEPC.3(XII))**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING regulation 13B of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), which provides that every tanker operating with a crude oil washing system shall be provided with an Operations and Equipment Manual (COW Manual) detailing the system and equipment and specifying operational procedures,

NOTING ALSO that the COW Manual is intended not only to provide guidance to the crew of the ship for proper operation of the system, but also to provide information on the system and its operational procedures for port State control officers going on board for inspection in ports,

NOTING FURTHER that the Committee, by resolution MEPC. 3 (XII) on 30 November 1979, adopted the Recommendation on the Standard Format for the COW Manual,

HAVING CONSIDERED proposals made by Member Governments to amend the Standard Format of the COW Manual in the light of experience gained,

1. ADOPTS the amendments to the Standard Format of Section 9 for the COW Manual, the text of which is set out at Annex to the present resolution,
2. INVITES Member Governments to take into account the amendments to Section 9 of the Standard Format for the COW Manual when approving the Manual as called for by regulation 13B of MARPOL 73/78.

ANNEX

**AMENDMENTS TO SECTION 9 OF THE STANDARD FORMAT FOR  
THE COW MANUAL (RESOLUTION MEPC.3(XII))**

Section 9 of the Standard Format for the COW Manual is replaced by the following:

**"SECTION 9: DETERMINATION OF THE SUITABILITY OF A CRUDE OIL FOR  
USE IN CRUDE OIL WASHING"**

This section contains guidance in determining the suitability of a crude oil for use in crude oil washing.

In lieu of a list of crude oils unsuitable for carriage and crude oil washing to be inserted in the Crude Oil Washing and Equipment Manual the following standard text maybe used:

**(1) For a Tanker not fitted with heating coils.**

This tanker is not fitted with heating coils in the cargo tanks and should not carry cargoes which will require to be heated either to obtain pumpability criteria or to avoid excessive sludging of both the designated clean ballast tanks and the vessel's tanks to be washed for sludge control.

Notes and Definitions:

- *Pumpability Criterion is determined by the oil's Kinematic Viscosity at the observed temperature of the cargo prior to its discharge. In order to attain optimum efficiency for discharge this viscosity should not exceed 250 centistokes and **never** in excess of 600 centistokes.*
- *Excessive sludging criterion is determined primarily by the crude oil's temperature throughout its transportation and storage. If the cargo's temperature is likely to drop below the crude oil cargo's cloud point temperature then sludging of cargo tanks is to be expected. The cloud point temperature is the temperature at which the crude oil's wax and associated oil phase separates from the bulk liquid phase of the cargo.*

**(2) For a Tanker fitted with heating coils in Slop Tank(s)**

This tanker is fitted with heating coils only in her Slop Tank(s) and should not carry cargoes which will require to be heated for pumpability.

Notes:

*If sludge deposition is suspected or determined in the main cargo tanks then an alternative crude oil washing programme should be utilised. Recommendations regarding this programme and procedure are to be found in Section 11 of this manual.*

(3) **For a Tanker fitted with heating coils**

This tanker is fitted with heating coils in all the cargo tanks and, subject to the limitations of the cargo heating system, can carry cargoes which require heating for either pumpability or sludge deposition/control.

**General Guidance**

Attention is drawn to the difficulties which may be encountered with certain crude oils. During the discharge of crude oils that exhibit the necessary criteria that would create either pumpability problems or sludge deposition, crude oil washing of each tank scheduled for such an operation should be carried out concurrently with the discharging of the particular tank in order to minimise the affect on the crude oil residues for cooling. Cooling will increase both the Kinematic and Dynamic Viscosities<sup>1</sup> of the tank residues and therefore affect the efficiency of the Crude Oil Washing programme.

As a general guidance to the suitability of an oil for crude oil washing on board this tanker, the following criteria should be used:

For Aromatic crude oils whose Kinematic viscosity is the temperature controlling characteristic, the Kinematic viscosity of the oil used for crude oil washing should not exceed 60 centistokes at the oil wash medium temperature;

**OR**

For Paraffinic crude oils whose pour point temperature is the controlling characteristic, the temperature of the cargo to be used for crude oil washing should exceed its Cloud Point temperature by at least 10°C if excessive sludging is present and should only be used once in a "closed cycle" washing programme.

The approximate Cloud Point temperature of an oil may be calculated by use of the following formula where the Pour Point temperature(x) of the crude oil is known

$$\text{The Cloud Point Temperature } ^\circ\text{C} = 20.2 (10^{0.00708 x - 0.1157714}) + 8$$

Worked example:

Assume the Pour Point Temperature is + 1°C.

Then:

$$\begin{aligned} &= 20.2 \times (10^{(0.00708 \times 1) - 0.1157714}) + 8 \\ &= 20.2 \times (10^{0.00708 - 0.1157714}) + 8 \\ &= 20.2 \times (10^{-0.1086914}) + 8 \\ &= (20.2 \times 0.7785896) + 8 \\ &= 15.72 + 8 \end{aligned}$$

Answer: Approx. Cloud Point °C = 24°C

---

<sup>1</sup>Definitions: **Kinematic viscosity** is the measure of resistance to flow with gravitation under its own mass force. This is normally reported in the units of centistokes(cst) or mm<sup>2</sup>/sec.

**Dynamic viscosity** is the measure of resistance to flow with an induced shear stress or at a known rate of shear. This is determined from the equation of Shear Stress (Pascals - Pa) divided by Rate of Shear (inverse seconds - s<sup>-1</sup>). The unit of Dynamic viscosity is either Centipose (cps) or mPa s.

**OR**

Consult the accompanying graph, (*Fig 1*) where if the Pour Point is known then the Cloud Point can be extracted.

**OR**

If the Pour Point exceeds Approximately 25°C then the Bondi test procedure could be used to determine this temperature.

**The Bondi Test Procedure (See Fig 2)**

This method will obtain the cloud point temperature of high pour point type crude oils.

*Equipment and Procedure*

- (1) Obtain a representative sample of the cargo. Do not allow the Cargo sample to cool before commencing the test procedure.
- (2) Obtain a glass container (preferably nearly spherical) that is made of heat/temperature resistant glass and fill the container with the sample.
- (3) Insert a thermometer into the centre of the sample volume and heat the sample to a temperature of at least 30°C above the pour point temperature of the crude oil in a hot water bath. ***Do not tightly stopper the container during this process.***
- (4) Prepare an alternative bath with water whose temperature is at least 15°C below the sample's pour point temperature. Have a clock or watch available with a second hand.
- (5) Immerse the heated sample contained into the cold bath and record at very regular intervals (at least every 30 seconds) the temperature of the sample.
- (6) Graphically plot the sample temperature against time elapse from the start of the test. Determine the temperatures at which there was no loss of temperature with time elapse. The first such instance as detected will be the approximate Cloud Point temperature and the second instance, if testing time is extended to the required period, will be the approximate pour point temperature of the crude oil.



**A Graph to determine The Cloud Point Temperature**

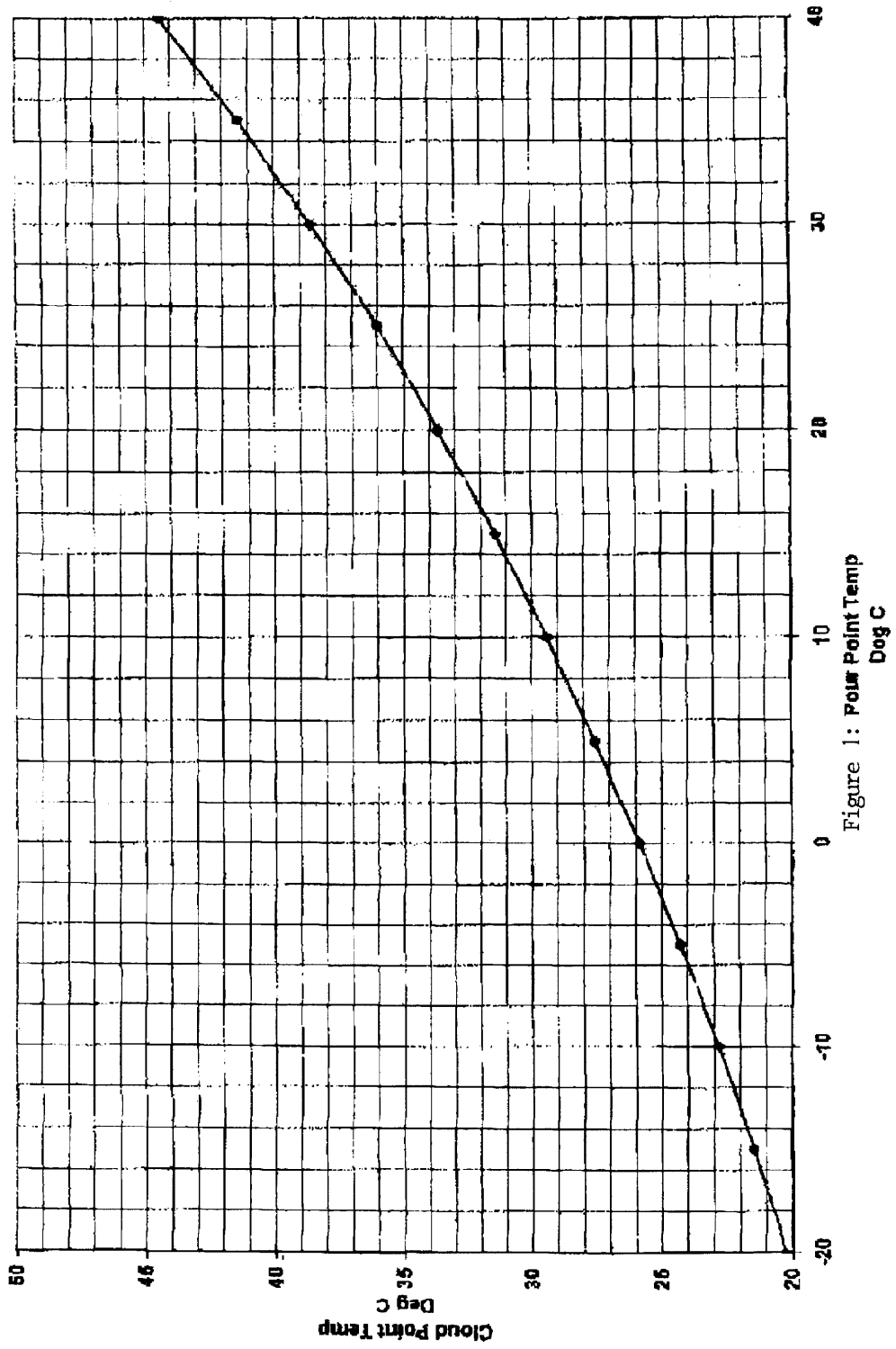


Figure 1: Four Point Temp  
Dog C

Example Bondi Test Plot

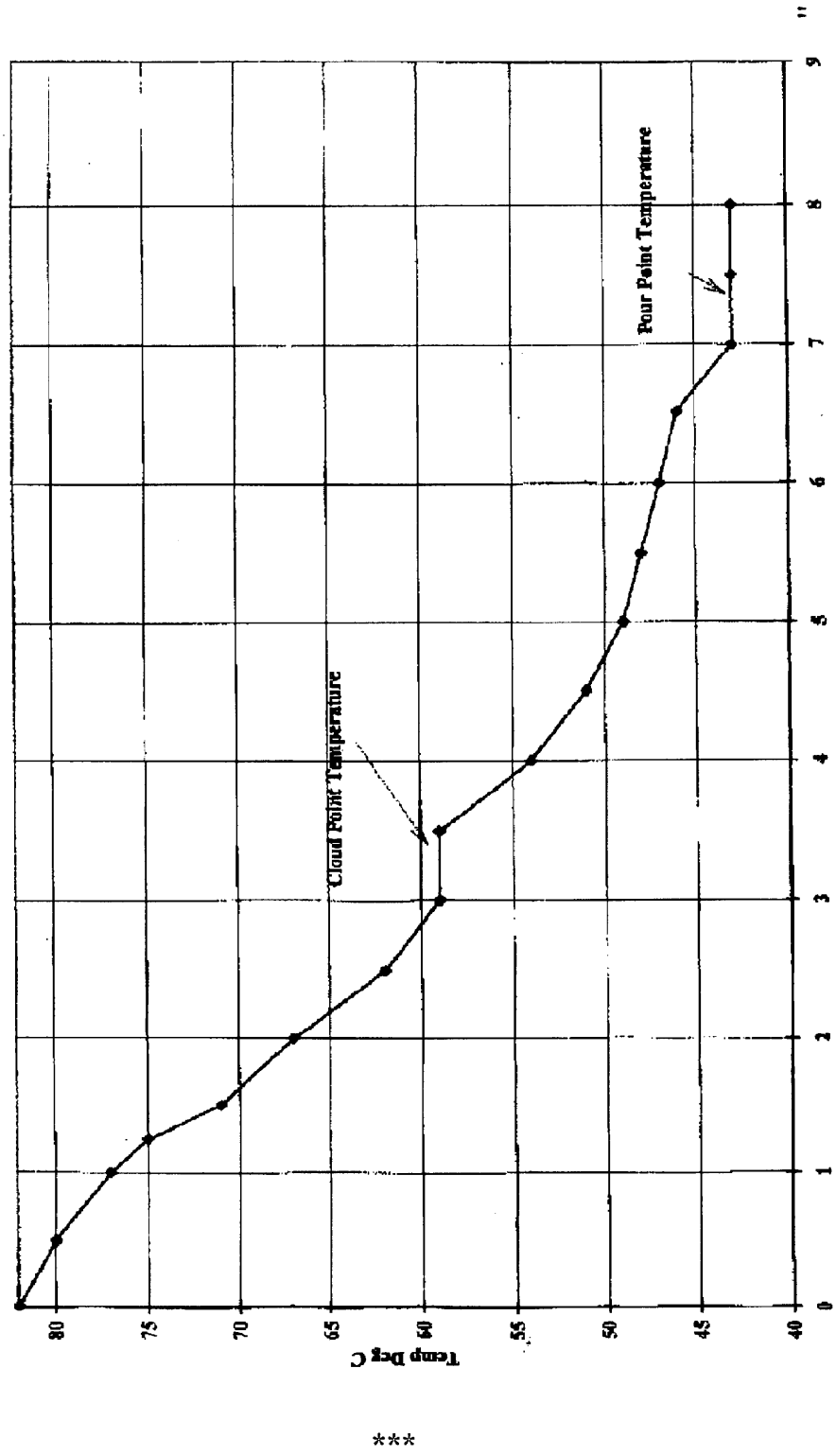


Figure 2: Time in Minutes

## ANNEX 13

## DRAFT ASSEMBLY RESOLUTION

GLOBAL AND UNIFORM IMPLEMENTATION OF THE HARMONIZED  
SYSTEM OF SURVEY AND CERTIFICATION (HSSC)

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that the International Conference on the Harmonized System of Survey and Certification, 1988 (1988 HSSC Conference), adopted the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (1988 SOLAS Protocol), and the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Line Protocol) which introduce, *inter alia*, the harmonized system of survey and certification under the International Convention for the Safety of Life at Sea, 1974 (1974 SOLAS Convention) and the International Convention on Load Lines, 1966 (1966 Load Line Convention),

NOTING that the 1988 SOLAS and Load Line Protocols are due to enter into force on 3 February 2000 resulting in the harmonized system of survey and certification taking effect as from that date with respect to ships entitled to fly the flag of States Parties to the 1988 SOLAS and Load Line Protocols,

NOTING ALSO that, by the resolutions given below, amendments have been adopted to introduce the harmonized system of survey and certification in the following instruments:

- .1 Annexes I and II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), by resolution MEPC.39(29);
- .2 the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), by resolutions MEPC.40(29) and MSC.16(58);
- .3 the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), by resolution MSC.17(58); and
- .4 the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code), by resolutions MEPC.41(29) and MSC.18(58),

NOTING FURTHER that the aforementioned amendments to the above instruments will also enter into force on 3 February 2000 and that:

- .1 amendments to MARPOL 73/78, the IBC Code and BCH Code will take effect with respect to ships entitled to fly the flags of States Parties to MARPOL 73/78; and
- .2 amendments to the IBC Code and the IGC Code will take effect with respect to ships entitled to fly the flags of States the Governments of which are Contracting Governments of the 1974 SOLAS Convention,

irrespective of whether they are also Parties to the 1988 SOLAS and Load Line Protocols or not,

BEING DESIROUS that all States apply a single and uniform system of survey and certification to all types of ships entitled to fly their flags,

RECOGNIZING the need for the change-over from the existing system of survey and certification to the harmonized system in a uniform manner,

RECALLING resolution A.718(17) on Early implementation of the harmonized system of survey and certification, which encourages States to introduce the harmonized system of survey and certification prior to the entry into force of the 1988 SOLAS and Load Line Protocols,

BEING CONVINCED that the harmonized system of survey and certification is at least equivalent to the system prescribed in the existing SOLAS and Load Line Conventions,

BELIEVING that the implementation of a single and uniform system of survey and certification could best be achieved through the introduction of the harmonized system of survey and certification also by States which are not Parties to the 1988 SOLAS and Load Line Protocols, as equivalent to the existing system,

BELIEVING ALSO that the global and uniform implementation of the harmonized system of survey and certification by all States could avoid possible problems or confusion in contributing to the determination of the duration and validity of certificates issued,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its seventy-first session and the Marine Environment Protection Committee at its forty-third session,

1. INVITES States to introduce the harmonized system of survey and certification in the manner as provided for in Annex 1;
2. AGREES that States which are Contracting Governments to the 1974 SOLAS Convention and the 1966 Load Line Convention but not Parties to the 1988 SOLAS and Load Line Protocols may:
  - .1 implement the harmonized system of survey and certification as from 3 February 2000; and
  - .2 issue certificates in the form prescribed by the 1988 SOLAS and Load Line Protocols as modified in accordance with Annex 2;
3. INVITES port States, whether or not they are Parties to the 1988 SOLAS and Load Line Protocols, to accept the certificates issued in accordance with paragraph 1 above as equivalent to the certificates issued under the SOLAS and Load Line Convention or Protocols in force for those States;
4. REQUESTS Governments that implement the harmonized system of survey and certification in accordance with the provisions of this resolution to inform the Secretary-General of their action and of the date when it will take effect;
5. REQUESTS ALSO that the Secretary-General keep Member Governments informed of those Governments that are introducing the harmonized system of survey and certification in accordance with the provisions of this resolution;
6. URGES States which have not yet become Party to the 1988 SOLAS and Load Line Protocols to do so as soon as possible.

ANNEX 1

**INTRODUCTION OF THE HARMONIZED SYSTEM OF  
SURVEY AND CERTIFICATION**

- 1 The current certificates that are on board a particular ship on 3 February 2000 will remain valid until they expire.
- 2 The date for the introduction of the harmonized system of the survey and certification (HSSC) after 3 February 2000 should normally be the latest expiry date of certificates issued under the SOLAS, Load Line and MARPOL Conventions, unless other convenient date, e.g. the expiry date of the Cargo Ship Safety Construction Certificate, the date of dry docking or date of repair or renovation, is agreed upon between the shipowner or company and the Administration.
- 3 In the case where an existing certificate has expired before the date of introduction of the harmonized system, a new certificate using the form prescribed under the harmonized system may be issued after the renewal survey has been carried out. The validity of the new certificate may be limited to the date of introduction of the harmonized system as provided for in paragraph 2 above.
- 4 Notwithstanding that some certificates may still be valid when the harmonized system of survey and certification is introduced on a particular ship, renewal surveys should be carried out whether or not they are due, and a new set of the relevant certificates under the harmonized system should be issued and the anniversary date common to all certificates should be specified. In general, renewal surveys carried out within three months of the date of introduction of the harmonized system may be valid, and the extent of renewal surveys to be carried out may take account of the date and extent of the previous renewal surveys if carried out only recently.
- 5 When implementing the harmonized system of survey and certification, it should be applied to all types of ships and in respect of all relevant instruments.

ANNEX 2

**MODIFICATIONS TO THE FORMS OF CERTIFICATES PRESCRIBED  
BY THE 1988 SOLAS AND LOAD LINE PROTOCOLS**

**PASSENGER SHIP SAFETY CERTIFICATE  
CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE  
CARGO SHIP SAFETY EQUIPMENT CERTIFICATE  
CARGO SHIP SAFETY RADIO CERTIFICATE  
CARGO SHIP SAFETY CERTIFICATE**

After the words "issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974" delete "as modified by the Protocol of 1988 relating thereto" and insert "in accordance with Assembly resolution A...(21) relating to the global implementation of the harmonized system of survey and certification".

**Record of Equipment for the Passenger Ship Safety Certificate (Form P)  
Record of Equipment for the Cargo Ship Safety Equipment Certificate (Form E)  
Record of Equipment for the Cargo Ship Safety Radio Certificate (Form R)  
Record of Equipment for the Cargo Ship Safety Certificate (Form C)**

After the words "RECORD OF EQUIPMENT FOR COMPLIANCE WITH THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974" delete "AS AMENDED IN 1988" and insert "in accordance with Assembly resolution A...(21) relating to the global implementation of the harmonized system of survey and certification".

**INTERNATIONAL LOAD LINE CERTIFICATE  
INTERNATIONAL LOAD LINE EXEMPTION CERTIFICATE**

After the words "issued under the provisions of the INTERNATIONAL CONVENTION ON LOAD LINES, 1966" delete "as modified by the Protocol of 1988 relating thereto" and insert "in accordance with Assembly resolution A....(21) relating to the global implementation of the harmonized system of survey and certification".

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## ANNEX 14

## DRAFT ASSEMBLY RESOLUTION

PROCEDURE FOR ADOPTION OF, AND AMENDMENT TO, PERFORMANCE  
STANDARDS AND TECHNICAL SPECIFICATIONS

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECOGNIZING that the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) and other IMO instruments contain provisions referring to performance standards and technical specifications adopted by the Organization,

NOTING the Guidelines on methods for making references to IMO and other instruments in IMO conventions and other mandatory instruments (MSC/Circ.930/MEPC/Circ.364), in particular paragraph 12 thereof concerning procedures for amendments to performance standards and technical specifications,

NOTING ALSO resolution A.825(19) by which it adopted the Procedure for adoption and amendment of performance standards for radio and navigational equipment,

BEING DESIROUS of establishing a uniform procedure for the adoption of, and amendment to, any performance standards and technical specifications developed by the Maritime Safety Committee and Marine Environment Protection Committee to ensure that such standards and specifications are kept abreast of technological and industry developments,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its seventy-first session and the Marine Environment Protection Committee at its forty-third session,

1. RESOLVES that the function of adopting performance standards and technical specifications as well as amendments thereto, shall be performed by the Maritime Safety Committee and the Marine Environment Protection Committee, as appropriate, on behalf of the Organization;
2. REVOKES resolution A.825(19).

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**ANNEX 15**

**RESOLUTION MEPC.82(43)  
adopted on 1 July 1999**

**GUIDELINES FOR MONITORING THE WORLD-WIDE AVERAGE  
SULPHUR CONTENT OF RESIDUAL FUEL OILS  
SUPPLIED FOR USE ON BOARD SHIPS**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

BEING AWARE that the Conference of Parties to MARPOL 73/78 was held in September 1997 and that the Conference adopted the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, which sets out in its annex the new Annex VI, Regulations for the Prevention of Air Pollution from Ships, and eight conference resolutions including resolution 4, which provides for the development of guidelines for monitoring the world-wide average sulphur content of residual fuels oil supplied for use on board ships,

RECOGNIZING regulation 14 of Annex VI to MARPOL 73/78 which requires Parties to Annex VI of MARPOL 73/78 to monitor world-wide average sulphur content of residual fuel oil supplied for use on board ships taking into account guidelines to be developed by the Organization,

1. ADOPTS the Guidelines for Monitoring the World-wide Average Sulphur Content of Residual Fuel Oils Supplied for Use on Board Ships as set out in the Annex to the present resolution;
2. URGES Member Governments and interested organizations to make available the resources and expertise necessary for the implementation of these guidelines.

## ANNEX

### **GUIDELINES FOR MONITORING THE WORLD-WIDE AVERAGE SULPHUR CONTENT OF RESIDUAL FUEL OILS SUPPLIED FOR USE ON BOARD SHIPS**

#### **Preface**

1 The primary objective of the guidelines is to establish an agreed method to monitor the average sulphur content of residual fuel oils supplied for use on board ships. A further objective of the guidelines is to re-open the discussion in MEPC on measures to reduce SO<sub>x</sub> emissions from ships, should the average sulphur level in fuels, calculated on the basis of these guidelines, show a sustained increase.

#### **Introduction**

2 The basis for these guidelines is provided in regulation 14 (2) of Annex VI of MARPOL 73/78 and in Conference Resolution 4 (in MP/CONF.3/35), on monitoring the world wide average sulphur content of residual fuel oil supplied for use on board ships. Among the emissions addressed by Annex VI are emissions resulting from the combustion of fuels containing sulphur. An upper limit for the sulphur content of fuels was set and it was further decided to monitor the average sulphur content of fuel.

It is estimated that independent testing companies undertake up to 50,000 tests annually, which cover between 25 and 35% of all deliveries. From the data gathered by these testing services the current average figures for the sulphur content of residual fuels can be derived. These figures are publicised regularly and are currently in the order of 3% by mass.

#### **Definitions**

3 For the purpose of these guidelines the following definitions shall apply:

(1) *Residual fuel:*

Fuel oil for combustion purposes delivered to and used on board ships with a kinematic viscosity at 100°C greater than or equal to 10.0 centistoke.<sup>1</sup>

(2) *Provider of sampling and testing services:*

A company that, on a commercial basis, provides testing and sampling services of bunker fuels delivered to ships for the purpose of assessing quality parameters of these fuels, including the sulphur content.

(3) *Reference value A<sub>w</sub>:*

The value of the world-wide average sulphur content in residual fuel oils supplied for use on board ships, based on the first three years of data collected and as determined on the basis of paragraph 4 and 5 of these guidelines.

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<sup>1</sup> Reference is made to ISO Standard 8217, 1996

## 4 Monitoring and calculation of yearly and three-year rolling average

### 4.1 Monitoring

Monitoring shall be based on calculation of average sulphur content of residual fuels on the basis of sampling and testing by independent testing services. Every year the average sulphur content of residual fuels shall be calculated. After three years the reference value for monitoring will be set as described in paragraph 5.

### 4.2 Calculation of yearly average

At the basis of monitoring is the calculation, on an annual basis, of the average sulphur content of residual fuel.

The calculation of the average sulphur content is executed as follows:

For a certain calendar year, the sulphur contents of the samples analysed (one sample for each delivery of which the sulphur content is determined by fuel oil analysis) are recorded. The sulphur contents of the samples analysed are added up and divided by the number of samples. The outcome of that division is the average sulphur content of residual fuel for that year.

As a basis for well informed decisions a graphical representation of the distribution of the global sulphur content in residual fuels in terms of the % sulphur in increments of 0.5% sulphur plotted against the quantity of fuel associated with each incremental sulphur content range shall be made available by 31 January of each year.

The mathematical formula for the method of calculation described, is given in appendix 1 to this guideline.

### 4.3 Three year rolling average

A three year rolling average shall be calculated as follows:

$$A_{cr} = (A_{c1} + A_{c2} + A_{c3})/3$$

in which:

$A_{cr}$  = rolling average S-content of all deliveries tested over a 3 year period

$A_{c1}, A_{c2}, A_{c3}$  = individual average S-contents of all deliveries tested for each year under consideration

$A_{cr}$  is to be recalculated each year by adding the latest figure for  $A_c$  and deleting the oldest.

Setting of the reference value

5 The reference value of the world wide average sulphur content of residual fuel oils supplied for use on board ships shall be  $A_w$ , where  $A_w = A_{cr}$  as calculated in January of the year following the first three years in which data were collected on the basis of these guidelines.  $A_w$  shall be expressed as a percentage.

Agenda setting of consideration of measures to reduce SO<sub>x</sub> emissions

6 If in any given year following the setting of the reference value, A<sub>cr</sub> exceeds A<sub>w</sub> by a number equal to or greater than 0.2 %, the Marine Environment Protection Committee shall consider the need for further measures to reduce SO<sub>x</sub> emissions from ships, so as to decide whether it should be considered a high priority item for the Committee. MEPC shall continually review this excess value, (now 0.2%) once the reference value has been set.

### **Providers of sampling and testing services**

7 For the purpose of the initial five years operational period, there are presently 3 providers of sampling and testing services under these guidelines

Any additional providers of sampling and testing services shall be subject to the following criteria:

- .1 They shall preferably be IACS members, but shall in any way be subject to the approval of the Marine Environment Protection Committee, which shall apply these criteria.
- .2 They shall be provided with a technical and managerial staff of qualified professionals providing adequate geographical coverage and local representation to ensure quality services in a timely manner;
- .3 They shall provide services governed by a documented Code of Ethics;
- .4 They shall be independent as regards to commercial interest in the outcome of monitoring;
- .5 They shall implement and maintain an internationally recognized quality system, certified by an independent auditing body, which ensures reproducibility and repeatability of services which are internally audited, monitored and carried out under controlled conditions.
- .6 They shall take a significant number of samples on an annual basis for the purpose of globally monitoring average sulphur content of residual fuels.

### **Standardized method of calculation**

8 Each of the providers of sampling and testing services shall provide the necessary information for the calculation of the average sulphur content of the residual fuels to the Secretariat of IMO or another agreed third party on the basis of a mutually agreed format, approved by MEPC. This party will process the information and will provide the outcome in the agreed format to MEPC. From the viewpoint of competitive positions the information involved shall be considered sensitive. Therefore the third party involved shall treat such information as indicated by any party involved as confidential, without prejudice to the information required by the Committee for the purposes of monitoring and related decision making.

## **Financial arrangements**

9 The costs of monitoring consist of an initial amount for setting up monitoring by the providers listed in paragraph 7 and an annual fee to these providers for the provision of the update.

The costs of monitoring shall, for a 5-year operational period, be borne on a voluntary basis by the member States listed in appendix 2 of this guideline. The experience gained shall be evaluated by the end of the fourth year of operation. On that basis, the Marine Environment Protection Committee, in consultation with the Secretary-General of IMO, is invited to consider more permanent financial arrangements to cover the costs of the agreed monitoring system.

## Appendix 1

### Calculation of average sulphur content

Note: wherever “all deliveries“ are mentioned, this is meant to refer to all deliveries sampled and tested for sulphur and being taken into account for the purpose of monitoring.

#### Calculation not weighted for quantity

$$A_{cj} = \frac{\sum_{i=1,2,3,\dots,N} a_i}{N_j}$$

in which:

$A_{cj}$  = the average sulphur content of all deliveries sampled world wide in year j

$a_i$  = the sulphur content of individual sample for delivery i

$N_j$  = total number of samples taken in year j

Appendix 2

**List of countries bearing the costs of monitoring for a five-year period**

Denmark  
Finland  
Netherlands  
Norway  
Sweden  
United Kingdom

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**ANNEX 16****STATEMENT BY THE GERMAN DELEGATION ON BEHALF  
OF THE EUROPEAN UNION MEMBER STATES  
AND NORTH SEA STATES**

The Marine Environment Protection Committee might be aware that Germany, the Member States of the European Union and North Sea States are seriously concerned about acidification and the contribution of SO<sub>x</sub> emissions from ships in the North Sea. This concern has been recognized by Ministers at the 4th International Conference on the Protection of the North Sea in Esbjerg and more recently in a joint declaration from the Council of Ministers of the European Union and the European Commission accompanying the adoption of a new Community Directive regarding the sulphur content of liquid fuels (excluding bunker fuels). Based on this concern, the European Union Member States and the North Sea States are committed to working within the framework of IMO to establish the North Sea as a SO<sub>x</sub> emission control area. A number of these States have started the process of ratification of Annex VI. Germany and those States invite other IMO Member States to ratify Annex VI in order to promote its entry into force.

The Community's strategy to reduce impacts of acid rain has demonstrated that measures to reduce emissions from ships are cost-effective compared with measures applied to land-based sources. The relative significance of ship emissions to acidification grows year by year as countries in the European Union and States bordering the North Sea reduce their emissions of acid gases.

In this context, it is the intention of the North Sea States, supported by the European Union Member States, to submit a formal proposal to MEPC 44 to designate the North Sea as a SO<sub>x</sub> emission control area according to the procedures and criteria laid down in Annex VI to the MARPOL Convention.

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## ANNEX 17

## WORK PROGRAMMES OF SUB-COMMITTEES

## SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG)

		<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
1	<b>Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments</b>	Continuous	BLG 1/20, section 3; BLG 4/18, section 11
2	Casualty analysis (co-ordinated by FSI)	Continuous	MSC 70/23, paragraphs 9.17 and 20.4
H.1	<b>Additional safety measures for tankers</b>		MSC 63/23, paragraph 18.4; BLG 4/18, section 3
	.1 revision of MSC/Circ.677	2001	
H.2	<b>Tanker pump-room safety</b>	2001	BLG 1/20, paragraphs 4.12 to 4.14; BLG 4/18, section 4
H.3	<b>Matters related to the probabilistic methodology for oil outflow analysis</b>	2001	BLG 1/20, paragraph 8.7 to 8.11; BLG 4/18, section 5
H.4	<b>Review of Annex I of MARPOL 73/78</b>	2002	BLG 1/20, section 9; BLG 4/18, paragraph 15.2.5

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

2 Items printed in bold have been selected for the provisional agendas for the forthcoming sessions of the Sub-Committees contained in annex 19.

**Sub-Committee on Bulk Liquids and Gases (BLG) (continued)**

		<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
H.5	<b>Review of Annex II of MARPOL 73/78</b>	2002	BLG 1/20, section 9; BLG 4/18, paragraph 15.2.5
H.6	Environmental and safety aspects of alternative tanker designs under MARPOL 73/78 regulation I/13F		BLG 3/18, paragraph 15.7
	.1 development of the final guidelines	2 sessions	BLG 1/20, paragraph 8.15
	.2 assessment of alternative tanker designs, if any	Continuous (as necessary)	BLG 1/20, section 16; BLG 4/18, paragraph 15.3
H.7	Requirements for personnel protection involved in the transportation of cargoes containing toxic substances in oil tankers	2 sessions	BLG 1/20, section 12; BLG 4/18, section 9
L.1	<b>Development of guidelines for ships operating in ice-covered waters</b> (co-ordinated by DE)	2001	MSC 68/23, paragraph 20.4; BLG 4/18, section 13; MSC 71/23, paragraph 20.43
L.2	<b>Application of MARPOL requirements to FPSOs and FSUs</b>	2001	MEPC 41/20, paragraph 7.7; MSC 69/22, paragraph 20.8.1; BLG 4/18, section 14
L.3	Amendments to requirements on electrical installations in the IBC and IGC Codes	2 sessions	MSC 71/23, paragraph 20.3

**SUB-COMMITTEE ON BULK LIQUIDS AND GASES (BLG) - 5th session\***

- Opening of the session
- 1 Adoption of the agenda
  - 2 Decisions of other IMO bodies
  - 3 Additional safety measures for tankers: revision of MSC/Circ.677
  - 4 Tanker pump-room safety
  - 5 Matters related to the probabilistic methodology for oil outflow analysis
  - 6 Review of Annex I of MARPOL 73/78
  - 7 Review of Annex II of MARPOL 73/78
  - 8 Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments
  - 9 Development of guidelines for ships operating in ice-covered waters
  - 10 Application of MARPOL requirements to FPSOs and FSUs
  - 11 Work programme and agenda for BLG 6
  - 12 Election of Chairman and Vice-Chairman for 2001
  - 13 Any other business
  - 14 Report to the Committees

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\* Agenda item numbers do not necessarily indicate priority.

**SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)**

		<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
1	Reporting on non-compliance with IMO instruments	Continuous	FSI 7/14, section 5
	.1 <b>analysis and evaluation of deficiency reports and mandatory reports under MARPOL 73/78</b>	Continuous	MSC 70/23, paragraph 20.12.1; FSI 7/14, section 5
2	<b>Casualty statistics and investigations</b>	Continuous	MSC 68/23, paragraphs 7.16 to 7.24; FSI 7/14, section 6
3	Port State control	Continuous	MSC 68/23, paragraphs 7.10 to 7.15; FSI 7/14, section 7
	.1 <b>regional co-operation on port State control</b>	Continuous	FSI 7/14, paragraphs 7.1 to 7.4
	.2 <b>results of inspections</b>	Continuous	FSI 7/14, paragraphs 7.1 to 7.4
	.3 <b>mandatory reporting procedures on port State control detentions</b>	2000	MSC 71/23, paragraph 20.16
	.4 PSC on seafarers' working hours	2 sessions	MSC 70/23, paragraph 20.12.3; FSI 7/14, paragraphs 7.11 to 7.13
4	<b>Technical assistance</b>	Continuous	MSC 68/23, paragraphs 12.1 to 12.7; FSI 6/12, section 8

**Sub-Committee on Flag State Implementation (FSI)** (continued)

		<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
5	Survey and certification	Continuous	FSI 6/12, section 4
	.1 <b>guidelines for unscheduled inspections of ro-ro passenger ships</b>	2000	MSC 68/23, paragraph 7.26; FSI 7/14, paragraphs 4.13 and 4.14
	.2 <b>revision of Survey Guidelines (resolution A.746(18)) and Guidelines on surveys (resolution A.560(14))</b>	2000	MSC 69/22, paragraph 10.9; FSI 6/12, paragraphs 4.4 to 4.8 and 4.18 to 4.21
	.3 service intervals of life-saving appliances and radiocommunication equipment	1 session	MSC 68/23, paragraph 20.30; MSC 69/22, paragraph 3.9; FSI 7/14, paragraphs 4.8 to 4.12
(L)	.4 introduction of the HSSC into MARPOL Annex VI on prevention of air pollution	2001	MEPC 41/20, paragraph 8.22.1; MSC 69/22, paragraph 20.28; FSI 7/14, paragraphs 4.6 and 4.7
H.1	Implementation of IMO instruments		
	.1 <b>responsibilities of Governments and measures to encourage flag State compliance</b>	Continuous	MSC 68/23, paragraphs 7.2 to 7.8; FSI 7/14, section 3

**Sub-Committee on Flag State Implementation (FSI) (continued)**

		<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
.2	<b>comprehensive analysis of difficulties encountered in the implementation of IMO instruments</b>	2001	MSC 69/22, paragraph 20.28; FSI 7/14, paragraphs 3.3 and 3.4
.3	<b>self-assessment of flag State performance</b>	2001	MSC 70/23, paragraphs 9.2 to 9.14; FSI 7/14, paragraphs 3.20 to 3.27; MSC 71/23, paragraph 20.15
H.2	<b>Implications arising when a vessel loses the right to fly the flag of a State</b>	2001	MSC 68/23, paragraph 7.7; MSC 70/23, paragraph 22.12.4; FSI 7/14, section 9
H.3	Revision of the SOLAS expression "ships constructed"	2 sessions	MSC 71/23, paragraph 20.19



**SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI) - 8th session\***

- Opening of the session
- 1 Adoption of the agenda
- 2 Decisions of other IMO bodies
- 3 Responsibilities of Governments and measures to encourage flag State compliance
- 4 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
- 5 Self-assessment of flag State performance
- 6 Implications arising when a vessel loses the right to fly the flag of a State
- 7 Revision of Survey Guidelines (resolution A.746(18)) and Guidelines on surveys (resolution A.560(14))
- 8 Guidelines for unscheduled inspections of ro-ro passenger ships
- 9 Introduction of the HSSC into MARPOL Annex VI on prevention of air pollution
- 10 Analysis and evaluation of deficiency reports and mandatory reports under MARPOL 73/78
- 11 Casualty statistics and investigations
- 12 Regional co-operation on port State control
- 13 Results of inspections
- 14 Mandatory reporting procedures on port State control detentions
- 15 Technical assistance
- 16 Work programme and agenda for FSI 9
- 17 Election of Chairman and Vice-Chairman for 2001
- 18 Any other business
- 19 Report to the Committees

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\* Agenda item numbers do not necessarily indicate priority.

**SUB-COMMITTEE ON SHIP DESIGN AND EQUIPMENT (DE)\***

		<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
H.5	<b>Guidelines under MARPOL Annex VI on prevention of air pollution from ships</b>	2003	MEPC 41/20, paragraph 8.22.1; DE 42/15, section 10
	<b>.1 guidelines on representative samples of the fuel delivered for use on board ships</b>		
	<b>.2 guidelines for on-board NOx monitoring and recording devices</b>		
H.6	<b>Revision of resolutions MEPC.60(33) and A.586(14)</b>	2002	MEPC 42/22, paragraph 15.7; DE 42/15, paragraphs 14.22 to 14.25
H.7	<b>Amendments to resolution A.744(18)</b>	2001	MSC 70/23, paragraphs 9.29 and 20.23; DE 42/15, paragraph 14.15
H.9	<b>Safety aspects of water ballast management</b>	1 session	MSC 71/23, paragraph 9.11
L.5	<b>Guidelines under MARPOL Annex VI on prevention of air pollution from ships</b>	2003	MEPC 41/20, paragraph 8.22.1; DE 42/15, paragraphs 10.2 to 10.4
	<b>.1 guidelines on equivalent methods to reduce on-board NOx emission</b>		
	<b>2. guidelines on on-board exhaust gas cleaning systems</b>		
	<b>3. guidelines on other technological methods verifiable or enforceable to limit SOx emission</b>		

\* MEPC-related issues only.

**SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)\***

		<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
H.2	<b>Implementation of Annex III of MARPOL 73/78</b>	2000	DSC 3/15, paragraph 12.6; DSC 4/14, paragraph 11.4
H.3	<b>Revision of the format of the IMDG Code</b>	2000	MSC 66/24, paragraph 9.15; DSC 4/14, paragraph 11.4
H.9	<b>Amendments to SOLAS Chapters VI and VII and MARPOL Annex III to make the IMDG Code mandatory</b>	1 session	MSC 70/23, paragraph 20.6; MSC 71/23, paragraph 20.7

**SUB-COMMITTEE ON FIRE PROTECTION (FP)\***

H.6	<b>Use of PFCs in shipboard fire-extinguishing systems</b>	2000	MSC 69/22, paragraph 20.20; FP 43/18, section 13 and paragraph 15.3
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**SUB-COMMITTEE ON STABILITY AND LOAD LINES AND ON FISHING VESSELS SAFETY (SLF)\***

H.8	Safety aspects of ballast water management	1 session	MSC 71/23, paragraph 9.11
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\* MEPC-related issues only.



## ANNEX 18

**SUBSTANTIVE ITEMS TO BE INCLUDED IN THE COMMITTEE'S  
AGENDA OF ITS FORTHCOMING THREE SESSIONS**

No.	Item	MEPC 44 March 2000	MEPC 45 October 2000	MEPC 46 July 2001
1	Implementation of the OPRC Convention and the OPOR Conference resolutions	X	X	X
.1	Development of a Protocol to extend the OPRC Convention to cover HNS	X		
2	Harmful aquatic organisms in ballast water	X	X	X
3	Harmful effects of the use of anti-fouling paints for ships	X	X	X
4	Consideration and adoption of amendments to mandatory instruments	X	X	
5	Identification and protection of special areas and PSSAs			
.1	Review of resolution A.720(17)	X	X	
.2	Proposals for PSSAs	X		
6	Inadequacy of reception facilities	X	X	X
7	Reports of sub-committees (FSI, BLG, DSC, DE, SLF, etc.)	X	X	X
8	Work of other bodies (Assembly, Council, MSC, FAL/SPI, TCC, etc.)	X	X	X
9	Status of Conventions	X		X
10	Prevention of air pollution from ships			
.1	CO <sub>2</sub> study	X	X	
.2	NO <sub>x</sub> Technical Code	X		
.3	Follow-up to the Conference		X	X

No.	Item	MEPC 44 March 2000	MEPC 45 October 2000	MEPC 46 July 2001
11	Interpretation and amendments of MARPOL 73/78 and related Codes			
.1	Revision of Annex I		X	X
.2	Revision of Annex II		X	X
.3	Revision of Annex IV	X	X	
.4	Any other item	X	X	X
12	Follow-up action to UNCED			
.1	Prevention of pollution from offshore oil and gas activities		X	
.2	Issues arising from chapters 17 and 19 of Agenda 21	X		
.3	Outcome of CSD-7	X		
13	Promotion of implementation and enforcement of MARPOL and related Codes			
.1	MARPOL - How to do it?	X		
.2	Identification of oil pollution sources (e.g. tagging system)		X	
.3	Review of the Guidelines for implementation of Annex V and the Manual on Shipboard Waste Management		X	
14	INF Code related matters	X		
15	The role of the Human Element with regard to pollution prevention		X	X
16	Formal safety assessment, including environmental indexing of ships		X	X
17	Application of the Committees' Guidelines	X	X	X
18	Work programme of the Committee and subsidiary bodies	X	X	X
.1	Work programme for 2002/2003		X	X
.2	Work plan up to 2008		X	X

No.	Item	MEPC 44 March 2000	MEPC 45 October 2000	MEPC 46 July 2001
19	Recycling of ships	X		
20	Matters related to the 1973 Intervention Protocol			
.1	Revision of the list of substances		X	
.2	List of experts		X	
21	Technical co-operation programme		X	
22	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	

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**ANNEX 19****LONG-TERM WORK PLAN OF THE COMMITTEE****I Objectives**

1 Pursuant to the provisions of Articles 1 and 38 of the Convention on the International Maritime Organization, to encourage adoption of the highest practicable standards in matters concerning the prevention and control of marine pollution from ships with due regard to the context of resolutions A.500(XII) and A.777(18). More immediately to promote world-wide acceptance, implementation and uniform interpretation of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) as well as the International Convention for Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990).

2 To adhere to the principles and declaration adopted by UNCED in the field of marine environment protection and response to pollution incidents, including the principle of precautionary approach.

3 To provide the necessary machinery for performing any duties assigned to it and to maintain such close relationship with other bodies as may further the purposes of the Organization.

4 To promote, in co-operation with UNDP, UNEP, the World Bank, in particular the Global Environment Facility (GEF) and national development agencies, IMO's programmes of technical co-operation in the field of marine environmental protection, including the management and execution of large scale projects.

**II Specific subjects**

1 Implementation, enforcement, amendment and uniform interpretation of the provisions of MARPOL 73/78 and related Codes, recommendations and guidelines, and monitoring of the effectiveness with which the Convention is implemented, including:

- .1 enforcement mechanism and procedures for the control of ships and discharges under MARPOL 73/78;
- .2 the examination of the role of the human element in all measures aimed at the elimination of intentional pollution and minimization of accidental discharge of harmful substances;
- .3 penalties for infringement of provisions of MARPOL 73/78;
- .4 review of Annexes I and II;
- .5 review of Annex III;
- .6 measures to promote the entry into force and implementation of Annex IV;
- .7 clarification of application of MARPOL requirements to FPSOs and FSUs;
- .8 identification of oil pollution sources; and
- .9 development of guidelines including amendments to "MARPOL How to do it".

- 2 Reports regarding casualty investigations by Member States in relation to marine pollution incidents.
- 3 Reports by Parties regarding implementation of MARPOL 73/78, which is mandatory under the Convention (MEPC/Circ.318).
- 4 Follow-up action to UNCED, in particular with respect to the implementation of Agenda 21 regarding the prevention of degradation of the oceans from sea-based sources, including:
  - .1 prevention of marine pollution from offshore oil and gas activities; and
  - .2 issues arising from chapters 17 and 19 of Agenda 21.
- 5 Review of the standards for the design, construction and operation of oil and chemical tankers, including those for pollution prevention equipment.
- 6 Measures to promote the entry into force and implementation of MARPOL Annex VI on prevention of air pollution from ships, including:
  - .1 development of guidelines;
  - .2 IMO Study on greenhouse gases; and
  - .3 measures for monitoring the sulphur content of residual fuels.
- 7 Evaluation of chemicals under the provisions of Annex II to MARPOL 73/78 and the IBC Code, including:
  - .1 application of new GESAMP Hazard Profile;
  - .2 review of the list of products in the IBC Code;
  - .3 assessment of hazards of new products; and
  - .4 development of database for bulk chemicals.
- 8 Implementation of the Harmonized System of Survey and Certification under MARPOL 73/78.
- 9 Identification and protection of special areas and particularly sensitive sea areas (PSSAs), including a review of resolution A.720(17).
- 10 Implementation of the ISM Code with regard to effective management for the prevention and control of marine pollution.
- 11 Implementation of the INF Code and related matters, including environmental impact assessment.

- 12 Consideration of measures to minimize the risks of introducing harmful aquatic organisms and pathogens through discharges from ships' ballast water and associated sediments, with a view to preparing a legally binding instrument on ballast water management, together with implementation guidelines thereto, for adoption by a diplomatic conference.
- 13 Consideration of measures to minimize the harmful effects of the use of anti-fouling systems for ships with a view to preparing a legally binding instrument on harmful anti-fouling systems, together with implementation guidelines thereto, for adoption by a diplomatic conference.
- 14 Promotion of the provision of adequate reception facilities in ports and use thereof by ships, including the application of environmentally sound techniques for the treatment and ultimate disposal of ships' wastes and the development of a practicable scheme for the establishment and operation of reception facilities.
- 15 Development of Formal Safety Assessment (FSA) procedures as well as addressing environmental indexing of ships.
- 16 Development of measures to prevent and control marine pollution from small craft.
- 17 Development of measures for the prevention of marine pollution by noxious solid substances carried in bulk.
- 18 Implementation, enforcement, amendment and uniform interpretation of the provisions of the OPRC Convention, and implementation of the OPPR Conference resolutions, including:
  - .1 national capacity building for marine pollution preparedness and response;
  - .2 promotion of bilateral and regional arrangements for marine pollution preparedness and response;
  - .3 promotion of training and transfer of technology;
  - .4 development of guidelines and training materials for response measures, including the development and updating of anti-pollution manuals; and
  - .5 extension of the OPRC Convention to include harmful substances other than oil with a view to adopting the OPRC-HNS Protocol at a diplomatic conference in 2000.
- 19 Matters related to the 1973 Intervention Protocol, including revision of the list of substances and is of experts and the development of a directory for relevant centres for expertise.
- 20 Co-operation with the United Nations and other international bodies on matters of mutual interest.

### **III Priorities**

In considering the specific subjects of the long-term work plan, the Committee agreed to give high priority to the following subjects:

- .1 extension of the OPRC Convention to cover hazardous and noxious substances;

- .2 harmful aquatic organisms in ships' ballast water;
- .3 promotion of the provision of adequate reception facilities in ports and use thereof by ships;
- .4 harmful effects of ships' anti-fouling systems;
- .5 measures to promote the entry into force and implementation of Annexes IV and VI of MARPOL 73/78;
- .6 evaluation of chemicals under the provisions of Annex II of MARPOL 73/78 and the IBC Code; and
- .7 Review of Annexes I and II of MARPOL 73/78.

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## ANNEX 20

**CONTACT POINTS AND TERMS OF REFERENCE OF  
THE CORRESPONDENCE GROUPS**

**Title: Correspondence Group on the Review of the Manual on Oil Pollution**

1 To review the Manual on Oil Pollution: Section IV - Combating Oil Spills (1988 edition) and revise and/or update each chapter accordingly. The chapters, with the contributing countries and organization to undertake the review and revision are as follows:

- |     |            |  |
|-----|------------|--|
| .1  | Chapter 1  | Introduction (New Zealand)   |
| .2  | Chapter 2  | Types of Oil (Canada)  |
| .3  | Chapter 3  | Fate of Oil Spills in the Marine Environment (Canada)                                  |
| .4  | Chapter 4  | Effects of Oil on Marine and Coastal Resources (New Zealand)                           |
| .5  | Chapter 5  | Situation Evaluation and Response Options (ITOPF)                                      |
| .6  | Chapter 6  | Containment and Recovery of Oil (Germany and Sweden)                                   |
| .7  | Chapter 7  | Chemical Dispersion (France)   |
| .8  | Chapter 8  | Shore-line Clean-up (Australia and Denmark)  |
| .9  | Chapter 9  | Disposal of Oil and Oily Debris (United Kingdom)                                       |
| .10 | Chapter 10 | Practical Training and Equipment Maintenance and Storage (Canada, Denmark and Finland) |
| .11 | Chapter 11 | Clean-up Cost Consideration (ITOPF)  |

**Leader:**

2 New Zealand has agreed to act as the lead country to co-ordinate the revision of the manual and has the following address detail:

Mr. David Crawford	
Divisional Manager, Marine Environment Protection	
Maritime Safety Authority of New Zealand	
Level 8, AMP House	
109 Featherston Street	Tel No: 644 473 0111
P.O. Box 27006	Fax No: 644 473 1245
Wellington, New Zealand	Email: david.crawford@msa.govt.nz

**Terms of reference:**

3 The purpose of the correspondence group will be to revise and/or update the manual with relevant technical information in accordance to the Guidelines for Correspondence Groups (MSC Circ.816 and MEPC/Circ.3311, Appendix 2).

4 In reviewing/revising the manual the following process and timeline will, as far as practicable, be:

- .1 Members of OPRC Working Group to submit to the lead country their views, if any, on parts of the manual that need revision including the need for addition of new material.
- .2 The lead country will distribute this information to the members of the Correspondence Group for their consideration when reviewing each chapter.

- .3 The Correspondence Group members will submit a revised draft text to the lead country, who, in turn, will distribute the revised chapters to the members of the review group for their consideration. The revised drafts will be discussed at an informal meeting during MEPC 44. A final draft text of the manual will be submitted to MEPC 47 for its consideration with a view to approval.

**Title: Correspondence Group on Reception Facilities.**

**Leader:**

Mr. John Wren  
Shipping Policy Division  
Department of the Environment, Transport and the Regions  
Great Minster House, Floor 4/12  
76 Marsham Street  
London SW1P 4DR  
United Kingdom

Tel: +44.171.8905452  
Fax: +44 171 6762186  
E-mail: [sp.dot@gtnet.gov.uk](mailto:sp.dot@gtnet.gov.uk)

**Terms of reference:**

- 1 The task of the Group is to explore means of improving the availability and encourage the use of port waste reception facilities for shipping on a global basis.
- 2 The Group is to address the above objective by undertaking the following tasks:
  - (i) develop draft guidelines, with a view to their consideration at MEPC 44, to assist countries to assess or review their port waste reception facilities in order to identify:
    - 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;
  - (ii) make recommendations to MEPC 44 on the implementation of the proposed guidelines:
  - (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
  - (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.

**Title: Correspondence Group on revision of resolution A.720(17)**

**Leader:**

Mr. Paul Nelson  
Maritime Safety and Environment Strategy  
Australian Maritime Safety Authority  
GPO Box 2181  
Canberra City  
ACT 2601  
Australia

Tel: +61 2 6279 5007  
Fax: +61 2 6279 5966  
E-mail: [pen@amsa.gov.au](mailto:pen@amsa.gov.au)

**Terms of reference:**

The Correspondence Group is to:

- .1 consider documents MEPC 43/6/2 and MEPC 43/6/3 in the context of comprehensive review of resolution A.720(17), as amended; and
  - .2 submit a report of the Correspondence Group to MEPC 44 for consideration.
-