



MARINE ENVIRONMENT PROTECTION
COMMITTEE
53rd session
Agenda item 24

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

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1 INTRODUCTION

1.1 The fifty-third session of the Marine Environment Protection Committee was held at IMO Headquarters from 18 to 22 July 2005 under the chairmanship of Mr. A. Chrysostomou (Cyprus).

1.2 The session was attended by delegations from the following 88 Members of IMO:

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

UNITED KINGDOM
UNITED REPUBLIC
OF TANZANIA
UNITED STATES

URUGUAY
VANUATU
VENEZUELA

by representatives from the following Associate Member of IMO:

HONG KONG, CHINA

by representatives from the following United Nations and Specialized Agencies:

UNITED NATIONS (UN)
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION (UNESCO)
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE
(UNFCCC)

by observers from the following five intergovernmental organizations:

EUROPEAN COMMISSION (EC)
MARITIME ORGANISATION FOR WEST AND CENTRAL AFRICA (MOWCA)
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE
ENVIRONMENT (ROPME)
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA
(PMAESA)
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

and by observers from the following 38 non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL SHIPPING FEDERATION (ISF)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
INTERNATIONAL ASSOCIATION OF THE INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL COUNCIL OF MARINE INDUSTRY ASSOCIATIONS (ICOMIA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL SALVAGE UNION (ISU)
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL GROUP OF P AND I ASSOCIATIONS (P AND I CLUBS)

INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED
(ITOPF)
WORLD CONSERVATION UNION (IUCN)
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 ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
INTERNATIONAL SAILING FEDERATION (ISAF)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERFERRY

1.3 The Chairman of the Maritime Safety Committee (MSC), Mr. Tom Allan (United Kingdom), the Chairman of the Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Z. Alam (Singapore), and the Chairman of the Sub-Committee on Ship Design and Equipment (DE), Mr. I.M. Ponomarev (Russian Federation) and the Chairperson of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), Mrs. O.P. Lefèvre (France), were also present.

The Secretary-General's opening remarks

1.4 In welcoming participants, the Secretary-General recalled the decision of the Council last November that the theme for this year's World Maritime Day should be "International Shipping – Carrier of World Trade", which would provide a welcome opportunity to draw attention to the image of shipping and to raise its profile, and to seek ways and means to intensify efforts to prevent accidents happening in the first place. For it was accidents, no matter how isolated in numbers and severity, that tainted the image of shipping. The Secretary-General also referred to the decision of the Council in June this year to establish an IMO Award for Exceptional Bravery at Sea which would provide an opportunity to show the humanitarian aspect of shipping.

1.5 The Secretary-General then drew attention to the value and importance of highlighting IMO's role in protection of the marine environment to the younger generation, and IMO's role in facilitating the attendance of four children at the Children's World Summit for the Environment. The Secretary-General thanked HELMEPA, TURMEPA and CYMEPA for their efforts to ensure the children's participation, and he was confident that these children would be good ambassadors for promoting the goals of IMO in the field of marine environmental protection at the Summit.

1.6 In referring to the implementation of the amended MARPOL regulation 13G (on the accelerated phase-out of single-hull oil tankers) and the new regulation 13H (on prevention of pollution from tankers carrying heavy grade oil as cargo), which entered into force on 5 April this year, the Secretary-General hoped that the strict implementation of these two regulations,

together with the amendments to the Condition Assessment Scheme, would make a significant contribution to IMO's endeavour to achieve a pollution-free marine environment.

1.7 In welcoming the entry into force of MARPOL Annex VI (on Prevention of Air Pollution from Ships) on 19 May 2005, the Secretary-General remained concerned at the slow pace of ratification of other recently adopted IMO instruments dealing with pollution-related matters, and he encouraged prompt action by Member States to ratify or accede to the 2000 OPRC-HNS Protocol, the 2001 AFS Convention and the 2004 Ballast Water Management Convention.

1.8 Turning to the item on the Ballast Water Management Convention, the Secretary-General encouraged the Committee to reach consensus decisions on all related matters, in particular, the Guidelines for the approval of ballast water management systems and the associated Procedure for systems using Active Substances for the development of much needed ballast water treatment technologies. In this respect, the Secretary-General hoped that the establishment of a Review Group to determine whether appropriate technologies were available to achieve the ballast water performance standard required by Regulation D-2 of the BWM Convention would enable the Committee to adopt the most appropriate strategy towards early and effective implementation of the relevant requirements of the BWM Convention.

1.9 The Secretary-General recalled that the adoption by the twenty-third session of Assembly of the IMO Guidelines on Ship Recycling was a first step towards the possible development of a mandatory regime to provide legally binding, globally applicable ship recycling rules, regulations and standards for international shipping and recycling facilities. He emphasized that IMO had given the utmost urgency and importance to the development of a realistic, pragmatic, well-balanced, workable and effective solution with due cognizance of the particular characteristics of world maritime transport and all the issues attendant to the smooth withdrawal of ships from trade at the end of their operating lives and that IMO would continue its co-operation with ILO and the Basel Convention with the aim of avoiding duplication of effort and overlapping of responsibilities and competences between the three organizations to achieve a practicable solution.

1.10 On the subject of implementation of MARPOL Annex VI, the Secretary-General noted that the Committee at this session was expected to adopt three more guidelines: on the introduction of a Harmonized System for Survey and Certification under Annex VI; on port State control; and on on-board exhaust gas cleaning systems. He also noted the plan to adopt three amendments to MARPOL Annex VI, the most significant of which was an amendment to regulation 14(3) of the Annex that would designate the North Sea Area as a SO_x Emission Control Area. In the context of the large number of Unified Interpretations proposed for MARPOL Annex VI and the NO_x Technical Code, the Secretary-General noted the various technological developments achieved in emission reduction from marine diesel engines, and expressed the view that the proposal to review the present text merited the Committee's special attention.

1.11 Turning to the consideration of proposed amendments to the existing PSSA Guidelines, the Secretary-General was confident that this work would be completed at this session for submission to the twenty-fourth session of the Assembly for adoption. He stated that, by incorporating lessons learned and experience gained in the existing PSSA designation criteria, the Committee would be able to respond positively to the need for an appropriate balance between the protection of marine ecosystems (which may be vulnerable to international shipping activities) and the need to preserve the smooth flow of international seaborne trade.

1.12 With regard to the long-standing problem of inadequacy of port reception facilities, the Secretary-General emphasized the need for action by all parties concerned and strongly encouraged Member States, particularly port States party to the Convention, to fulfil their treaty obligations to the full. He noted that the Committee would be invited to develop a future action plan and hoped that this activity would provide the necessary impetus to support the Committee's efforts to tackle this problem in an efficient and effective way.

1.13 Turning to IMO's efforts to assist countries, in particular developing countries, to implement IMO Conventions and to develop their own national capacities, the Secretary-General welcomed the successful completion of the GEF/UNDP/IMO project on removal of barriers to the effective implementation of ballast water control and management measures in developing countries (GloBallast Project) and drew attention to the preparation of the second phase of the Project entitled "GloBallast Partnerships".

1.14 Regarding the Marine Electronic Highway Demonstration Project, the Secretary-General informed the Committee that IMO was currently finalizing negotiations with the World Bank and the Malacca and Singapore Straits' three littoral States – Indonesia, Malaysia and Singapore. A Memorandum of Understanding and a Memorandum on Arrangements, including partnerships with IHO, INTERTANKO and ICS, were expected to be signed soon, with the project starting before the end of 2005 or at the beginning of 2006 at the latest.

1.15 The Secretary-General also informed the Committee that the five-year GEF/UNDP/IMO Project on building partnerships for environmental protection and management of the East Asian Seas (PEMSEA) would end in December 2006, and he encouraged the countries participating in the PEMSEA project to do their utmost to establish a regional mechanism for ensuring the continuity of PEMSEA during the next phase and to ensure the implementation of the Sustainable Development Strategy for the Seas of East Asia. He also referred to the Secretariat's contribution to the EC financed **SAFEMED project**, the primary objective of which was to promote a coherent, effective and uniform implementation of all relevant international conventions and also better protection of the marine environment in the Mediterranean region by preventing pollution from ships.

1.16 In closing his remarks, the Secretary-General highlighted the importance of the draft Voluntary IMO Member State Audit Scheme, the UN General Assembly's welcome of the IMO initiative and the key role of the Committee in considering which would contribute to IMO's efforts to rid the world of sub-standard shipping. He expected the Committee to consider the outcome of the thirteenth session of the FSI Sub-Committee and of the third session of the joint MSC/MEPC/TCC *ad hoc* Working Group and submitting comments to the twenty-third extraordinary session of the Council before the final submission to the twenty-fourth session of the Assembly for approval.

Chairman's remark

1.17 In responding, the Chairman thanked the Secretary-General for his remarks and advice and stated that they would be given every consideration in the work of the Committee.

Adoption of the agenda

1.18 The Committee adopted the agenda (MEPC 53/1) and the provisional timetable for guidance during the session (MEPC 53/1/1, annex 2, as amended). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 53/INF.22.

Credentials

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

2 HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

2.1 The Committee noted that from 1 June 2004 to 31 May 2005, eight countries (Argentina, Australia, Brazil, Finland, Maldives, The Netherlands, Spain and Syrian Arab Republic) have signed the Ballast Water Management Convention, subject to ratification, and that from 31 May 2005, the Convention has been open for accession by any State and urged Members to ratify the instrument at their earliest convenience to facilitate its timely entry into force. The Committee also noted that Maldives became the first Contracting Party after depositing its instrument of ratification on 22 June 2005.

2.2 The Committee noted that, out of the forty-two documents submitted to MEPC 53 under this agenda item, twenty have been dealt with by the Ballast Water Working Group (BWWG) during its intersessional meeting held from 11 to 15 July 2005 and agreed that documents discussed in the Working Group would not need to be introduced in the plenary.

2.3 The Committee recalled that during its forty-eighth session, the DE Sub-Committee considered Guidelines (G8) and the related submissions and its conclusions were referred to the intersessional meeting of the BWWG (MEPC 53/10).

2.4 The Committee endorsed the recommendation of DE 48 regarding the compatibility between the coating systems and the Active Substances used for ballast water management, and noted that this recommendation was taken into account by the intersessional BWWG.

2.5 The Committee recalled that the BLG Sub-Committee, during its ninth session, finalized Guidelines (G3) and (G6) and noted the recommendation to continue the work on Guidelines (G2), (G4) and (G11) during the intersessional meeting of the BWWG.

Adoption of Guidelines (G3) and (G6)

2.6 The Committee, having considered the recommendation of BLG 9 regarding the final text of Guidelines for ballast water management equivalent compliance (G3), as contained in document BLG 9/17, annex 14, and the final text of Guidelines for ballast water exchange (G6), as contained in document BLG 9/17, annex 13, adopted the two guidelines by resolutions MEPC.123(53) and MEPC.124(53) respectively, which are set out in annex 1 and annex 2.

Report of the Intersessional Ballast Water Working Group

2.7 In introducing the report of the intersessional BWWG (MEPC 53/WP.1 and Add.1), the Chairman, Mr. Mike Hunter (United Kingdom), stated that, although the Working Group's terms of reference were essentially to continue work on the remaining guidelines, the group considered the comments of DE 48 and the submissions relating to Guidelines (G8) and (G9) and advised the Committee on the outcome of its deliberations. The Chairman informed that, the Group completed the work on the Guidelines for ballast water management and development of ballast water management plans (G4) and on Guidelines for Ballast Water Exchange Design and Construction Standards (G11).

2.8 The Chairman of the Group indicated that the work was also completed on the Guidelines for approval of prototype ballast water treatment technologies (G10), which could be considered for adoption by an MEPC resolution at MEPC 54. He further indicated that although progress has been made on remaining Guidelines, further work would be needed and recommended to instruct BLG 10 to continue to work on the respective drafts.

2.9 The Chairman of the Group informed that, taking into account the progress made so far, the Programme for development of the guidelines related to Ballast Water Management Convention (MEPC 51/21, annex 1) was revised and updated as appropriate.

2.10 The Chairman also informed that the Group, having recalled that resolution 2 adopted by the International Conference on Ballast Water Management for Ships which recommended the use of suitable decision-making tools, discussed the potential evaluation tools that could be used to conduct the technology review required under Regulation D-5 of the Convention and provided comments on the outcome of the discussion.

2.11 The Committee, having considered the report of the intersessional BWWG and having noted the oral report of its Chairman, took action as follows:

Adoption of Guidelines for approval of ballast water management systems (G8)

2.12 The Committee endorsed the Ballast Water Working Group's recommendation regarding the need for on board testing during the type approval of Ballast Water Management Systems and agreed with the changes to the draft Guidelines for approval of ballast water management systems (G8) as proposed by the Working Group.

2.13 The Committee noted that 15 delegations participating in the Working Group supported the retention of biological efficacy within on board testing, two delegations could not support this approach and four delegations expressed their reservation regarding the practicability of such testing.

2.14 The delegation of Norway, supported by a number of other delegations, expressed the view that retaining the biological efficacy within on board testing would delay the implementation of the Convention because of its impracticability, high costs and inconclusive results and proposed to remove the provisions relating to this issue.

2.15 The delegation of the United States, supported by a large number of other delegations, expressed the view that rigorous and complete testing on board, before commercialisation, is the only guarantee that a certain ballast water system works and proposed to retain the provisions regarding biological efficacy within on board testing.

2.16 After extensive debate, the Committee agreed to retain the biological efficacy within on board testing and adopted the Guidelines for approval of ballast water management systems (G8), (MEPC 53/2) with the changes proposed by the BWWG (paragraphs 8 and 13 to 17 of MEPC 53/WP.1) by resolution MEPC.125(53) as set out at annex 3.

Adoption of Procedure for approval of ballast water management systems that make use of Active Substances (G9)

2.17 The Committee noted the inconsistencies between the text of the Procedure for approval of ballast water management systems that make use of Active Substances (G9) and the flow chart in the appendix and instructed the Secretariat to make the necessary changes.

2.18 The Committee also noted that the compatibility between the Active Substances and tank coatings is covered generically by paragraphs 6.3.1 and 6.3.2 of the Procedure for approval of ballast water management systems that make use of Active Substances (G9) as well as by the Guidelines for approval of ballast water management systems (G8).

2.19 The Committee, having noted the recommendation of the Ballast Water Working Group regarding the urgent need for the Procedure for approval of ballast water management systems that make use of Active Substances (G9) (MEPC 53/2/1), adopted the above procedure by resolution MEPC.126(53) as set out at annex 4.

Adoption of Guidelines for ballast water management and development of ballast water management plans (G4)

2.20 The Committee, having taken into account the recommendations of the Group and the comments made in the plenary regarding the Guidelines for ballast water management and development of ballast water management plans (G4) (MEPC 53/2/9) adopted the above guidelines by resolution MEPC.127(53) as set out at annex 5.

Further work on the remaining guidelines for uniform implementation of the Ballast Water Management Convention

2.21 The Committee, having noted that the BWWG completed work on Guidelines for ballast water exchange design and construction standards (G11) (MEPC 53/WP.1, annex 1), agreed to instruct BLG 10 to consider the final draft of the guidelines in general and, in particular, the aspects related to design and equipment, and provide its comments to MEPC 55 with a view to adoption by an MEPC resolution.

2.22 The delegation of Brazil expressed its concern about the introduction of the sentence on over pressurization in paragraph 3.5.3 of the Guidelines (G11), but agreed to further discuss this aspect during the final consideration of guidelines at BLG 10.

2.23 The Committee endorsed the recommendation of the Group to consider the final draft of the Guidelines for approval of prototype ballast water treatment technologies (G10) (MEPC 53/WP.1, annex 2) and the associated MEPC draft resolution, to be prepared by the Secretariat, for consideration at MEPC 54 with a view to adoption.

2.24 The Committee noted the recommendation of the Group regarding the Guidelines for additional measures including emergency situations (G13), instructed the Secretariat to submit a consolidated text based on the discussions in the Working Group to BLG 10 for further consideration and invited relevant contributions from members and observers.

2.25 The Committee noted the group's views regarding the need to continue its work on development of the remaining guidelines in an expeditious manner so that they could be submitted to BLG 10 for consideration and approved the establishment of a Correspondence

Group under the co-ordination of Australia¹ with the Terms of Reference as set out in paragraph 58 of document MEPC 53/WP.1.

2.26 The Committee approved the 'Programme for the development of the guidelines for uniform implementation of the BWM Convention' updated by the BWWG, as set out in annex 6.

Establishment of a technical group on Active Substances in accordance with the provisions of Guidelines (G9)

2.27 The Committee noted that, according to the Procedure for approval of ballast water management systems that make use of active substances (G9), the Organization should establish a Technical Group to review the proposals for approval of Ballast Water Management systems that make use of Active Substances and report to the Organization whether a proposal presents unreasonable risk for environment, human health, property or resources in accordance with the criteria specified in the Procedure.

2.28 The Committee, having considered the proposals to establish a Technical Group (MEPC 53/2/18) agreed that a dedicated GESAMP-Ballast Water (GESAMP-BW) Technical Group on Active Substances, financed through a fee scheme paid by relevant industries requesting approval of Ballast Water Management System using Active Substances, could best serve the needs of the shipping industry and meet the challenges posed by the timeline established by the BWM Convention.

2.29 The Committee noted the recommendation of the BWWG regarding the urgent need to establish the Technical Group on Active Substances and instructed the Secretariat to formally approach GESAMP in this respect and, in case an agreement is reached, start the preparation for the first meeting of the group as soon as possible. The Committee agreed that GESAMP-BW group could be tasked to develop detailed methodologies and information requirements for conducting its work and report to the Committee at MEPC 54 and decided to request an informal group led by Japan to develop terms of reference for this Technical Group.

2.30 Following a request for clarification from CEFIC, the Committee agreed that Basic Approval granted to an Active Substance should be sufficient to allow discharges during shipboard testing of a system using that substance in accordance with Guidelines (G8).

2.31 The Committee approved the terms of reference for GESAMP-BW Technical Group developed by the informal group led by Japan as set out in document MEPC 53/WP.7 and noted the suggestion by the Netherlands regarding the need to include relevant technical expertise in the Group when addressing storage, handling and application of Active Substances.

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2.32 The Committee noted the request for basic approval of a system that uses Active Substances submitted by Germany (MEPC 53/2/12) and agreed to task the GESAMP-BW Technical Group to review the proposal and report to MEPC 54.

Outcome of the work of other bodies and other information relating to ballast water

2.33 The Committee noted the information provided by the Secretariat regarding the amendments to SOLAS regulation V/22 in relation to transitory non-compliance when conducting ballast water exchange (MEPC 53/2/3) and the associated MSC/Circ.1145 on precautionary advice to masters.

2.34 The Committee noted that no submission had been made to FSI 13 on the development of Guidelines for port State control under BWM Convention and endorsed the FSI Sub-Committee's invitation to members and observers to contribute to the development of the Guidelines by submitting their proposals to FSI 14.

2.35 The Committee noted the status of development of the Survey Guidelines in accordance with Regulation E-1 of the BWM Convention and endorsed the FSI Sub-Committee's recommendations for developing the Guidelines under the HSSC in the form of amendments to resolution A.948(23).

2.36 The Committee instructed the FSI Sub-Committee to consider Guidelines (G1) and (G5) (BLG 9/WP.2, annexes 4 and 5) at FSI 14 and submit the final drafts to MEPC 55 with a view to adoption by MEPC resolutions.

2.37 The Committee, having noted the outcome of BLG 9 (MEPC 53/10/5) and the heavy workload of the DE Sub-Committee, instructed BLG 10 to further consider the final draft of the Guidelines on sediment control on ships (G12) (BLG 9/WP.2, annex 6) focusing on the aspects related to design and equipment and to provide its comments to MEPC 55 with a view to adoption by an MEPC resolution. In this connection, the Committee invited Member Governments and international organizations to include design and equipment experts in their delegations to BLG 10.

2.38 The Committee noted the information provided by Saudi Arabia (MEPC/INF.16) regarding a patented technology which is believed to be an alternative to "treatment" under Regulation D-2 of the BWM Convention.

2.39 The Committee noted the information provided by Brazil (MEPC 53/INF.18) regarding an experiment performed on board a ship combining ballast water exchange with filtration and chlorination.

Establishment of the Ballast Water Review Group

2.40 The Committee recalled that MEPC 52 agreed to establish a Review Group, in accordance with the provisions of Regulation D-5 of the BWM Convention, to determine whether appropriate technologies are available to achieve the ballast water performance standard required under Regulation D-2 (MEPC 52/24, paragraph 2.21.5). The review would also include an assessment of safety considerations related to the ship and the crew, environment acceptability, practicability, cost effectiveness, biological effectiveness, and the socio-economic effects specifically in relation to the developmental needs of developing countries particularly small-island developing States.

2.41 The Committee recalled further that MEPC 52 developed a set of recommendations for the conduct of the review of the technologies (see MEPC 53/2/2) and invited Members and observers to submit relevant information according to these recommendations to facilitate the review during MEPC 53.

2.42 The Committee noted that six documents have been submitted: MEPC 53/2/6 (Sweden), MEPC 53/2/11 (Germany), MEPC 53/2/14 (United States), MEPC 53/2/15 (Australia), MEPC 53/2/16 (Norway), and MEPC 53/2/31 (Republic of Korea), providing information on ballast water management technologies already developed or under development.

2.43 The Committee noted the comments provided by the Working Group on the possible decision-making tools that could be used to conduct the technology review, and agreed on the following terms of reference for the group:

- .1 agree on the methodology to conduct the technology review taking into account the comments provided by the Intersessional Ballast Water Working Group;
- .2 review the information regarding ballast water treatment technologies provided in documents MEPC 53/2/6 (Sweden), MEPC 53/2/11 (Germany), MEPC 53/2/14 (United States), MEPC 53/2/15 (Australia), MEPC 53/2/16 (Norway), and MEPC 53/2/31 (Republic of Korea) using the evaluation methodology as a decision-making tool;
- .3 determine the availability of ballast water treatment technologies to achieve the standard set in Regulation D-2, with particular reference to the group of ships constructed in or after 2009 with a ballast water capacity of less than 5,000 cubic meters to which the performance standard applies, taking into account the criteria set up in Regulation D-5.2;
- .4 recommend appropriate action for consideration by the Committee; and
- .5 prepare a written report on the work carried out for consideration by the Committee on Thursday, 21 July 2005.

Report of the Ballast Water Review Group (BWRG)

2.44 The BWRG met from 18 to 20 July 2005 under the chairmanship of Mr. Mike Hunter (United Kingdom).

2.45 In introducing the report of the Review Group (MEPC 53/WP.9), the Chairman of the Group drew the attention of the Committee to paragraph 7.1.7 where the underlined title should read 'Systems that do use Active Substances' and referred to the recommendation that, at present time, there is no need to consider amending the regulations including the dates in Regulation B-3. However, in view of the remaining uncertainty and having evaluated the timeline for the approval process, he emphasized that a further review of technologies in accordance with Regulation D-5 should to be conducted during MEPC 55.

2.46 The delegation of Germany, supported by a number of delegations, expressed concern regarding the last sentence of paragraph 6.2.1 of the report as the word 'residual' seemed undefined and suggested further consideration of this particular aspect in due course. Germany

also expressed the view that the annexes to the report should be regarded as information only as they were not thoroughly discussed by the Group.

2.47 The delegation of India referred to the lengthy timeline for approval for Ballast Water Management Systems and to the difficulties identified by Singapore during their shipboard testing experience and expressed the view that the effective dates for the D-2 standard (i.e. January 2009) may not be met.

2.48 The delegation of the Netherlands requested the Secretariat to replace the word 'hydrochloride' with 'hypochlorite' in the second paragraph of the information provided by them in annex 2, page 10 of MEPC 53/WP.9.

2.49 The Committee noted that the Review Group agreed on the methodology of conducting the technology review based on the evaluation tool developed during the 4th Intersessional Meeting of the BWWG, which is attached at annex 1 of the report.

2.50 The Committee noted the conclusions of the Review Group and, in particular, that the variety of systems being tested on board have the potential to meet the criteria of safety, environmental acceptability and practicability and that, it is reasonable to expect ballast water management technologies and type-approved systems will be available to meet the review criteria of Regulation D-5.2 by October 2008.

2.51 The Committee, having considered the recommendations of the Review Group provided in section 8 of its report, agreed to re-establish the Review Group during MEPC 55 (see annex 36) and invited submissions for consideration at MEPC 54 on possible options, should the review at MEPC 55 indicate that the anticipated progress had not been achieved.

2.52 The Committee approved the report of the Review Group in general.

3 RECYCLING OF SHIPS

3.1 The Committee recalled that, at MEPC 52, it continued its work on ship recycling and made significant progress on several key issues such as, *inter alia*, the mandatory application of certain elements of the IMO Guidelines on Ship Recycling (hereinafter referred to as the IMO Guidelines), the development of a reporting system for ships destined for recycling and the preparation of a "single list" of the on board potentially hazardous materials. MEPC 52 also considered a number of other issues such as the mechanisms to promote the implementation of the IMO Guidelines, the development of criteria for ships to be declared "Ready for Recycling", the proposed amendments to the IMO Guidelines and the proposed establishment of an International Ship Recycling Fund.

3.2 The Committee further recalled that MEPC 52, taking into account the need to progress the work on ship recycling issues in an expeditious manner:

- .1 agreed to the establishment of a correspondence group to further progress the work in the intersessional period;
- .2 approved a three-day intersessional meeting of the Working Group on Ship Recycling during the week prior to this session; and
- .3 agreed to re-establish the Working Group on Ship Recycling at this session.

3.3 The Committee also recalled that the first session of the Joint ILO/IMO/BC Working Group on Ship Scrapping (hereinafter referred to as the Joint Working Group) was held from 15 to 17 February 2005 at IMO Headquarters and that the Joint Working Group agreed to a number of recommendations in relation to the work programme and activities of ILO, IMO and the Conference of Parties to the Basel Convention with regard to ship recycling issues, for consideration by the three Organizations, as appropriate.

Report of the intersessional meeting of the Working Group on Ship Recycling

3.4 The intersessional meeting of the Working Group on Ship Recycling was held from 13 to 15 July 2005 at IMO Headquarters under the chairmanship of Mr. Jens Koefoed (Norway).

3.5 In introducing the report of the intersessional meeting of the Working Group (MEPC 53/WP.2), the Chairman of the Working Group stated that, in accordance with its mandate, the Working Group had considered the report of the Correspondence Group on Ship Recycling (MEPC 53/3/1) as well as the submissions to MEPC 53 which were related to the outcome of the work of that Group (MEPC 53/3/2 (Japan), MEPC 53/3/5 (ICS, BIMCO, INTERCARGO, INTERTANKO, IPTA and WNTI), MEPC 53/3/6 (India), MEPC 53/3/7 (Denmark), MEPC 53/3/8 (Denmark) and MEPC 53/3/9 (Greenpeace International)). He then presented the main outcome of the Working Group, which is summarized in the following paragraphs.

3.6 There was general agreement in the Working Group that the IMO should contribute to the development of an effective solution to the issue of ship recycling, which will reduce, in the most effective and efficient way, the environmental, occupational health and safety risks related to ship recycling, taking into account, at the same time, the particular characteristics of world maritime transport and the need for securing the smooth withdrawal of ships that have reached the end of their operating lives.

3.7 The Working Group agreed that the IMO, in pursuit of the above objective, should develop, as a high priority, a new instrument with a view to providing legally binding and globally applicable ship recycling regulations for international shipping and for recycling facilities.

3.8 In considering the basic areas to be covered by a new legally binding instrument on ship recycling, the Working Group agreed that such an instrument should provide rules for:

- .1 the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling, without compromising the safety and operational efficiency of ships;
- .2 the operation of recycling facilities in a safe and environmentally sound manner; and
- .3 the establishment of an appropriate enforcement mechanism for ship recycling (certification/reporting requirements).

3.9 The Working Group developed a preliminary draft structure for the new instrument on ship recycling and had an initial consideration on a number of issues related to the development of the appropriate mandatory requirements on ship recycling, including, *inter alia*, the

prohibition of the use of certain hazardous materials in the construction and equipment of ships, the design of ships and ships' equipment to facilitate recycling and removal of hazardous materials, the preparation, update and verification of inventories of potentially hazardous materials on board ships, the possible need for a survey and certification system, the development of a reporting system for ships destined for recycling, the need for the recycling facilities to be approved/licenced or properly regulated in accordance with internationally developed and globally applied standards, the development of a ship recycling plan and the provision of, access to, and proper utilization of adequate reception facilities for shipboard wastes and other wastes by the recycling facilities.

3.10 The Working Group had a preliminary discussion on the possible legal framework options for the new instrument on ship recycling. Taking into account the particular characteristics and the complicated nature of the ship recycling operations and procedures as well as the need for uniformity, simplicity and clarity in the implementation of the new requirements, the Working Group was of the view that a new free-standing instrument, possibly a new Convention, would be the best option. However, it was recognized that such a decision could be made at a later stage when the development of the new instrument would have further progressed.

3.11 The Working Group, in considering the way forward, agreed to recommend to the Committee that a draft Assembly resolution should be prepared setting out the Organization's commitment to develop, on a high priority basis, a new IMO instrument providing legally binding and globally applicable ship recycling regulations for international shipping and for recycling facilities.

3.12 Recognizing that the development of the new instrument on ship recycling should be considered as a matter of urgency, the Working Group was of the view that appropriate consideration should be given by the Committee to the possible timeline of this process, taking into account the workload of the Organization and the available resources.

3.13 The Working Group was of the view that the progress towards the development of a new legally binding instrument on ship recycling should not shift the attention of the involved stakeholders away from the important work that is needed for the implementation of the IMO Guidelines, since any experience gained in their implementation would be a useful tool for the development of the new instrument and significantly enable its eventual implementation and success. In this respect, the Working Group, having noted that the Committee would be invited to consider the recommendations of the Joint Working Group on the promotion of the implementation of the IMO Guidelines, agreed to invite additional proposals for the next session of the Committee on practical measures that could be taken in the intermediate period, until the finalization and entry into force of the new instrument, to promote the implementation of the IMO Guidelines.

3.14 The Working Group, having considered that:

- .1 reports of explosions at recycling facilities during cutting operations are all too frequent with life threatening consequences;
- .2 the requirement for a "gas-free-for-hot-work" certification is the single measure with the greatest impact on safety in recycling facilities and that its implementation would greatly contribute to reducing the safety risks involved in recycling operations;

- .3 the implementation of the amendments to MARPOL Annex I, adopted by resolution MEPC.111(50) (amendments to regulation 13G and a new regulation 13H), is expected to increase the number of vessels to be recycled within a specific period of time;
- .4 the estimated increase in the recycling of single hull oil tankers should not necessarily increase the environmental and safety risks involved;

agreed to recommend to the Committee that an MEPC circular should be issued urging all the involved parties to take appropriate action to implement the IMO Guidelines, giving particular emphasis to the “gas-free-for-hot-work” certification.

3.15 Finally, the Working Group considered issues related to the development of the “single list” and the Inventory of the on board potentially hazardous materials and finalized the text of the draft amendments to the IMO Guidelines, proposed by the Correspondence Group, for the Committee’s approval with the view to their submission to the twenty-fourth session of the Assembly for adoption.

3.16 The Committee, having considered the report of the Group (MEPC 53/WP.2), took action as indicated in the ensuing paragraphs.

3.17 The delegation of India, having noted with satisfaction the outcome of the intersessional meeting of the Working Group on Ship Recycling, stressed the important work that is needed for the development of mandatory requirements and for the implementation of the Guidelines with the view to establishing a level playing field on ship recycling. India, having pointed out the need for acknowledging the capabilities and advantages of existing recycling facilities, stated that a system for categorization of the capabilities of the recycling facilities on this basis, along with a reporting and certification system, were amongst the most important elements of the new mandatory regime on ship recycling to be developed. India expressed the view that there was a need for further review and clarification of the respective roles of the IMO, ILO and the Basel Convention on ship recycling, in particular, with regard to the issue of if and when a ship or its materials become a waste.

3.18 The delegation of Greece highlighted the positive outcome of the intersessional meeting of the Working Group on Ship Recycling and expressed its commitment to actively contribute to the development of legally binding and globally applicable ship recycling regulations. It was further stated that a new IMO instrument on ship recycling would assist not only in reducing the environmental, occupational health and safety risks in recycling facilities ashore but also the minimization of the possible exposure of ships’ crew to harmful substances.

3.19 The observer delegation of the Community of European Shipyards’ Association (CESA), having acknowledged the significant progress made by the Correspondence Group and the intersessional meeting of the Working Group on Ship Recycling, highlighted the importance of the proper technical consideration and development of the “single list” of the on board potentially hazardous materials and indicated the willingness of CESA to work towards the development of technically feasible and practicable ship recycling mandatory requirements applying initially to existing ships and, at later stage, to new ships.

3.20 The delegation of the Marshall Islands, supported by some delegations, in noting that the Working Group had agreed that the operation of recycling facilities should be covered by the new legally binding instrument on ship recycling, was of the view that the IMO was not the

appropriate body to regulate such a land-based industry and expressed its concerns on the proposal for the development of such an instrument by the IMO.

3.21 One delegation expressed the view that the issue of ship recycling should be mainly regulated through the Basel Convention and that the IMO should focus on the development of guidelines and other measures of a recommendatory nature.

3.22 The delegation of Venezuela pointed out that in the development of ship recycling regulations the issue of potential harmful effects to ships' crew from the handling of hazardous materials should be given due consideration.

3.23 The delegation of Norway, supported by the majority of the delegations who spoke, pointed out that:

- .1 there are many precedents for mandatory IMO requirements addressing the operation of land-based facilities, such as regulation 10 of Chapter XI-2 of SOLAS, regulation 12 of MARPOL Annex I, regulation 7 of MARPOL Annex II, regulation 12 of MARPOL Annex IV, regulation 7 of MARPOL Annex V and regulation 17 of MARPOL Annex VI;
- .2 the Working Group, in agreeing that requirements on the operation of recycling facilities should be included in the new mandatory regime, had expressed the view that the extent of the application of land-based requirements in this new IMO mandatory instrument should be further considered (paragraph 18 of MEPC 53/WP.2);
- .3 the Conference of Parties to the Basel Convention, by its Decision VII/26, invited the IMO to continue to work towards the establishment in its regulations of mandatory requirements ensuring the environmentally sound management of ship recycling;

and expressed strong support for the development of a new mandatory instrument on ship recycling by the IMO.

3.24 Following the above debate, the Committee endorsed the Working Group's recommendation that the IMO should develop, as a high priority, a new instrument with a view to providing legally binding and globally applicable ship recycling regulations for international shipping and for recycling facilities.

3.25 The Committee also endorsed the Working Group's views on the basic areas that should be covered by the new legally binding instrument on ship recycling (paragraph 17 of MEPC 53/WP.2 and paragraph 3.8 above).

3.26 The Committee noted the preliminary draft structure for the new instrument on ship recycling, as developed by the Working Group (paragraph 19 of MEPC 53/WP.2).

3.27 The Committee also noted the outcome of the Working Group's deliberations on the development of the new mandatory requirements on ship recycling (paragraphs 22 to 48 of MEPC 53/WP.2).

3.28 The Committee concurred with the Working Group's recommendation that an MEPC circular on the implementation of the IMO Guidelines should be issued giving particular emphasis to the "gas-free-for-hot-work" certification and instructed the Working Group on Ship Recycling to develop such a draft circular with the view to its approval by the Committee.

3.29 The Committee noted the Working Group's views regarding the best legal framework option for the new instrument on ship recycling (paragraph 49 of MEPC 53/WP.2 and paragraph 3.10 above).

3.30 The Committee agreed to the Working Group's recommendation that a draft Assembly resolution should be prepared setting out the Organization's commitment to develop, on a high priority basis, a new IMO instrument on ship recycling and instructed the Working Group on Ship Recycling to develop the draft resolution with the view to its approval by the Committee for subsequent submission to the twenty-fourth session of the Assembly for adoption.

3.31 In considering a possible timeline for the development of the new IMO instrument on ship recycling, the Committee, taking into account the urgency of the matter, the workload of the Organization and available resources, agreed, following a proposal by the United Kingdom, that the objective should be the completion of the above-mentioned draft instrument in time for adoption in the biennium 2008-2009. The Committee instructed the Working Group on Ship Recycling to include appropriate text in the draft Assembly resolution referred to in the above paragraph.

3.32 The Committee concurred with the Working Group's view that the progress towards the development of a new legally binding instrument on ship recycling should not shift the attention of the involved stakeholders away from the important work that is needed for the implementation of the IMO Guidelines, and endorsed the Working Group's invitation for the submission of proposals to MEPC 54 on practical measures for the promotion of the implementation of the IMO Guidelines.

3.33 The Committee noted the outcome of the Working Group's consideration on the development of the "single list" of the on board potentially hazardous materials (paragraphs 55 to 57 of MEPC 53/WP.2).

3.34 The Committee approved the draft amendments to the IMO Guidelines, as set out in the annex to MEPC 53/WP.2, with the view to their submission to the twenty-fourth session of the Assembly for adoption and instructed the Working Group on Ship Recycling to prepare the relevant draft Assembly resolution on the adoption of the amendments to the IMO Guidelines.

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

3.35 In introducing the report of the first session of the Joint ILO/IMO/BC Working Group on Ship Scrapping (MEPC 53/3), the Chairman of the Joint Working Group, Mr. Jens Koefoed (Norway), stated that the Joint Working Group, at its first meeting, developed a number of recommendations to be taken into account by the three Organizations, as appropriate, regarding their work programme activities on ship recycling, the promotion of the implementation of the ship recycling guidelines and the joint technical co-operation activities. The Joint Working Group also initiated an examination of the relevant ILO, IMO and BC Guidelines on ship recycling with the view to identifying any possible gaps, overlaps, or ambiguities.

3.36 The Committee noted that the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, at its fourth session (4 to 8 July 2005), considered the report on the first session of the Joint Working Group and adopted a relevant Decision, as set out at annex 3 of MEPC 53/WP.17, by which the Open-ended Working Group, *inter alia*, endorsed the decisions and the work programme of the Joint Working Group and agreed with the recommendation of the Joint Working Group that its second session be hosted by the Basel Convention in Geneva, Switzerland. The Committee also noted that the Open-ended Working Group considered, amongst other matters, the abandonment of ships on land or in ports and the environmentally sound management of ship dismantling and adopted two Decisions, which are set out at annexes 1 and 2 of MEPC 53/WP.17 respectively.

3.37 The Committee was also informed that the Governing Body of ILO, at its 292nd session (March 2005), having taken note, through its Committee on Sectoral and Technical Meetings and Related Issues, of the first session of the Joint Working Group:

- .1 authorized the holding of a second session of the Joint Working Group in Geneva in late 2005 or early 2006, with a composition of ten ILO (five Employer and five Worker) representatives, five Basel Convention representatives and five IMO representatives; and
- .2 requested the ILO Director-General to communicate its decision to the Executive Secretary of the Secretariat of the Basel Convention and to the IMO Secretary-General.

3.38 The Committee, having noted the report and the recommendations of the Joint Working Group, took action as indicated in the following paragraphs.

3.39 The Committee noted the outcome of the Joint Working Group's consideration on its draft rules of procedure.

3.40 Having concurred with the Joint Working Group's view that the three Organizations should ensure that the issue of "abandonment of ships on land or in ports" would be adequately covered by an international legally binding instrument, as deemed appropriate, the Committee invited the Consultative Meeting of Contracting Parties to the London Convention 1972 and the IMO Legal Committee to consider, based on the analysis provided in document ILO/IMO/BC WG 1/2/2, the issue of abandonment of ships on land or in ports with a view to assisting in the development of an effective solution to this problem.

3.41 In considering the Joint Working Group's recommendations regarding the main work programme items on the issue of ship recycling that are under the concurrent consideration of the three Organizations, the Committee agreed to take them into account, as appropriate, during its future deliberations.

3.42 The Committee noted the progress made by the Joint Working Group in undertaking an initial examination of the relevant ILO, IMO and BC guidelines on ship recycling with a view to identifying any possible gaps, overlaps, or ambiguities and urged the Member States, which would be nominated to represent the Organization in the second session of the Joint Working Group, to participate actively in the relevant intersessional correspondence work.

3.43 The Committee endorsed the Joint Working Group's view that the implementation of the ILO, IMO and BC guidelines on ship recycling is of paramount importance for the minimization

of the environmental, occupational health and safety risks related to ship recycling and the improvement of the protection of human health and the environment at ship recycling facilities.

3.44 The observer delegation of ICS, in strongly supporting the above-mentioned action taken by the Committee, invited the Member States, the shipping industry and the recycling facilities to take urgent action in implementing the IMO Guidelines in an effective way without awaiting the development of the new instrument on ship recycling.

3.45 Having endorsed the Joint Working Group's recommendations on the promotion of the implementation of the Guidelines on ship recycling, as set out in paragraph 4.11 of the annex to document MEPC 53/3, the Committee instructed the Secretariat to issue an MEPC circular (MEPC/Circ.467) inviting:

- .1 the ship recycling States to make publicly available information about the point of contact for the competent authorities responsible for issues related to ship recycling; and
- .2 Governments and all involved stakeholders to provide information to the Organization on any experience gained in the implementation of the IMO Guidelines.

3.46 The Secretariat informed the Committee of the Organization's ship recycling web page (<http://www.imo.org> – select 'Marine Environment/Ship recycling') which provides information on the Committee's work on ship recycling and on the latest developments in the Joint Working Group as well as appropriate links to the ship recycling-related web pages of the ILO and the Basel Convention Secretariat, fulfilling, in that way, the relevant recommendation put forward by the Joint Working Group (paragraph 4.11.2 of the annex to document MEPC 53/3).

3.47 Regarding the recommendation that the Organization should consider the translation of the IMO Guidelines into the working languages of the main ship recycling States (paragraph 4.11.3 of the annex to document MEPC 53/3), the Committee instructed the Secretariat to liaise with the countries concerned with the view to finding, through the technical co-operation process, the best possible way to implement this recommendation.

3.48 The Committee endorsed the Joint Working Group's recommendations regarding the technical co-operation activities on ship recycling launched or planned by the Organization (paragraph 5.8 of the annex to document MEPC 53/3) and noted that, as part of the Organization's Integrated Technical Co-operation Programme (ITCP), a regional workshop on the implementation of the IMO Guidelines had been scheduled to take place in Izmir, Turkey, in October 2005.

3.49 The Committee also endorsed the Joint Working Group's invitation to Governments and other stakeholders to provide information to the Organization on any technical co-operation activities or other relevant initiatives already launched or planned so that these activities could be taken into account in future technical co-operation programmes of the Organization.

3.50 The Committee, having endorsed the Joint Working Group's suggestion that the proposal for the development of a global technical co-operation programme on ship recycling should be further considered by the Organization, agreed to invite the IMO's Technical Co-operation Committee (TCC) to consider the development of a global/regional programme aimed at resource

mobilization to finance the development/strengthening of the capacity of developing countries in implementing the relevant Guidelines on ship recycling.

3.51 The Committee, having noted the views expressed by the Joint Working Group concerning the establishment of a ship recycling fund, recalled that MEPC 52 had agreed, in principle, to the need for the establishment of such a fund to promote the safe and environmentally sound management of ship recycling through the Organization's technical co-operation activities and had invited the TCC to consider further the arrangements for its establishment. In this respect, the Committee noted that the TCC, at its fifty-fifth session (14 to 16 June 2005), endorsed the Committee's proposal to establish such a fund provided that, when the Secretary-General establishes the fund, a very clear indication as to which specific activities would be supported by the fund should be provided.

3.52 The Committee endorsed the Joint Working Group's view that any proposed regulatory measures should aim at the development of a realistic, well-balanced and effective solution to the problems of ship recycling which, at the same time, should take into account the need for sustainable ship recycling.

3.53 The Committee also endorsed the Joint Working Group's recommendation to invite the ship recycling countries to submit to the Organization any available information on their ship recycling activities.

3.54 Having noted the outcome of the Joint Working Group's consideration on its future work programme, the Committee approved the proposed additional agenda items for its second meeting, which, as agreed by the Committee, will be hosted by the Basel Convention in Geneva, Switzerland. The Secretariat informed the Committee that the second session of the Joint Working Group had been tentatively scheduled to be held at the United Nations Office at Geneva from 12 to 14 December 2005 and that the invitation for the meeting would be circulated in due course.

3.55 The Committee agreed that Bangladesh, Japan, Netherlands, Norway and the United States should represent the Organization in the second session of the Joint Working Group, with the understanding that:

- .1 the views to be expressed by the above-nominated countries in the Joint Working Group should reflect the IMO's standpoint in accordance with the outcome of the Committee's deliberations and decisions on the issue of ship recycling; and
- .2 representatives of other Member States, and intergovernmental or non-governmental organizations may attend the Joint Working Group and participate as observers.

3.56 The Committee noted that the United Kingdom would provide financial contribution in connection with the Basel Convention participation at the second session of the Joint Working Group.

3.57 The Committee noted the information provided in document MEPC 53/INF.19, submitted by the Secretariat of the Basel Convention, on concepts such as environmentally sound management and prior informed consent within the context of the Basel Convention.

Reports and other information on ship recycling

3.58 Greenpeace International, in its document MEPC 53/3/3, provided information on the findings of its report “Destination Unknown: European single hull oil tankers: no place to go” issued in December 2004. Based on the results of this study, Greenpeace International warned of an imminent increase in human and environmental problems associated with current shipbreaking practices in developing countries as a result of the accelerated phase out of single hull oil tankers. Greenpeace International, having stressed the lack of “green” ship recycling capacity, proposed the development of a definitive and consolidated list of single hull oil tankers subject to phase out regulations, as one of the possible measures that the IMO should consider with the aim of alleviating the problems associated with the increased number of single hull oil tankers to be recycled in the near future. Document MEPC 53/3/4, submitted by Greenpeace International, provided information on the report “The ship recycling fund, financing environmentally sound scrapping and recycling of sea-going ships” commissioned by Greenpeace International for the introduction and setting up of an international eco-dismantling fund with the aim of financing environmentally sound recycling by raising contributions by the shipowners based on the polluter-pays principle. Finally, Greenpeace International, having welcomed the decision taken by the Committee on the development of a new IMO mandatory instrument on ship recycling, stressed that this instrument should provide at least an equivalent level of control as that found in the Basel Convention.

3.59 The Committee, in considering the proposal contained in document MEPC 53/3/4, reiterated its previous decision on the establishment of the International Ship Recycling Fund to promote the safe and environmentally sound management of ship recycling through the Organization’s technical co-operation activities.

3.60 Regarding the proposal for the development of a definitive and consolidated list of single hull oil tankers subject to phase out regulations, contained in document MEPC 53/3/3, the Committee, taking into account that:

- .1 the implementation of the revised regulation 13G of MARPOL Annex I is the responsibility of the Administrations;
- .2 the IMO database for CAS would provide sufficient information on single hull oil tankers of 15 years of age or more;

was of the view that, in order to avoid duplication of efforts, there was no need for the development of such a list.

3.61 India, in its document MEPC/INF.12, provided information on the current status of the ship recycling yards at Alang in India, giving a brief account of the improvements undertaken at the yards with regard to safety, environment and worker health. India, having stated that the current situation at its ship recycling facilities is expected to further improve within a short span of time, stressed that sufficient time should be given to the ship recycling industry in developing countries to comply with international requirements in a phased manner, since an unrealistic and thoughtless action against ship recycling yards in the developing countries could be, in the long run, detrimental to the international shipping trade.

3.62 The Committee, in noting the information provided by India, reiterated its previous decisions to invite recycling States to provide any available information on their ship recycling activities (paragraph 3.53 above).

3.63 Canada informed the Committee (MEPC 53/INF.17) of the practical aspects experienced by a Canadian shipowner in developing a Green Passport for an existing ship, a requirement, which in accordance with the submitted information, could reasonably be met by the owner or operator of a ship.

3.64 The Committee noted the information provided in document MEPC 53/INF.17 and invited Member States and non-governmental organizations to report to the Committee on any experience gained in the implementation of the IMO Guidelines.

Instructions to the Working Group

3.65 Following the above discussion, the Committee agreed to establish the Working Group on Ship Recycling and instructed it, taking into account the decisions and comments made in plenary, to:

- .1 prepare a draft Assembly resolution setting out the Organization's commitment to develop, on a high priority basis, a new IMO instrument on ship recycling, including an expected timeline for its development;
- .2 develop a draft MEPC circular on the implementation of the IMO Guidelines giving particular emphasis to the "gas-free-for-hot-work" certification;
- .3 develop a draft Assembly resolution on the adoption of the amendments to the IMO Guidelines; and
- .4 present its report to the Committee on Thursday, 21 July 2005.

Outcome of the Working Group

3.66 The Working Group on Ship Recycling met from 19 to 20 July 2005 under the chairmanship of Mr. Jens Koefoed (Norway). The Committee, having considered the report of the Group (MEPC 53/WP.10), took the following action.

3.67 The Committee approved the report of the Group in general and, in particular:

- .1 approved the draft Assembly resolution on the development of a new IMO instrument on ship recycling, as set out in annex 7, for submission to the twenty-fourth session of the Assembly for adoption;
- .2 approved the draft MEPC circular on the Implementation of the IMO Guidelines on Ship Recycling - "Gas-free-for-hot-work" certification, as set out in annex 2 of MEPC 53/WP.10, which was circulated as MEPC/Circ.466;
- .3 approved the draft Assembly resolution on the adoption of the amendments to the IMO Guidelines on Ship Recycling (resolution A.962(23)), as set out in annex 8, for submission to the twenty-fourth session of the Assembly for adoption;
- .4 instructed the Secretariat to communicate, by appropriate means, to the eighth Conference of the Parties to the Basel Convention the outcome of the Committee's consideration on ship recycling as well as the outcome of the Assembly at its twenty-fourth session on this issue;

- .5 endorsed the Group's view that the outcome of the intersessional meeting of the Working Group on Ship Recycling on the development of appropriate mandatory requirements, as reflected in paragraphs 22 to 48 of MEPC 53/WP.2, should form the starting point for the development of the new IMO instrument on ship recycling; and
- .6 invited the Maritime Safety Committee to take into account, as appropriate, in its consideration of the development of goal-based standards (GBS) for new ship construction, the outcome of the intersessional meeting of the Working Group on Ship Recycling on matters related to the requirements applying to ships during the design and construction phase.

4 PREVENTION OF AIR POLLUTION FROM SHIPS

Entry into force of MARPOL Annex VI

4.1 The Committee noted that MARPOL Annex VI, Regulations for the Prevention of Air Pollution from Ships, entered into force on 19 May 2005.

Monitoring the worldwide average of sulphur content of residual fuel oil supplied for use on board ships

4.2 The Committee recalled that the project on monitoring the worldwide average of sulphur content of residual fuel oils since MEPC 45 has been implemented on a trial basis under the leadership and partial funding of the Netherlands and a number of other Member States and that MEPC 52 agreed to approach the Council in order to establish a permanent funding under the budget of IMO. In this connection, the Committee noted that Council 93 considered the issue and agreed to allocate the necessary funding for the Secretariat to continue the monitoring project after 1 January 2006.

4.3 The Committee also noted that MEPC 52 established the rolling average referred to in paragraph 4 of the Guidelines (resolution MEPC.82(43)) as 2.67% and the reference value referred to in paragraph 5 of the Guidelines as 2.7%.

4.4 The Committee further noted the information on monitoring the worldwide average of sulphur content in fuel oils for 2004 as provided by the Netherlands (MEPC 53/4) and the conclusion that the three year (2002-2004) rolling average referred to in paragraph 4 of the Guidelines can be established as 2.67%, which is identical to the previous three years average. The reference value referred to in paragraph 5 of the Guidelines is unchanged at 2.7%.

Greenhouse gas emissions from ships

4.5 The Committee recalled that MEPC 52 agreed that the outline of draft Guidelines for ship CO₂ indexing as set out in document MEPC 52/4/2 (Norway, Germany and the United Kingdom) would provide a good starting point for considerations related to the development of a CO₂ indexing scheme as a voluntary mechanism to be used during a trial period. MEPC 52 also invited those Members that were in a position to carry out trials, using the draft Guidelines on CO₂ indexing scheme, to do so and to report to MEPC 53.

4.6 The Committee noted information submitted on such trials by India (MEPC 52/4/9), Germany (MEPC 53/INF.5) and Norway (MEPC 53/INF.6) together with oral information on

such trials conducted by Japan, Marshall Islands, Republic of Korea and INTERTANKO. All the information provided was considered by the one-day Technical Workshop held on Friday, 15 July 2005.

4.7 The Committee noted the outcome of the Technical Workshop on GHG Indexing Scheme as set out in document MEPC 53/WP.3 (Secretariat) and instructed the Air Pollution Working Group to further improve the draft Guidelines on GHG Indexing.

Survey Guidelines under HSSC for MARPOL Annex VI

4.8 The Committee recalled that it instructed FSI 13, as a matter of urgency, to develop draft survey Guidelines under the Harmonized System for Survey and Certification (HSSC) for MARPOL Annex VI. The outcome of FSI 13 including the draft guidelines are reported in document FSI 13/23, section 12 and annex 11.

4.9 The Committee noted that MSC 80 considered the safety aspects of the draft Guidelines and instructed the Secretariat to inform MEPC 53 that it was satisfied with the safety aspects of the draft Guidelines (document MSC 80/24, paragraph 15.23).

4.10 The Committee noted that document MEPC 53/4/2 (Secretariat) provided information on the outcome of FSI 13 and the Committee is invited to adopt the draft MEPC resolution on amendments to resolution A.948(23) in relation to Survey Guidelines under the HSSC for MARPOL Annex VI, as set out in annex 11 of FSI 13/23.

4.11 The Committee noted the comments by India (MEPC 53/4/17) and instructed the Air Pollution Working Group to take the comments into consideration when making a final review of the draft Guidelines.

Guidelines for port State control

4.12 The Committee recalled that it instructed FSI 13, as a matter of urgency, to develop draft Guidelines for port State Control for MARPOL Annex VI. The outcome of FSI 13 including the draft guidelines are reported in document FSI 13/23, section 9 and annex 8.

4.13 The Committee noted that document MEPC 53/4/2 (Secretariat) provided information on the outcome of FSI 13 and the Committee is invited to adopt the draft MEPC resolution on Guidelines for port State control for MARPOL Annex VI, as set out in annex 8 of FSI 13/23.

4.14 The Committee noted the comments by Germany (MEPC 53/4/18) and by INTERTANKO (MEPC 53/4/16) and instructed the Air Pollution Working Group to take the comments into consideration when making a final review of the draft Guidelines.

4.15 The Committee agreed, as recommended by FSI 13 (MEPC 53/4/2, paragraph 9.3) to issue the Guidelines by an MEPC circular (FSI 13/WP.6, annex 3), and instructed the Working Group on Air Pollution to make a final review of the draft circular prior to its approval by the Committee at this session.

Bunker delivery documents

4.16 The Committee recalled that FSI 13, in drafting the Guidelines for port State control under MARPOL Annex VI, recognized that Annex VI places requirements on ship owners in

respect of bunker delivery notes and representative samples of the fuel delivered. If the country of fuel oil supply is not a Party to the 1997 Protocol, then the required bunker delivery note or the representative sample may not be available.

4.17 The Committee noted the concern expressed by several Members on problems relating to ships that cannot obtain the appropriate documentation – the bunker delivery note and the representative sample(s) of fuel delivered, when bunkering in ports and terminals under the jurisdiction of non-Party States to MARPOL Annex VI.

4.18 The Committee noted that a number of bunker providers operating under the jurisdiction of a MARPOL Annex VI non-Party State are issuing “Bunker Certificate of Compliance” to receiving ships, in order to provide them with documentation of the fuel oil on board, in case the ship should be subject to port State control in the port of call under the jurisdiction of a MARPOL Annex VI Party. The Committee confirmed that according to the application of regulations 14 and 18 of MARPOL Annex VI, it is the ship which is responsible for documenting compliance.

4.19 Having considered the issue, the Committee agreed that a Bunker Certificate of Compliance could not replace appropriate documentation issued by a bunker provider operating under the jurisdiction of a Party to MARPOL Annex VI. The Committee also agreed that it was at the discretion of the port State control authority of a MARPOL Annex VI Party whether to accept the Certificate of Compliance or not and to take appropriate action.

4.20 The Committee noted that the Secretariat, in this regard, has received many enquiries from both receivers and suppliers of bunker fuel oil. In response to the enquiries, the Secretariat has informed that the issue is considered as a commercial issue between the supplier and the receiver, and that according to MARPOL Annex VI, the ship is responsible for documentation of the fuel oil quality on board and used.

4.21 The Committee, having considered the recommendation by FSI 13, agreed to invite countries, which are not Parties to MARPOL Annex VI, to institute relevant measures in order that ships are provided with the necessary bunker delivery note and representative samples of the fuel oil delivered.

SO_x over CO₂ calculation method

4.22 The Committee noted that, during the consideration by DE 48 of the SO_x emission monitoring, it was proposed to use the SO_x over CO₂ monitoring method in order to simplify the SO_x emission monitoring. The SO_x (ppm)/CO₂ (%) ratio of 65 representing the SO_x emission of 69/kWh is used in the scheme B of the Guidelines for on-board exhaust gas SO_x cleaning systems. However, in order to fine-tune the figure, “65” was kept in square brackets in order to allow further comments before the MEPC adoption of the Exhaust Gas Cleaning Guidelines.

4.23 The Committee, as suggested by DE 48, endorsed the suggestion and instructed the Air Pollution Working Group to take this into consideration when making the final review of the draft Guidelines for on-board exhaust gas SO_x cleaning systems.

Draft Guidelines for On-board Exhaust Gas SO_x Cleaning Systems

4.24 The Committee recalled that MEPC 41 instructed the DE Sub-Committee to develop draft Guidelines for On-board Exhaust Gas Cleaning Systems and noted that the outcome of DE 48

including the draft Guidelines are reported in document DE 48/25, paragraph 13.8 and annex 8.

4.25 The Committee noted that document MEPC 53/4/3 (Secretariat) provided information on the outcome of DE 48 and invited the Committee to adopt the draft MEPC resolution on Guidelines for On-board Exhaust Gas SO_x Cleaning Systems.

4.26 The Committee noted the comments provided by China (MEPC 53/4/6), the United Kingdom (MEPC 53/4/10) and the United States (MEPC 53/4/20) and instructed the Air Pollution Working Group to take the comments into consideration when they make the final review of the draft Guidelines for On-board Exhaust Gas SO_x Cleaning Systems.

Wash water discharge criteria

4.27 The Committee noted the invitation by DE 48 (DE 48/25, paragraph 13.10 and MEPC 53/4/3, paragraph 14.3) to develop criteria for discharge of waste-water from on-board exhaust gas cleaning systems.

4.28 The Committee noted the comments by China (MEPC 53/4/6) and, after consideration, agreed to instruct the Air Pollution Working Group to consider the issue further and to develop a proposal for the Committee's further consideration.

Unified Interpretations to MARPOL Annex VI and the NO_x Technical Code

4.29 The Committee recalled that MEPC 52 instructed the DE Sub-Committee, as a matter of urgency, to consider more than 70 Unified Interpretations (UIs) suggested by IACS and comments by some Members.

4.30 The Committee noted that DE 48, as instructed, considered the UIs to MARPOL Annex VI and the NO_x Technical Code. The outcome of the Sub-Committee's consideration is reported in document DE 48/25, annex 10.

4.31 The Committee noted that document MEPC 53/4/3 (Secretariat) provided information on the outcome of DE 48. A number of UIs were considered as amendments to MARPOL Annex VI and the NO_x Technical Code and could not be considered as UIs. Those UIs are identified in paragraph 8 of document MEPC 53/4/3.

4.32 The Committee also noted that a number of the suggested UIs as identified in paragraphs 9 and 10 of MEPC 53/4/3 were found to be unacceptable to the majority and could not be agreed to or discussed due to time constraints, and as such DE 48 agreed to invite Members and international organizations to submit proposals, including draft amendments to MARPOL Annex VI and the NO_x Technical Code, as appropriate.

4.33 The Committee recalled that DE 48 was also instructed to provide a clarification on regulations 9 and 13 of MARPOL Annex VI and agreed to invite Members to submit further views on the issues before final clarifications were agreed to.

4.34 In considering the issue further, the Committee noted the comments by India (MEPC 53/4/19) and the United States (MEPC 53/4/21) on the UIs identified in annex 10 of document DE 48/25 and instructed the Air Pollution Working Group to review the UIs before final approval by the Committee (see paragraph 4.55.7).

4.35 The Committee also instructed the Air Pollution Working Group to consider the outstanding UIs identified by the DE Sub-Committee and to develop recommendations on their approval or dismissal for appropriate action by the Committee.

Work Programme of the DE Sub-Committee

4.36 The Committee agreed to delete the item on “Guidelines on onboard exhaust gas cleaning systems” from the DE Sub-Committee’s work programme as this item has been completed (see also the Committee’s decision under item 20).

4.37 The Committee recalled that MARPOL Annex VI regulation 14(4)(c) calls for the development of guidelines on “any other technological method that is verifiable and enforceable to limit SO_x emissions to a level equivalent to an exhaust gas cleaning system described under regulation 14(4)(b) of Annex VI. As blending of fuel oil is now considered as an option to reach compliance with SO_x Emission Control Area regulations, the Committee agreed that the development of Guidelines for such technology is urgent.

4.38 The Committee noted that the item on “Guidelines on equivalent methods to reduce on-board NO_x emissions” in the work programme of the DE Sub-Committee has been included in the provisional agenda of BLG 10 as suggested by MSC 80.

4.39 The Committee considered the submission by Japan (MEPC 53/4/15) containing a proposal for marine selective catalytic reduction (SCR) systems. The Committee decided that the Japanese proposal should be taken into account by BLG 10 in its development of the Guidelines on equivalent methods to reduce on-board NO_x emissions.

4.40 The Committee, taking into account a overloaded agenda of the DE Sub-Committee, agreed that the development of the Guidelines on any other technological method that is verifiable and enforceable to limit SO_x emissions to a level equivalent to an exhaust gas cleaning system required under regulation 14(4)(b) of MARPOL Annex VI, currently in the work programme of the DE Sub-Committee, should be shifted to the work programme of the BLG Sub-Committee and included in the provisional agenda of BLG 10 with a target completion date of 2007.

Other issues relevant to the implementation of MARPOL Annex VI

4.41 The United States, in its submission MEPC 53/4/14, enquired whether it would be possible to undertake field-testing of new engine prototypes without first undertaking the required re-certification of the engine. The United States claimed that such a re-certification would discourage or render impractical testing of prototype and experimental engine technologies, and invited the views of other Members and industry representatives on the question whether this issue may be handled through existing provisions of the NO_x Technical Code, through an alternative mechanism such as an MEPC Circular or if the issue would require a revision or amendment to MARPOL Annex VI.

4.42 Having considered the issue, the Committee agreed to include the issue in a general review of MARPOL Annex VI and the NO_x Technical Code referred to below.

Review of proposed amendments to MARPOL Annex VI

4.43 The Committee recalled that the Air Pollution Conference in 1997 by Conference resolution 3 invited the Committee, as a matter of urgency, to review the NO_x emission limits at a minimum of five year intervals after entry into force of the 1997 Protocol and, if appropriate as a result of such review, prepare amendments to regulation 13(3) of MARPOL Annex VI and the corresponding provisions of the NO_x Technical Code.

4.44 The Committee recalled also that the contribution of ship emissions to air quality problems in many areas of the world is growing, and that many governments are now considering how to better address ship emissions at the local, national and international levels.

4.45 The Committee recalled further that it is widely acknowledged by marine engine manufacturers that different technology improvements now exist that will enable significant improvement over the existing standards found in MARPOL Annex VI and that MARPOL Annex VI, with regard to control of NO_x emissions, only applies to ships built on or after 1 January 2000, and that emissions of particulate matter (PM), volatile organic compounds (VOCs) in general greenhouse gas emissions (GHGs), alternative fuel use, and propulsion systems other than diesel engines are not addressed by MARPOL Annex VI.

4.46 The Committee recalled also that MEPC 52 received proposals for more than 70 Unified Interpretations, which could indicate that the present text of MARPOL Annex VI is unclear and difficult to transform into practical implementation on board ships.

4.47 The Committee noted that seven submissions for this session addressed the need for a complete review or made proposals for specific amendments to MARPOL Annex VI and the NO_x Technical Code.

4.48 The joint submission by Finland, Germany, Italy, the Netherlands, Norway, Sweden and the United Kingdom (MEPC 53/4/4) introduced by Norway recalled the background for the development of Annex VI and the technological developments with regard to marine diesel engines that has taken place since 1997. The document underlined the role of IMO as the most appropriate organization for addressing further improvements in air emissions from ships and recommended that the Committee initiate a process to investigate how MARPOL Annex VI could be up-dated to better respond to the present and future environmental challenges and technological developments. The submitting Parties suggested considering the Terms of Reference for the Working Group on Air Pollution and using it as a vehicle to review and amend Annex VI and the NO_x Technical Code. In the annex to the document, detailed information is provided on ship-generated air emissions and its impact on human health and the environment. It also provides information on some of the latest technological developments related to the control of emissions from marine diesel engines.

4.49 Friends of the Earth International (FOEI) in their two submissions (MEPC 53/4/1 and MEPC 53/4/8) provided information on a document "Reducing Shipping Emissions of Air Pollution – Feasible and Cost-effective Options" produced by a coalition of NGOs.

4.50 Having considered the submissions and after a general discussion, the Committee agreed to initiate a general review of MARPOL Annex VI and the NO_x Technical Code. The Committee recognized that such a revision work might take two to three years. Taking into consideration the heavy agenda of the Committee, the Committee decided to include an item on

review of MARPOL Annex VI and the NO_x Technical Code in the work programme of the BLG Sub-Committee and in the provisional agenda of BLG 10 with a target completion date of 2007.

4.51 The Committee considered the submission by Norway (MEPC 53/4/12) on new technology for VOCs reduction on board oil tankers, in particular during the loading operation. Noting that regulation 15 of MARPOL Annex VI only addresses “vapour collection systems” as means to reduce VOCs emissions and that Norway recommended amending the regulation to encompass other solutions for the reduction of VOCs emissions, the Committee agreed that the matter should be taken into consideration in connection with the general review of MARPOL Annex VI.

4.52 The Committee noted the submissions by EUROMOT (MEPC 53/4/5 and MEPC 53/4/13) including one proposal for amending regulation 13 of MARPOL Annex VI and some 45 specific proposals for interpretations or amendments to the NO_x Technical Code.

4.53 In considering the submission by EUROMOT, the Committee noted the comments submitted by the United States (MEPC 53/4/21) and agreed that the proposed amendments should be included in the general review of MARPOL Annex VI by the BLG Sub-Committee.

Establishment of the Working Group on Air Pollution

4.54 The Committee decided to re-establish the Working Group on Air Pollution with the following Terms of Reference:

Taking into consideration, submissions by Members and comments made in Plenary, the Working Group on Air Pollution is instructed to:

- .1 consider the report (MEPC 53/WP.3) of the one-day Technical Workshop with a view to making recommendations on the continuation of the work in relation to the reduction or limitation of greenhouse gas emissions from ships;
- .2 consider and, if possible, finalize the draft Guidelines on GHG Emission indexing with a view to adoption by the Committee at this session (MEPC 52/4/2);
- .3 review the draft Survey Guidelines under HSSC for MARPOL Annex VI with a view to adoption by the Committee at this session (FSI 13/23, annex 11);
- .4 review the draft Guidelines for port State control under MARPOL Annex VI with a view to adoption by the Committee at this session (FSI 13/23, annex 8) and review the draft MEPC circular (FSI 13/WP.6, annex 3);
- .5 review the draft Guidelines for On-board Exhaust Gas SO_x Cleaning Systems with a view to adoption by the Committee at this session;
- .6 consider and make proposals for the Committee’s future actions in relation to the development of discharge criteria for wastewater from exhaust gas-cleaning systems;
- .7 consider and finalize the urgent and important outstanding Unified Interpretations in relation to MARPOL Annex VI as recommended by the DE 48;

- .8 prepare draft Terms of Reference for a general review of MARPOL Annex VI and the NO_x Technical Code to be undertaken as a matter of urgency, by the BLG Sub-Committee; and
- .9 present a written report for consideration and approval by the Committee on Thursday afternoon, 21 July 2005.

Report of the Working Group on Air Pollution

4.55 Having received the report of the Working Group (MEPC 53/WP.11), the Committee approved the report in general and, in particular:

- .1 approved the MEPC circular on the Interim Guidelines for Voluntary Ship CO₂ Emission Indexing for Use in Trials, as set out in annex 9. The MEPC circular has been circulated as MEPC/Circ.471;
- .2 adopted, by resolution MEPC.128(53), Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(32)) for the purpose of MARPOL Annex VI, as set out in annex 10;
- .3 adopted, by resolution MEPC.129(53), Guidelines for Port State Control under MARPOL Annex VI, as set out in annex 11. In order to ensure a maximum and prompt diffusion of the Guidelines, the Committee agreed to instruct the Secretariat to issue the Guidelines as MEPC/Circ.472 as soon as possible;
- .4 agreed to urge countries, which are not Parties to the 1997 Protocol to institute relevant measures in order that ships will be provided with the necessary bunker delivery note and representative samples of fuel oil delivered;
- .5 adopted, by resolution MEPC.130(53), Guidelines for On-board Exhaust Gas SO_x Cleaning Systems, as set out at annex 12;
- .6 noted the views of the Working Group with regard to the development of discharge criteria for wastewater from exhaust gas cleaning systems and agreed that more specific recommendations and criteria relevant to EGCS-SO_x wash water discharges should be developed in the near future. The Committee invited Members to submit information in this regard to MEPC 54;
- .7 approved the Unified Interpretations to MARPOL Annex VI, including those agreed by DE 48 and those agreed by the Working Group, as set out in annex 13, and instructed the Secretariat to issue them as MEPC/Circ.473 as soon as possible in view of the urgent need of the UIs following the entry into force of MARPOL Annex VI;

With regard to the UIs that agreement could not be reached or approved as they were considered as amendments to the text of MARPOL Annex VI, the Committee agreed to include such proposals in the general revision of MARPOL Annex VI for the BLG Sub-Committee; and

- .8 noted the views of the Working Group in relation to a general review of MARPOL Annex VI and the NO_x Technical Code and approved the Terms of Reference for the revision work to be undertaken by the BLG Sub-Committee, as set out in annex 14.

5 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Proposed amendments to the Condition Assessment Scheme (CAS)

5.1 The Committee recalled that when MEPC 52 adopted the revised MARPOL Annex I, it also approved amendments to the Condition Assessment Scheme (CAS) for the purpose of bringing its cross-references to the regulations under MARPOL Annex I in line with the new numbering system in the revised Annex I after its entry into force. These proposed amendments were set out in the Committee's report (MEPC 52/24, annex 4) and circulated by the Secretary-General on 15 November 2004, in accordance with MARPOL article 16(2)(a), as Circular letter No.2597.

5.2 The Committee noted that no written comments had been received on the proposed amendments in the intersessional period and that the Secretariat had prepared a draft MEPC resolution for consideration and adoption of these amendments by the Committee as shown in annex to document MEPC 53/5.

5.3 The Committee was informed that, with a view to facilitating the implementation of CAS, the Secretariat had prepared an IMO publication on CAS immediately after MEPC 52, that incorporated the CAS text as adopted by resolution MEPC.94(46) and as amended by resolutions MEPC.99(48) and MEPC.112(50). However, taking into account the further amendments to be adopted at this session, the Secretariat would adjust the paragraph numbers in the consolidated text of CAS in line with the revised MARPOL Annex I, and would issue the IMO publication as soon as possible after this session.

5.4 The Committee noted the planned CAS publication with appreciation and referred the proposed amendments and the draft MEPC resolution to a drafting group for review.

Proposed amendments to MARPOL Annex VI and the NO_x Technical Code

5.5 The Committee recalled that MEPC 44 in 2000 and MEPC 49 in 2003 approved the proposed amendments to MARPOL Annex VI and the NO_x Technical Code, respectively. When MEPC 52 noted that MARPOL Annex VI would enter into force on 19 May 2005, the Working Group on Air Pollution editorially reviewed these proposed amendments once more, as set out in the Committee's report (MEPC 52/24, annex 1). The Secretary-General circulated the proposed amendments on 15 November 2004, in accordance with MARPOL article 16(2)(a), as Circular letter No.2598.

5.6 The Committee noted that no written comments had been received on the proposed amendments in the intersessional period and that the Secretariat had prepared a draft MEPC resolution for consideration and adoption of these amendments by the Committee as shown in annex to document MEPC 53/5/1.

5.7 The Secretariat, after further reflection on the draft MEPC resolution on adoption of the proposed amendments to MARPOL Annex VI in relation to the Harmonized System of Survey

and Certification (HSSC), proposed that the Committee insert a new operational paragraph 6 at the end of this draft MEPC resolution, inviting Parties to MARPOL 73/78 to consider early implementation of the HSSC, as follows:

- “6. INVITES Parties to consider the application of the aforesaid amendments to MARPOL Annex VI with regard to the Harmonized System of Survey and Certification (HSSC) as soon as practicable to ships entitled to fly their flag before the expected date of entry into force of the amendments, and invites other Parties to accept the certificates issued under the HSSC for MARPOL Annex VI.”

5.8 The Committee agreed with the intent of the additional paragraph proposed by the Secretariat and referred the proposed amendments and draft resolution to the same drafting group for review as mentioned in paragraph 5.4 above, instructing it to:

- .1 carry out a final review of the proposed amendments to CAS; MARPOL Annex VI and the NO_x Technical Code;
- .2 review the two draft MEPC resolutions, and the additional paragraph proposed by the Secretariat, for adoption of these amendments; and
- .3 present a written report to the Committee by Thursday, 21 July 2005.

Action taken by the Committee

5.9 The Committee considered the report of the Drafting Group on MARPOL Amendments which met on 20 and 21 July 2005 under the lead of Mr. Zafrul Alam, Singapore, and noted that some of the titles and headings in the amendments to MARPOL Annex VI and the NO_x Technical Code were changed to bring these in line with those used in the revised MARPOL Annex I (MEPC 53/WP.13).

5.10 The Committee agreed to the editorial changes made by the Drafting Group and, subsequently, adopted:

- .1 Resolution MEPC.131(53) on Amendments to the Condition Assessment Scheme (CAS), as set out in annex 15 to this report; and
- .2 Resolution MEPC.132(53) on Amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol on 1978 relating thereto (Amendments to MARPOL Annex VI and the NO_x Technical Code), as set out in annex 16 to this report.

5.11 At the recommendation of the Drafting Group, the Committee agreed that the following issue should be clarified in the IMO notification of these amendments to Member Governments. Although the entry into force date of the amendments to MARPOL Annex VI would be in November 2006, the inclusion of the North Sea under regulation 14 implied that the “requirements within SO_x emission control areas” for that area would only become effective one year later, i.e. November 2007, as provided for in regulation 14(7) of MARPOL Annex VI.

5.12 The Committee authorized the Secretariat to make appropriate editorial corrections to any inadvertent errors in the adopted amendments if such errors are identified during preparation of the authentic texts of the amendments.

6 INTERPRETATIONS AND AMENDMENTS OF MARPOL 73/78 AND RELATED INSTRUMENTS

Proposed amendments to the revised MARPOL Annex IV Port State control on operational requirements

6.1 The Committee considered document MEPC 53/6 (Australia) containing a proposal to add a new regulation 13 on “Port State control on operational requirements” to the revised MARPOL Annex IV, as this Annex is the only one lacking this kind of regulation in MARPOL 73/78.

6.2 Following debate, the Committee, recognizing that the revised MARPOL Annex IV, which will enter into force on 1 August 2005, should be provided with a regulation on port State control, approved the proposed amendments to the revised MARPOL Annex IV (regulation 13 – Port State control on operational requirements) for circulation with a view to adoption at MEPC 54. The proposed amendments are set out at annex 17.

Revision of the procedures for port State control (resolution A.787(19), as amended)

6.3 The Committee furthermore concurred with Australia’s views, contained in the same document MEPC 53/6, that paragraph 1.4 and section 3.5 of the Procedures for port State control adopted by resolution A.787(19), as amended, were in need of review as a result of the entry into force of the revised MARPOL Annex IV. The Committee, recalling that the FSI Sub-Committee has a standing item on port State control on its agenda, agreed to task it with the revision of the Procedures for port State control adopted by resolution A.787(19), as amended by A.882(21), in order to consider provisions to deal with Annex IV-related inspection procedures.

6.4 The Committee invited Member Governments and interested observer delegations to submit proposals and comments to a future session of the FSI Sub-Committee.

Collaboration to clarify the boundaries between the MARPOL Convention and the London Convention 1972 (LC)

6.5 The Committee had before it document MEPC 53/6/1 (Secretariat) providing an outline of the LC Consultative Meeting’s wishes to collaborate with the Committee to clarify two possible ‘boundary’ issues between MARPOL and the LC. Such a clarification could assist domestic regulatory and enforcement agencies in the implementation of their responsibilities under both the MARPOL Convention and the London Convention concerning (1) the exemption of ‘normal operations’ of vessels under the LC and (2) the promotion of good management of spoilt cargoes.

6.6 The Committee noted that information / case studies to substantiate the LC concerns and the scale and seriousness of both issues are difficult to obtain due to a lack of reliable records and that action should be aimed first at collecting more reliable information and, based thereon, a discussion could be held on clarifications.

6.7 The Committee noted also that the 28th session of the LC Scientific Group (May 2005) had recommended that some delegations with expertise in the implementation of MARPOL and the LC should meet during MEPC 53 to develop draft terms of reference for a joint LC/MEPC correspondence group to cover both boundary issues.

6.8 The Committee noted further that no submissions from MARPOL Parties on examples which they regarded as dumping instead of normal operations of ships had been received.

6.9 The Committee agreed to focus its discussion on “operational wastes” and “cargo associated wastes” as contained in the IMO Guidelines for the Implementation of Annex V of MARPOL 73/78 and the action suggested in paragraph 4 of document MEPC 53/6/1, in particular with regard to:

- .1 the request that Parties to MARPOL should report to MEPC 54 on any discharge cases they regarded as ‘dumping’, instead of discharge during ‘normal operations of vessels’ as referred to in paragraph 2.5.4 of the document;
- .2 how can reliable records on spoilt cargoes be documented and made available for inspection by Administrations, as referred to in paragraph 3.9 of the document; and
- .3 the proposal by the LC Scientific Group to work towards the establishment of a joint LC/MEPC correspondence group on the two issues and that some delegations sit together this week to draft terms of reference for such a Joint Group.

6.10 In the debate that followed, the view was expressed that MARPOL Annex V should have a regulation imposing a general prohibition on discharges into the marine environment as in, for instance, MARPOL Annexes I and II which both contain this kind of regulation, which, in the case of MARPOL Annex V, would convey the clear message that any discharge is banned except where expressly permitted in compliance with the conditions imposed therein. Others were of the opinion that dumping, being of a premeditated nature, is carried out under a specific permit while the discharge of spoilt cargoes, such as bananas, is an operational matter and, as such, is allowed under MARPOL Annex V provided any other banned substances, such as packing plastics, are not discharged.

6.11 The Committee, following consideration of document MEPC 53/WP.19 (Secretariat) providing proposed terms of reference for the Joint London Convention/MEPC Correspondence Group and the purpose of collaboration between the MEPC and the Consultative Meeting, agreed to:

- .1 the establishment of a Joint London Convention/MEPC Correspondence Group;
- .2 the terms of reference and organizational arrangements for this Correspondence Group, as follows:
 - .1 prepare a concise overview of the relevant provisions of MARPOL Annex V and the London Convention 1972 and the 1996 Protocol and guidelines and interpretations developed under these instruments and which address both boundary issues, in particular with respect to spoilt cargoes;

- .2 review the reports as submitted by MARPOL Annex V and London Convention Parties of cases which could be regarded as “dumping” under the London Convention 1972 and the 1996 Protocol rather than as “discharges” under MARPOL Annex V and identify potential clarifications in light of the review;
 - .3 consider any action on how reliable records on spoilt cargoes could be documented and made available for inspection by Administrations;
 - .4 prepare a report and recommendations for consideration by MEPC 55 (October 2006) and the 28th Consultative Meeting (November 2006); and
- .3 invite the 27th Consultative Meeting to agree to these arrangements.

6.12 The Committee also noted that the work of the Correspondence Group would be organized in accordance with the Guidelines on the Organization and Method of Work of the MSC and MEPC and their Subsidiary Bodies, as amended (MEPC/Circ.405), and that the contact point for the Correspondence Group would be:

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Clarification to regulation 22 of the revised MARPOL Annex I

6.13 IACS, in introducing document MEPC 53/6/2 seeking clarification on issues associated with the application of regulation 22 of the revised MARPOL Annex I, expressed the opinion that it applies to cargo and ballast pump-rooms and that ballast piping (which must be located in the double bottoms as they cannot be located in cargo tanks as per regulation 13F) is permitted to be located within the required pump-room double bottom provided any damage to that piping does not render the ship’s pumps (ballast and cargo) ineffective.

6.14 Following debate, the Committee concurred with this opinion and agreed that it would be desirable to develop a Unified Interpretation at its next session due to time constraints and heavy workload at the present session. In this respect, IACS undertook to submit a suitable proposal to MEPC 54.

Clarification of regulation 13F of the current MARPOL Annex I

6.15 The Committee noted document MEPC 53/6/3 (IACS) with a proposal to approve a Unified Interpretation to regulation 13F of the current MARPOL Annex I.

6.16 The Committee further noted that the proposal focused on a possible problem some asphalt carriers with independent tanks (i.e., tanks not forming part of the ship’s structure) may face following the entry into force of the new regulation 13H of the current MARPOL Annex I,

as some port States might not recognize that these ships are double-hull tankers and therefore, in their view, are not allowed to carry asphalt which is a Heavy Grade Oil as defined in regulation 13H.

6.17 After some discussion, the Committee, recognizing that asphalt carriers with self-supported independent tanks not forming part of the hull structure should be considered as double hull oil tankers, provided they comply with the requirements of regulation 13F as regards minimum distances between the cargo tank boundaries and the ship bottom and side-shell plating, agreed to the Unified Interpretation to regulation 13F of the current MARPOL Annex I as set out at annex 18.

6.18 The Committee recognized that this Unified Interpretation should also apply to regulation 19 of the revised MARPOL Annex I and instructed the Secretariat to include it in the next consolidated edition of MARPOL 73/78 incorporating the revised MARPOL Annex I.

Proposed amendments to the Condition Assessment Scheme (CAS)

6.19 The Committee noted document MEPC 53/6/4 (Marshall Islands) containing a proposal to amend CAS to cater for issues affecting flag State Administrations on the occasion of a change of flag, ownership, RO, etc, during the course of a CAS survey.

6.20 The Committee recalled that this issue is currently under discussion at the DE Sub-Committee where it was referred to by MEPC 51 following the original proposal by the Marshall Islands contained in document MEPC 51/17/4. DE 48, in considering this matter, agreed to further consider the proposed CAS amendments at its next session and invited Members and international organizations to submit concrete proposals to DE 49 so that the working group could be instructed to finalize relevant draft amendments to CAS, if appropriate (DE 48/25, paragraphs 3.8 and 3.9).

6.21 The delegation of the Marshall Islands informed the Committee that, in submitting this proposal when the issue was still under the purview of the DE Sub-Committee, it had intended to raise the awareness of the Committee, and of the shipping community in general, to the serious problems a flag State may face when a change of flag occurs in the midst of the CAS proceedings, given the fact that this matter could not be considered in depth at DE 48 due to time constraints.

6.22 The Committee, in concurring with the Marshall Islands' concerns, agreed that this was a matter to be pursued at the DE Sub-Committee and reminded interested delegations to submit their comments to DE 49 noting that, should the proposed amendments to CAS be agreed at that session, they could be approved by MEPC 54 in March 2006.

Proposed interpretations to regulations 13G(5) and 13H(5) of the current MARPOL Annex I

6.23 The Committee considered document MEPC 53/6/5 (Marshall Islands) proposing a common understanding of the requirements of regulations 13G(5) and 13H(5) to the effect that extended operation up to 25 years of age may be granted for single-hull oil tankers with double bottom, or double sides, (or double hull not fully complying with the requirements of regulation 13F, or regulation 13G(1)(c)), which extend to approximately 95% of the entire cargo tank length.

6.24 The Committee noted also that the proposal refers only to those ships normally having fuel tanks on their sides in the area occupied by the approximate 5% balance of the cargo tank length indicated in paragraph 6.23, thus not providing protection to the entire cargo tank length by spaces “not used for the carriage of oil” as required by both regulations.

6.25 In the debate that followed, the Committee, recalling that, at the present session, it expected to approve the new regulation 13A of the revised MARPOL Annex I requiring protection for oil fuel tanks for all ships with an aggregate oil fuel capacity of 600 m³ and above, could not agree with the proposal of the Marshall Islands.

6.26 The Committee, however, agreed that an oil tanker, as described in paragraphs 6.23 and 6.24 above, may qualify for the continued operation allowances of regulations 13G(5) and 13H(5) provided that its side oil fuel tanks are fitted with longitudinal or transverse bulkheads ensuring that the required minimum distance between the hull and the cargo and oil fuel tanks is maintained throughout the entire cargo area.

6.27 The Committee further agreed that this clarification would not trigger the application of the provisions of paragraph (c) in regulations 13G(5) and 13H(5).

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

7.1 The Committee noted a document submitted by the Secretariat (MEPC 53/7) providing the background to the development of a draft IMO/UNEP Guidance manual on the assessment and reinstatement of environmental damage following marine oil spills, as originally agreed with UNEP in 2004 and approved by the Committee at MEPC 52. The document also described the action taken during the intersessional period by a correspondence group established at the second session of the OPRC-HNS Technical Group and explained the reasons why the manual would not be ready for the Committee’s consideration at the current session, as had been originally scheduled.

7.2 In that connection, the Secretariat informed the Committee that the correspondence group had raised concerns with respect to the volume of work required and that the timeline allocated for completion of the draft manual was insufficient to allow for the thorough vetting and commenting period that would ensure a high quality product. Considering UNEP’s own organizational constraints in contributing to the manual during the timeframe that had originally been proposed, and in light of the comments by the correspondence group, it had been accepted that the completion of the manual should be brought forward to 2006.

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

- .1 MEPC 53/INF.9 (Venezuela), which presented an overview of progress in implementing the OPRC Convention through the national system for prevention and response to oil spills and other substances, including HNS;
- .2 MEPC 53/INF.11 (Republic of Korea) that highlighted the positive results of recent experiments conducted on a new product for the recovery of HNS materials and oil, following its successful use in the clean-up of a chemical spill in Port Onsan, South Korea, and instructed the Secretariat to retain this information to be used as possible future guidance to others facing HNS spills; and

- .3 MEPC 53/INF.20 (India), underlining the training requirements for oil spill response to further progress implementation of the OPRC Convention.

Report of the third session of the OPRC-HNS Technical Group

7.4 The Committee noted that the third session of the OPRC-HNS Technical Group was held from 11 to 15 July 2005 and that the report of the Group was issued under symbol MEPC 53/WP.4.

7.5 Following the presentation of the report of the Technical Group by its Chairman, Mr. Ezio Amato (Italy), the Committee (with references to paragraphs and annexes of document MEPC 53/WP.4):

- .1 approved the revised draft Guidelines and criteria for accreditation or approval of OPRC training organizations and experts (paragraphs 3.2 and 3.3 and annex 1) and instructed the Secretariat to prepare a covering MEPC circular for their dissemination;
- .2 noted the progress made on the development on a draft Manual on oil spill risk evaluation and assessment of response preparedness (paragraphs 3.4 to 3.15);
- .3 noted the progress made on the development of an IMO/UNEP Manual on oil spill damage assessment and reinstatement (paragraphs 3.16 to 3.25);
- .4 noted the progress made on the development of a guidance document on contingency planning and response to HNS incidents (paragraphs 3.26 to 3.33);
- .5 noted the progress made on the development of a training programme for HNS incidents and instructed the Secretariat to engage an appropriate consultant, using funds earmarked for this purpose under the Integrated Technical Co-operation Programme (ITCP), to prepare two draft introductory courses based on the outline annexed to the report of the correspondence group (MEPC/OPRC-HNS/TG 3/4) (paragraphs 4.1 to 4.7);
- .6 noted the progress made on developing a web page providing information for addressing HNS incidents (paragraphs 5.2 to 5.7);
- .7 approved the directory of web links related to oil spill preparedness and response including research and development, to serve as an outline for the proposed web page (paragraphs 5.8 to 5.11 and annex 2), and instructed the Secretariat to take appropriate action;
- .8 noted the progress made in planning the third IMO/UNEP Forum on regional co-operation in combating marine pollution, which is tentatively scheduled for early 2006 (paragraphs 6.1 to 6.9);
- .9 approved the draft revised work programme and provisional agenda for the fourth session of the Technical Group, as set out in annex 19 to this report, and confirmed that the next session of the Technical Group will take place from 13 to 17 March 2006, the week prior to MEPC 54 (paragraphs 7.1 and 7.2);

- .10 noted the follow-up action undertaken with IAEA on matters related to the response to a maritime incident involving radioactive materials (paragraphs 8.2 to 8.9);
- .11 approved the draft policy and validation process for newly developed and revised OPRC model courses developed by the OPRC-HNS Technical Group (paragraphs 8.10 to 8.21 and annex 4), and instructed the Secretariat to prepare a covering MEPC circular for their dissemination;
- .12 approved a proposal to initiate the revision of Section V of the Manual on oil pollution - Administrative aspects of oil pollution response and the addition of this item to the work programme of the OPRC-HNS Technical Group, with a target completion date of 2007 (paragraphs 8.22 to 8.24); and
- .13 approved the report in general.

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

Consideration of the extension of the existing Great Barrier Reef pilotage arrangements in the Torres Strait

8.1 The Committee recalled that MEPC 49 agreed to approve, in principle, the extension of the existing Great Barrier Reef PSSA to include the Torres Strait and requested NAV to consider the two associated protective measures (APMs), the first one being the recently adopted two-way route in the Torres Strait. The Committee also recalled the discussion at NAV 50 on the proposed pilotage system in the Torres Strait (NAV 50/19, paragraph 3.29).

8.2 The Committee further recalled the outcome of the consideration of the aforementioned issue by MEPC 52 and noted that the outcome of LEG 89 on this issue had been overtaken by events.

8.3 The Committee, in considering the outcome of MSC 79 on the issue, noted that MSC 79 had agreed that Australia's proposal to extend the APM of a system of pilotage within the Great Barrier Reef to the Torres Strait should be adopted. The Committee further noted that MSC 79 had agreed with Australia's proposal to incorporate the changes to resolution MEPC.45(30) into a new MEPC 53 resolution and that MSC 79 had invited the Committee to consider adopting the resolution as proposed by Australia and Papua New Guinea (MSC 79/23, paragraphs 10.13 to 10.15).

8.4 The Committee noted the document MEPC 53/8/3 by Australia and Papua New Guinea contained a draft MEPC resolution to designate the Torres Strait as an extension to the existing Great Barrier Reef PSSA and make the APMs applicable to the Torres Strait. The new MEPC resolution would replace resolution MEPC.45(30), incorporating the text agreed at MSC 79.

8.5 In commenting on document MEPC 53/8/3, the delegation of the United States appreciated the co-operative spirit shown at MSC 79, which resulted in the draft resolution before this Committee. The delegation of the United States stated that this draft resolution recognized not only the environmental sensitivity of the Torres Strait, but also the important and fundamental navigational rights provided by international law; supported raising the international awareness of the environmental sensitivity of the Torres Strait and the facilitation of safe and

efficient shipping within this Strait; and was clear in its language and effect and represented a serious commitment by IMO and Member States regarding the protection of the Torres Strait. The delegation also stated that it must be recognized that this resolution was recommendatory and provided no international legal basis for mandatory pilotage for ships in transit in this or any other strait used for international navigation. The United States could not support the resolution if this Committee took a contrary view. Should the Committee adopt this resolution, the United States would implement its recommendations in a manner consistent with international law and the right of transit passage. The United States stressed that it would urge ships flying its flag to act in accordance with the recommendatory Australian system of pilotage for ships in transit through the Torres Strait to the extent that doing so did not deny, impair, hamper, or impede transit passage.

8.6 Several delegations supported the statement by the United States. The delegation of Australia indicated that it did not object to the statement.

8.7 The Committee, noting the views expressed by the United States and other delegations, concurred with the outcome of MSC 79 on this issue, and agreed to instruct the PSSA Technical Group to prepare a draft MEPC resolution on the designation of the Torres Strait as an extension to the Great Barrier Reef PSSA and to report back to plenary.

Outcome of NAV 51 on the three proposed new PSSAs

8.8 The Committee recalled that MEPC 51 approved, in principle, the designation of (1) the waters of the Canary Islands (Spain), (2) the Galapagos Archipelago (Ecuador) and (3) the Baltic Sea Area (except Russian Waters) (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden) as PSSAs, and noted that the submitting countries would submit detailed proposals for APMs to NAV 51, which should provide recommendations to the Committee.

8.9 The Committee was informed that NAV 51 (June 2005) considered and approved the proposed APMs for the Canary Islands PSSA: traffic separation schemes for the Canary Islands with some corrections to the description; Areas to be Avoided by ships transiting the Canary Islands with some corrections to the description; and mandatory ship reporting system with some corrections, all of which, MSC 81 is invited to adopt.

8.10 With regard to the Galapagos Archipelago PSSA, NAV 51 approved the proposed Area to be Avoided with some correction to the description and, as agreed by MSC 80, instructed the Secretariat to forward it to the twenty-fourth session of the Assembly for adoption, as authorized by MSC 80. The delegation of Ecuador informed NAV 51 that it would submit a proposal to NAV 52 for a mandatory ship reporting system for ships entering the Area to be Avoided in the Galapagos Archipelago.

8.11 With regard to the Baltic Sea Area PSSA (except Russian Waters), NAV 51 noted that the proposal for APMs included the establishment of two new mandatory Areas to be Avoided and expressed the opinion that the proposal did not justify the establishment of mandatory areas. However, it agreed that they could be established as two non-mandatory Areas to be Avoided. The delegation of Sweden stated that while it was not satisfied with this decision, it would accept it and make a more detailed submission to NAV 52.

8.12 NAV 51 also approved, for the Baltic Sea Area PSSA, the proposed establishment of new Traffic Separation Schemes; a recommended Deep-Water Route; Areas to be Avoided; and amendments to existing Traffic Separation Schemes with some corrections to the description,

and, as agreed by MSC 80, instructed the Secretariat to forward it to the twenty-fourth session of the Assembly for adoption, as authorized by MSC 80.

8.13 The delegation of the Russian Federation expressed the view that whilst it would fulfil all protective measures adopted in connection with the proposed Baltic Sea Area PSSA, the Russian Federation would not associate itself with the political decision of the designation of this PSSA, as the proposed limited APMs would not provide protection for the Baltic Sea Area as a whole.

8.14 The Committee, whilst noting the objection by the Russian Federation, endorsed the outcome of NAV 51 on these issues, and agreed to request the PSSA Technical Group to prepare draft MEPC resolutions on the designation of the Canary Islands, the Galapagos Archipelago and the Baltic Sea Area (except Russian Waters) as PSSAs, and report back to the plenary.

Outcome of MSC 79 on the mandatory ship reporting system for ships entering the Western European Waters PSSA

8.15 The Committee noted that MSC 79 adopted, by resolution MSC.190(79), the proposed new mandatory ship reporting system in the Western European Waters PSSA (MEPC 53/8/1, paragraphs 3 and 4).

8.16 The delegation of Spain, speaking on behalf of the six partners in the Western European Waters PSSA (Belgium, France, Ireland, Portugal, Spain and the United Kingdom) informed the Committee on the progress with the mandatory ship reporting system under this PSSA. All partners had held an information campaign prior to the entry into force of the so-called 'WETREP' reporting system that included notices to mariners, amendments to the current sailing directions and radio signals publications. This information campaign offered comprehensive information on WETREP in all areas included in NAVAREA, from the North Sea and the English Channel to the Southern coast of Portugal. The WETREP reporting system went live on 1 July 2005. Coastal radio stations receiving reports were forwarding these reports to national co-ordination centres, for further dissemination, as necessary.

8.17 The delegation further reported that the United Kingdom, in consultation with the other partners in this PSSA, was preparing a further merchant shipping notice that would offer, free of charge, the use of Inmarsat C for sending reports through MRCC Falmouth on the use of the Select Special Access Code (SAC) 45. The information received would be shared between the mandatory reporting schemes involved. The partners of the Western European Waters PSSA had signed on 30 June 2005 in Lisbon, Portugal, a Memorandum of Understanding concerning their participation in this PSSA and to ensure the most efficient co-ordination of the activities in the PSSA and its ship reporting system. Since WETREP had entered into force on 1 July 2005, no problems had occurred.

Review of the PSSA Guidelines

8.18 The Committee recalled that MEPC 51 agreed that the Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas, as contained in annex 2 of Assembly resolution A.927(22) (PSSA Guidelines), should be reviewed and called for specific proposals, as well as justification, to be submitted to MEPC 52. MEPC 51 had also agreed not to recommend a moratorium on any current or new proposals under the existing PSSA Guidelines, while the revision of the PSSA Guidelines was being conducted (MEPC 51/22, paragraphs 8.11 to 8.15).

8.19 The Committee recalled further that MEPC 52 established an intersessional Correspondence Group with the instructions to review, with the objective of clarifying, and, where appropriate, strengthening the PSSA Guidelines and prepare a draft Assembly resolution, using document MEPC 52/8 by the United States as the base document, taking into account relevant submissions to that session, and the discussions and direction given in the report of the Committee (MEPC 52/24, section 8) with a view to approval by the Committee, for adoption by the Assembly in December 2005.

8.20 The Committee considered the report of the Correspondence Group (MEPC 53/8/2), submitted by the United States as co-ordinator of the Group. In introducing their document the delegation of the United States referred to the draft Assembly resolution and the draft revised PSSA Guidelines as contained in the annex. The key issues that required resolution by the Committee included three overarching issues, namely: the designation in principle concept; the appending of an actual APM proposal to a PSSA submission; and the identified legal basis for any suggested APM. Several language issues relating to wording used in the ecological criteria and the criterion of “recreation”, and, several miscellaneous issues including *inter alia* the concept of buffer zones/core area; whether a criteria must exist in all or only in part of a proposed PSSA; and, whether particular language should mention compulsory pilotage also required guidance from the Committee before the technical group could complete the review of the PSSA Guidelines.

8.21 The Committee thanked the co-ordinator of the Correspondence Group, Ms. Lindy Johnson (United States), for providing an excellent and comprehensive report.

8.22 The delegation of the Russian Federation reserved its position with regard to the current PSSA Guidelines and reiterated its views that:

- .1 a two-step approach (designation in principle) for PSSAs would no longer be acceptable: if no APM was suggested a PSSA application should be declared null and void;
- .2 the criteria for identification of a PSSA should be prioritized and the ecological criteria assigned the highest priority;
- .3 applications for a PSSA affecting several countries should only be made on the basis of consensus of these countries; and
- .4 proposals for a new PSSA could not be based solely on existing IMO measures already implemented in the area concerned.

8.23 Although several delegations expressed sympathy with the proposal by the Russian Federation that joint PSSA applications should be made on the basis of consensus, there was not enough support to include such a provision in the Guidelines.

8.24 The Committee reconfirmed its conclusion that (1) the review of the PSSA Guidelines should be concluded at this session and aimed at forwarding the amended guidelines for consideration by the Assembly at its twenty-fourth session; and (2) there would be no moratorium on current or new proposals while the revision of the Guidelines was being conducted.

8.25 In addressing the issues raised in the report of the Correspondence Group, which required guidance to complete the review, the Committee agreed that:

- .1 Designation in principle: all PSSA applications should identify proposals for at least one APM; an actual proposal for an APM must be appended to a PSSA proposal; proponents should be allowed to propose additional APMs at a later stage. The term “designation in principle” is now only to be used by the Committee after it reviews a proposal and is awaiting approval or adoption of the APM by the appropriate body;
- .2 Resource restrictions for preparation of proposals for a PSSA and APMs: it was acknowledged that this might be a concern particularly for small Administrations and the Technical Group was requested to develop language to address this issue in the PSSA Guidelines;
- .3 Use of language “that is” versus “may be”: the expression “may be” should be applied in paragraphs 4.4.2, 4.4.5 and 4.4.7, in section 4 (criteria) of the Guidelines;
- .4 Use of language “unique” and “natural”: these words should be revised in paragraphs 4.4.5, 4.4.16 and 4.4.17 in section 4 (criteria) of the Guidelines;
- .5 Recreation as an independent criterion: paragraph 4.4.13 of the current Guidelines should not be retained and recreation should not be elevated as an independent criterion under section 4 of the Guidelines;
- .6 Should a section 4 criterion exist throughout the proposed PSSA or only in the “greater part” of the PSSA: all parts of the proposed PSSA should contain at least one of the section 4 criteria;
- .7 Inclusion of text in paragraph 1.2 of the PSSA Guidelines relating to proliferation of PSSAs: no such text should be included in the revised Guidelines;
- .8 References to languages relating to compulsory pilotage or vessel traffic management systems: no such text should be included in the revised Guidelines;
- .9 Use of the “buffer zone” concept: the current text on buffer zones in paragraph 6.3 of the current PSSA Guidelines should be retained and the concept should not be developed further at this stage;
- .10 Impact on vessel operations: the phrase “and including navigational rights established under UNCLOS” should be removed from paragraph 7.5.3 and the Group should ensure that there is an appropriate reference to the fact that the Guidelines are to be implemented in accordance with international law; and
- .11 Legal basis for APMs: the language currently given in the base text and closely mirroring resolution A.927(22) should be retained, which allows for APMs to be adopted under an existing IMO instrument – including resolutions adopted under the IMO Convention by the Assembly, MEPC, or MSC; APMs to be adopted after

the amendment or development of a new IMO instrument, or APMs to be adopted based on specific language of UNCLOS delegating such authority to IMO such as articles 21 and 211.

Instructions to the PSSA Technical Group

8.26 Having considered all the submissions and comments made on the new PSSAs and on the PSSA Guidelines, the Committee instructed the PSSA Technical Group to:

- .1 prepare a draft final text of the revised Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas, based on the annex to the Correspondence Group report, taking into account comments made in plenary and the outcomes of NAV 51;
- .2 prepare a draft Assembly resolution on the adoption of the new PSSA Guidelines;
- .3 prepare a draft MEPC resolution on the designation of the extension to the Great Barrier Reef PSSA to include the Torres Strait (amending resolution MEPC.45(30)) on the basis of the draft text annexed to document MEPC 53/8/3;
- .4 prepare a draft MEPC resolution on the designation of the Canary Islands as a PSSA and include references to the draft MSC resolutions on the APM(s) which are expected to be adopted by MSC 81 (NAV 51/19, annexes 1, 2 and 4);
- .5 prepare a draft MEPC resolution on the designation of the Galapagos Archipelago as a PSSA and include a reference to the draft Assembly resolution on the APMs which are expected to be adopted by Assembly at its twenty-fourth session (NAV 51/19, annex 5);
- .6 prepare a draft MEPC resolution on the designation of the Baltic Sea Area [except Russian Waters] as a PSSA and include a reference to the draft Assembly resolution on the APMs which are expected to be adopted by Assembly at its twenty-fourth session (NAV 51/19, annex 6); and
- .7 provide a written report to plenary on Thursday, 21 July 2005.

Report of the PSSA Technical Group

8.27 The Technical Group on PSSAs met from 18 to 20 July 2005, under the chairmanship of Ms. Lindy S. Johnson (United States). The report of the Group was presented to the Committee as document MEPC 53/WP.15.

8.28 With regard to the revised PSSA Guidelines, the Committee, having noted the concerns of Croatia regarding the removal of “recreation” as an independent criterion and the lack of a social dimension under paragraphs 4.4.12 to 4.4.14, agreed to add the words “social or” before “economic” in the title and text of paragraph 4.4.12.

8.29 With regard to the procedural points raised by the NAV Sub-Committee, the Committee, having noted that these points were addressed in the revised PSSA Guidelines, instructed the Secretariat to inform the NAV Sub-Committee.

8.30 The delegation of the Russian Federation, supported by a number of delegations, disagreed with the outcome of the revision of the PSSA Guidelines and stated that the two stage approach to PSSA designation remained in the revised Guidelines along with a clause (paragraph 7.3) that allowed future APMs to be added at a later date. The revision had therefore not been successful in tightening the extent and the method by which a PSSA could be identified and designated. It could not, therefore, agree to the revised PSSA Guidelines.

8.31 The delegation of Spain, supported by a number of delegations, stressed that the technical work done by IMO with regards to the identification and protection of PSSAs and the revision of the PSSA Guidelines should not be doubted. The identification of PSSAs, at all times, had followed the established procedures, within all the international instruments used for its implementation. A PSSA should be considered as a tool for the preservation of the marine environment for the Committee's objectives, and accordingly, it should be used by Member States when needed, without any restrictions than just the ones imposed on the procedures for its designation.

8.32 The Chairman of the PSSA Technical Group drew the attention of the Committee to the second operative paragraph of the draft Assembly resolution that requests both the MEPC and MSC to keep the revised Guidelines under review.

8.33 The Committee, having noted that the PSSA Technical Group had reviewed the draft Assembly resolution and all the draft MEPC resolutions and made changes as appropriate, and that the proposing States had appended pertinent information in the annexes to the resolutions, approved the report of the PSSA Technical Group in general and, in particular:

- .1 approved the text of the revised Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas and the draft Assembly resolution on the adoption of the revised PSSA Guidelines, as set out in annex 20, for submission to the twenty-fourth session of the Assembly for adoption;
- .2 designated, by resolution MEPC.133(53), the Torres Strait as an extension of the Great Barrier Reef Particularly Sensitive Sea Area, as set out in annex 21;
- .3 designated, by resolution MEPC.134(53), the Canary Islands as a Particularly Sensitive Sea Area, as set out in annex 22;
- .4 designated, by resolution MEPC.135(53), the Galapagos Archipelago as a Particularly Sensitive Sea Area, as set out in annex 23; and
- .5 agreed to request the Technical Group on PSSAs to develop, at MEPC 54, a uniform format of the MEPC resolutions to designate PSSAs.

8.34 With regard to the Baltic Sea PSSA, the delegation of the Russian Federation stated that it could not agree to the designation of the PSSA because of the fundamental concerns relating to the sovereign rights and jurisdiction of the Russian Federation. It suggested, with the support of several delegations, that the matters should be forwarded to the Legal Committee for advice.

8.35 The Spanish delegation disagreed with the views of the Russian Federation and pointed out that the Baltic Sea PSSA had been approved in principle at MEPC 51 and already designated

on Monday of this session of the Committee. The adoption of the MEPC resolution on Friday to designate the Baltic Sea as a PSSA was a matter of formality and there was no need to forward the document to the Legal Committee.

8.36 The delegation of Sweden and several other delegations concurred with the Spanish delegation and sought immediate adoption of the MEPC resolution.

8.37 The Chairman of the PSSA Technical Group, taking into account the views expressed by delegations and after consultation, presented a revised text of annex 1 to the MEPC resolution on the designation of the Baltic Sea PSSA. The Committee, having considered the revised text, decided to designate, by resolution MEPC.136(53), the Baltic Sea Area as a Particularly Sensitive Sea Area, as set out in annex 24.

8.38 The delegation of the Russian Federation, having recognized that the MEPC resolution on the designation of the Baltic Sea as a PSSA was legally correct, nevertheless abstained from adopting the MEPC resolution on the basis of previously voiced reasons. The Russian Federation did not associate itself with the decision to designate the Baltic Sea as a PSSA.

8.39 The Committee expressed its deep appreciation to the members of the Technical Group for their efforts and spirit of co-operation and, especially, to Ms. Johnson (United States) for the energetic and tactful manner in which she had guided the Group to a successful completion of the work.

8.40 The Committee noted that, in the light of the revised PSSA Guidelines, a future “PSSAs Technical Group” would also need to review the Guidance Document for Submission of PSSA Proposals to IMO (MEPC/Circ.398) and the PSSA Proposal Review Form.

Other issues in relation to PSSAs

8.41 The Committee noted the information provided by WWF in document MEPC 53/INF.10 concerning Strategic Environmental Assessment as a tool to guide identification of PSSAs. Such an assessment could help develop a picture of shipping activity and broadly prioritize areas where shipping concentrated and where ecological sensitivity is believed to be particularly high. Areas could then be identified where risks from shipping activities may be great and where PSSAs may help to improve management of shipping activities in the area. As identification of candidate PSSAs had hitherto been based on an ad hoc process, this strategic approach offered certain advantages. It was not a new tool but was already in use in Norway, the United Kingdom and the European Union.

Information regarding a technical experts meeting on Marine Protected Areas

8.42 The delegation of Canada drew the attention of the Committee to the first meeting of the Open Ended *Ad Hoc* Working Group on Protected Areas under the Convention on Biological Diversity that was held from 13 to 17 June 2005 in Italy at which Canada had offered to host a meeting of invited experts to discuss identification criteria for marine protected areas. The experts meeting will seek a broad technical discussion that reflects and integrates the views and perspectives of those with an interest in the issue including the IMO, FAO, Regional Fisheries

Management Organizations, IUCN, and the Convention on Biological Diversity. Interested delegates were invited to contact Mr Paul Topping² (Canada) for further information.

9 INADEQUACY OF RECEPTION FACILITIES

9.1 The Committee recalled that, at MEPC 52, in considering the issue of the inadequacy of reception facilities, it encouraged Member States, particularly those Parties to the MARPOL Convention as port States, to fulfil their treaty obligations on providing adequate reception facilities and agreed to await the outcome of FSI 13 on the issue of port reception facilities reporting requirements prior to giving it further consideration. In view of the important need to tackle the long-standing problem of the inadequacy of port reception facilities, MEPC 52 also invited submissions to this session with the aim of identifying problem areas and developing a future action plan.

Outcome of FSI 13 on port reception facilities-related matters

9.2 The Committee, having considered document MEPC 53/9, providing the outcome of FSI 13 on port reception facilities-related matters, took the following action.

9.3 The Committee:

- .1 endorsed the outcome of the FSI Sub-Committee's consideration of the study undertaken by the Secretariat on the low level of reporting on alleged inadequacies of port reception facilities;
- .2 approved MEPC/Circ.469 on Revised consolidated format for reporting alleged inadequacy of port reception facilities, superseding MEPC/Circ.349;
- .3 approved MEPC/Circ.470 on Waste reception facility reporting requirements;
- .4 concurred with the FSI Sub-Committee's decision with regard to the development of the port reception facility database (PRFD) as a module of the IMO Global Integrated Shipping Information System (GISIS); and
- .5 endorsed the FSI Sub-Committee's instructions to the Secretariat regarding the proposed outline of the PRFD (paragraph 14 of MEPC 53/9).

Action plan to tackle the inadequacy of port reception facilities

9.4 In document MEPC 53/9/1, BIMCO, IAPH, ICS, INTERCARGO, INTERTANKO and OCIMF provided information on the formation of the shipping and port industry Reception Facilities Forum and its initiatives for enhancing the provision and use of port reception facilities.

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As outlined in document MEPC 53/9/1, the Forum had identified a number of problem areas associated with the inadequacy of port reception facilities and had drawn up an action plan with the aim of increasing the availability and adequacy of port waste reception facilities and encouraging their use. The Forum also proposed that the FSI Sub-Committee should be instructed to undertake further work on the promotion of the provision and use of adequate reception facilities based on the Committee's action plan to be developed at this session.

9.5 The Committee, having considered document MEPC 53/9/1, encouraged the shipping and port industry organizations to continue their efforts with the aim of identifying problems and proposing solutions regarding the provision and use of port reception facilities and agreed that annex 1 of document MEPC 53/9/1 could provide a good basis for the Committee to develop its plan of action on the inadequacy of reception facilities.

9.6 With regard to the expansion of the IMO Global Integrated Shipping Information System (GISIS) through its linkage to the port reception facilities database, the Committee urged Member States to upload and maintain the required information on the database as soon as it becomes operational.

9.7 The Committee instructed the Secretariat to produce a draft Action Plan based on annex 1 of document MEPC 53/9/1 by the industry. To this end, the shipping and port industries and other interested organizations are encouraged to provide contributions to the Secretariat. The draft Action Plan should be submitted to FSI 14 for consideration. The Committee, noting that the item on port reception facilities had been deleted from the work programme of the FSI Sub-Committee, decided to re-install a high-priority item on "Port reception facility-related issues" in the work programme of the FSI Sub-Committee with a target completion date in two sessions and to add such an item in the agenda of FSI 14.

9.8 The Committee was informed of the work being undertaken by Nigeria to ensure that its ports were equipped with adequate reception facilities.

9.9 Finally, the Committee recalled that MEPC.3/Circ. and MEPC.4/Circ. had been issued annually to update and disseminate information on the availability of port reception facilities. When the port reception facility database (PRFD) becomes operational through GISIS, such information will be more easily accessible to all parties concerned.

10 REPORTS OF SUB-COMMITTEES

10.1 The Committee noted that document the outcome of NAV 51 (MEPC 53/8/5), which concerned PSSAs, had already been discussed under agenda item 8.

Outcome of DE 48

General

10.2 The Committee noted that the DE Sub-Committee on Ship Design and Equipment held its forty-eighth session from 21 to 25 February 2004 and its report was circulated as DE 48/25.

10.3 The Committee noted that those matters related to the BWM Convention and MARPOL Annex VI were considered under items 2 and 4 respectively. The action taken by the Committees on other matters is indicated hereunder.

Oil fuel tank protection

10.4 The Committee noted that DE 48 had finalized the draft new regulation 13A of the revised MARPOL Annex I on Oil fuel tank protection and, after having considered the proposal by Singapore (MEPC 53/10/6) proposing an exemption on the application of the new draft regulation 13A to Self Elevating Drilling Units (SEDUs), approved the draft new regulation 13A of the revised MARPOL Annex I on Oil fuel tank protection with the exemption proposed by Singapore. The Committee also approved the consequential draft amendments to the IOPP Certificate Supplement (Forms A and B). All the draft amendments are set out at annex 25.

10.5 In approving this draft new regulation, the Committee took into account its previous decision taken at MEPC 52 whereby amendments to the revised MARPOL Annex I can be adopted before its entry into force (expected to be 1 January 2007) provided that, at the time of adoption, the Committee ensures that the entry into force date, in accordance with article 16 of the MARPOL Convention, occurs after 1 January 2007. With this in mind, the Committee requested the Secretary-General to circulate the proposed amendments to the revised MARPOL Annex I with a view to adoption at MEPC 54.

10.6 The Committee noted that the DE Sub-Committee had completed its work on the “Protection of fuel tanks” and agreed to delete this item from the Sub-Committee’s work programme (see also the Committee’s decision under item 20).

Amendments to resolution A.744(18)

10.7 The Committee recalled that, during consideration of the item on “Amendments to resolution A.744(18)”, DE 48 had considered proposals by Japan to amend CAS, including two sets of guidelines concerning major repairs of hull girder and inspection of fillet weld between deck plates and longitudinals, and a proposal by the Marshall Islands to amend CAS with regard to issues affecting flag Administration procedures on the occasion of a change of flag during the CAS survey.

10.8 The Committee further recalled that, while there was general agreement with the importance of the proposed amendments, DE 48 had expressed various views concerning the legal issues involved in the change of flag, especially the obligation of Administrations to issue their own Document of Compliance and to conduct a full technical review of the CAS documentation and the appropriateness of referencing the IACS Transfer of Class Agreement (TOCA) in CAS.

10.9 The Committee noted that the DE Sub-Committee had agreed to further consider the matter at DE 49 with a view to finalizing the relevant draft amendments to CAS, if appropriate.

Revision of MEPC/Circ.235

10.10 The Committee recalled that DE 48 had considered another submission by Japan containing a proposal for a revised text of MEPC/Circ.235, incorporating guidelines for integrated bilge water treatment systems (IBTS) and during the discussion, DE 48 had noted the concern with regard to the avoidance of oil contamination of ballast water and the filling of the sludge tanks from purifiers and the view that the proposal would lead to an increase in the workload of the engine crew.

10.11 The Committee noted that DE 48 agreed to further consider the matter at its next session, and that the delegation of Japan had expressed its intention to submit a document to DE 49.

Approval of active substances (G9)

10.12 The Committee noted the view of DE 48 that the Procedures for the Approval of Active Substances (G9) should take into account that the relevant substances are compatible with the coating systems used (see paragraph 2.18).

OUTCOME OF FSI 13

General

10.13 The Committee recalled that the FSI Sub-Committee held its thirteenth session from 7 to 11 March 2004 and its report on that session has been circulated under the symbol FSI 13/23.

10.14 The Committee noted that the outcome of FSI 13 on matters related to ballast water management, MARPOL Annex VI and port reception facilities were considered under agenda items 2, 4, and 9 respectively and the outcome of FSI 13 on the draft Code for the implementation of mandatory IMO instruments was dealt with under agenda item 12 (Voluntary IMO Member State Audit Scheme), because of the linkage between the draft Code and the draft Audit Scheme.

10.15 The Committee, having noted that MSC 80 considered urgent matters emanating from FSI 13, as outlined in document MEPC 53/11/5, approved the report in general and took action on all remaining items referred to it by FSI 13 (MEPC 53/10/1).

Mandatory reports under MARPOL 73/78

10.16 The Committee noted the outcome of the analysis of the mandatory reports submitted by Parties to MARPOL 73/78 for 2003 in accordance with MEPC/Circ.318 and endorsed the approval by the Sub-Committee of FSI/Circ.12 on Compliance with the reporting requirements under MARPOL.

10.17 The Committee endorsed the Sub-Committee's instruction to the Secretariat in the context of the work on mandatory reports under MARPOL 73/78 to update the list annexed to document FSI 13/3/1 (status of mandatory reports under MARPOL 73/78), and to submit it to FSI 14 for consideration. An updated list should make it easy to understand which Parties had submitted their mandatory reports under MARPOL 73/78 for the last five years and which Parties had failed to do so.

IMO Global Integrated Shipping Information System (GISIS)

10.18 The Committee noted the status of development of the IMO Global Integrated Shipping Information System (GISIS) and were informed that the following GISIS modules were now accessible on the IMO website: recognized organizations, condition assessment scheme (CAS) and casualties. Other information, such as port reception facilities, would also be included in GISIS. Member States were informed that end-users should apply for their login names and passwords, which would allow them to access the system except for the CAS module whose login details had been communicated to MARPOL Parties in 2002.

10.19 The Committee endorsed the Sub-Committee's reminder to Member States on the provision of timely casualty-related data in the appropriate format (MSC/Circ.953 - MEPC/Circ.372) and to use the reporting facilities of the GISIS as soon as they became available.

Comprehensive index of IMO instruments

10.20 Noting the importance of a comprehensive index of IMO instruments, the Committee endorsed the instructions to the Secretariat to update the comprehensive index of IMO instruments on a regular basis and make it available electronically on the IMO website.

Marine casualty related issues

10.21 The Committee concurred with MSC 80's approval of the MSC/MEPC circular on Reports on marine casualties and incidents (annex 5 to document FSI 13/23), which would supersede MSC/Circ.953 - MEPC/Circ/372, as well as with the instruction to the Secretariat to add a reference in the circular to the internet address of the GISIS module on casualties.

10.22 The Committee also concurred with the FSI Sub-Committee's approval of the Casualty Analysis Procedure, as amended, which could be used for the evaluation of issues and the identification of the changes or modifications necessary to the existing regulatory framework for consideration by the sub-committees.

10.23 Regarding the views, recommendations and decisions of the FSI Sub-Committee concerning the review of the Code for the investigation of marine casualties and incidents, the Committee recalled that MSC 80 had noted that FSI 13 had expressed overwhelming support for the idea of making the Code for the investigation of marine casualties and incidents mandatory, whether in full or in part, on the understanding that the Code should first be revised.

10.24 The Committee recalled further that, MSC 80 also noted that FSI 13, when discussing the possible ways of making the Code legally binding, had expressed a general preference towards proceeding with the introduction of a new regulation in SOLAS chapter XI-1, without prejudice, however, to further consider alternative options, such as developing a new SOLAS chapter XIII, amending existing SOLAS regulation I/21 by explicit acceptance or developing a new Convention on the subject.

10.25 In this context, the Committee considered document MEPC 53/10/2 submitted by New Zealand relating to the clarification of timelines for the mandatory entry into force of the Code for the investigation of marine casualties and incidents, which proposed that any decision on the mandatory status of the Code should be deferred until the revision of the Code had been completed.

10.26 The Committee, noting that MSC 80 also considered the matter (MSC 80/15/1), concurred with MSC 80's views and instructions to the FSI Sub-Committee to:

- .1 develop a draft revised Code;
- .2 on completion, determine whether the revised Code itself or parts thereof should be made mandatory; and

- .3 provide recommendations as to how such a revised code should be made mandatory, in full or in part.

In so doing, the Committee noted that the views put forward by New Zealand had been addressed by these instructions.

PSC related issues

10.27 The Committee noted that FSI 13 examined the recommendations of the 3rd IMO Workshop on PSC held in June 2004 and instructed the Secretariat to prepare, for FSI 14, an analytical paper on the future of the global PSC workshops. The Committee further noted that FSI 13 acknowledged that the IMO Workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres were carrying out important work in support of global harmonization and co-ordination, in facilitating a technical exchange of views and experiences, and in building capacity among the emerging PSC regimes.

10.28 The Committee agreed with the FSI Sub-Committee's view that it was nonetheless necessary to clarify their terms of reference and their linkage to a future FSI working group on PSC matters, which the Sub-Committee provisionally agreed to establish at its next session to examine the large volume of technical and policy recommendations and data on PSC that is regularly submitted to its sessions.

10.29 The Committee, whilst noting that some minor editorial changes were required, approved the draft MEPC Circular on Guidelines for port State control officers whilst checking compliance with the Condition Assessment Scheme (CAS) and entrusted the Secretariat to incorporate these changes before issuing the circular.

10.30 The Committee also concurred with the FSI Sub-Committee's decision calling for written proposals to progress further the development of guidelines for PSC officers related to the arrangements of flag States on ship registration, survey and certification, and for the gathering of experience from the usage of the newly developed GISIS module on ROs.

10.31 The Committee concurred with the FSI Sub-Committee's decisions to defer further consideration of the proposals concerning the revision of the revised Guidelines on implementation of the ISM Code by Administrations (resolution A.913(22)), taking into account the expected outcome of the Independent Group of Experts on the ISM Code, established by the Secretary-General, and the invitation by FSI 13 to Member States to co-sponsor the proposal by IACS to revise the ISM Code.

Carriage of publications on board ships

10.32 The Committee approved, subject to concurrence by MSC, the draft MSC/MEPC circular on IMO requirements on carriage of publications on board ships (FSI 13/23, annex 10).

HSSC related issues

10.33 The Committee concurred with the FSI Sub-Committee's views on the need to develop, in the future, survey guidelines under HSSC for the revised MARPOL Annex IV.

10.34 The Committee noted that FSI 13, having taken into account the provisions of operative paragraph 3 of resolution A.948(23) by which the Assembly requested the MSC and MEPC to

keep under review the Revised Survey Guidelines under HSSC and to amend them as necessary, agreed that:

- .1 amendments addressing elements of the Revised Survey Guidelines, which clearly fall under the purview of one Committee, should be adopted by either an MSC or an MEPC resolution, as appropriate; and
- .2 amendments addressing matters under the purview of both Committees in parts of the Revised Survey Guidelines, such as the part “General”, should be adopted in accordance with the procedure used to adopt amendments to instruments being mandatory under both the SOLAS and MARPOL 73/78 Conventions, such as the IBC Code. In such cases, the same amendments should be adopted by two separate MSC and MEPC resolutions.

10.35 The Committee concurred with the FSI Sub-Committee’s decision concerning the standard methodology to be followed on how amendments to the Revised Survey Guidelines under the HSSC (resolution A.948(23)) should be adopted.

Joint IMO/FAO Working Group on IUU Fishing

10.36 The Committee endorsed the Sub-Committee’s instructions to the Secretariat concerning the preparatory work for the 2nd Joint IMO/FAO Working Group on IUU Fishing and Related Matters.

Extension of the validity of a certificate

10.37 The Committee, concurred with MSC’s 80’s approval of the draft MSC/MEPC circular (FSI 13/23, annex 12) on recommended conditions for extending the period of validity of a certificate in cases where a ship, at the time when the certificate expires, is not in a port in which it is to be surveyed. In this connection, the Committee concurred with MSC 80’s instruction to FSI 14 to prepare relevant amendments to resolution A.948(23), for submission to MSC 82 and MEPC 55 for adoption.

Transfer of class related matters

10.38 The Committee noted that MSC 80 supported FSI 13’s decision that the Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between ROs should be compatible with the IACS’ Transfer of class (TOCA) agreement, and that the new provisions should also cover the requirements currently applied concerning transfers from a non-IACS society to an IACS society.

10.39 The Committee concurred with MSC 80’s approval of the draft MSC/MEPC circular (FSI 13/23, annex 13) on the Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between ROs, with the changes made by MSC 80.

Other issues

10.40 The Committee concurred with MSC 80’s approval of the draft MSC/MEPC circular on Interpretations of the date of completion of the survey and verification on which the certificates are based (FSI 13/23, annex 14).

10.41 The FSI Sub-Committee's proposed revised work programme and provisional agenda for FSI 14 were dealt with under agenda item 20.

OUTCOME OF DSC 9

10.42 The Committee recalled that the DSC Sub-Committee held its ninth session from 27 September to 1 October 2004 and its report was circulated under DSC 9/15.

10.43 The Committee approved the report in general and took action on all remaining items referred to it by the Sub-Committee (MEPC 5/10/4), as indicated hereunder.

10.44 The Committee noted that DSC 9 had decided to harmonize the terminology with the UN Recommendations and use the term "Aquatic Pollutant" instead of the term "Marine Pollutant", provided that the former was adopted by the UN Sub-Committee of Experts (UN SCOE) as an amendment to the UN Recommendations on the transport of dangerous goods. Taking into consideration the July 2004 meeting of the UN SCOE, DSC 9 established a working group on the Review of Annex III to MARPOL 73/78. That working group prepared draft text of chapter 2.9 of the IMDG Code and identified paragraph numbers of the Code to which consequential amendments were to be made accordingly.

10.45 The Committee further noted, however, that the UN SCOE, at its meeting in December 2004, had taken a different position to what was decided at its July 2004 meeting and decided not to adopt that substances hazardous to the aquatic environment would be identified by the words "AQUATIC POLLUTANT" in the transport document.

10.46 The Committee also noted that the Editorial and Technical Group of the DSC Sub-Committee met from 25 to 29 April 2005 and recalled the consequential amendments identified to the IMDG Code paragraphs by the working group. The E & T Group further noted that the UN SCOE had now taken a different position to what was decided at its July 2004 meeting and agreed that, in the light of the most recent decisions taken by the UN SCOE in December 2004, it was premature to prepare those consequential amendments. In that context, E&T Group came to the conclusion that clear guidance was needed from DSC 10 (September 2005) as to how to progress on the matter and urged Member Governments and international organizations to submit proposals on the issue for consideration at DSC 10 so that an informed and well considered decision could then be taken.

10.47 In the light of the recent decisions by the UN SCOE, the Committee agreed to retain the use of the term "Marine pollutant" and instructed the DSC Sub-Committee to act accordingly.

10.48 The Committee recalled that DSC 9 had noted during its deliberations that there might be different options for revising MARPOL Annex III, resulting from amendments to the IMDG Code, with consequential legal and policy implications.

10.49 In that context, the Committee noted that there could be two ways to revise MARPOL Annex III:

- .1 to revise the text of MARPOL Annex III and its Appendix, i.e., revising the specific criteria to identify harmful substances in packaged form based on the GHS criteria; or

- .2 to revise the text of MARPOL Annex III and delete the Appendix but make references to the relevant provisions of the IMDG Code dealing with substances hazardous to the marine environment, i.e., marine pollutants which may be amended from time to time as appropriate.

This would mean that the delegation of responsibility for further amendments to the criteria which define products hazardous to the marine environment would be subject to article VIII of SOLAS.

10.50 The Committee recognized that either approach might have an impact on other IMO instruments, e.g., the Intervention Convention and, in particular, on the list of substances annexed to the Protocol relating to the Intervention on the High Seas, in cases of Pollution by Substances other than Oil, 1973 (resolution MEPC.100(48)).

10.51 The Committee agreed to keep the current structure of MARPOL Annex III including its Appendix and instructed the DSC Sub-Committee to continue the review of MARPOL Annex III with this in mind and submit its outcome to the Committee for consideration.

OUTCOME OF BLG 9

General

10.52 The Committee recalled that the ninth session of the BLG Sub-Committee was held from 4 to 8 April 2005 and its report was issued as BLG 9/17.

10.53 The Committee noted that the outcome of BLG 9 on matters related to Ballast Water Management were taken under agenda item 2.

10.54 The Committee approved the report in general and took action on all remaining items referred to it by the Sub-Committee (MEPC 53/10/5) as indicated hereunder.

Extension of tripartite agreements

10.55 The Committee concurred with the Sub-Committee's view that a 3-year period was sufficient to carry out the necessary testing and follow-up with the GESAMP/EHS Working Group for the hazard evaluation of a product which was under a tripartite agreement and endorsed the Sub-Committee's decision to reject proposals for extending tripartite agreements beyond the stipulated 3-year period.

Guidelines referenced under MARPOL Annex II

10.56 The Committee recalled the instructions by MEPC 51 to BLG to consider the Guidelines referenced under the 2002 consolidated edition of MARPOL Annex II and to determine their status in respect of the revised MARPOL Annex II. In this regard, the Committee endorsed the BLG Sub-Committee's decision on the withdrawal of the Guidelines for the Application of Amendments to the List of Substances in Annex II of MARPOL 73/78 and in the IBC Code and the BCH Code with respect to Pollution Hazards.

10.57 In this context, the Committee adopted, by resolution MEPC.137(53), the proposed amendments to resolution MEPC.85(44) – Guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances, as set out at annex 26.

10.58 Noting that the Committee may amend performance standards adopted by Assembly resolutions, as authorized by Assembly resolution A.886(21), the Committee adopted, by resolution MEPC.138(53), the proposed amendments to resolution A.851(20) – General Principles for ship reporting systems and ship reporting requirements including guidelines for reporting requirements involving dangerous goods, harmful substances and/or marine pollutants, as set out at annex 27.

Proposed amendments to the BCH Code

10.59 The Committee approved the proposed amendments to the BCH Code agreed to by BLG 9, as set out at annex 28.

10.60 Noting that the BCH Code is mandatory under MARPOL Annex II, the Committee requested that the proposed amendments should be circulated by the Secretary-General as soon as possible for adoption by MEPC 54 (March 2006). The Committee noted that the amendments to the BCH Code would then be adopted by MSC 82.

MEPC.2/Circ. related issues

10.61 The Committee endorsed the invitation by the Sub-Committee to all reporting States to communicate with the respective industries to re-evaluate the current entries in annexes 2, 3 and 4 of the MEPC.2/Circ. (which deals with the provisional classification of liquid substances transported in bulk), in particular those with an expiry date after 1 January 2007 or having no expiry date, since these entries would cease to be valid when the revised MARPOL Annex II entered into force.

10.62 The Committee, recalling that BLG 9 had considered the various combinations of assessments related to the products in List 1 of MEPC.2/Circ. that may be required in the interim period between now and 1 January 2007, when the consequential amendments to the IBC Code are expected to come into force, endorsed the approach taken by the Sub-Committee on how to deal with the different scenarios related to List 1 of MEPC.2/Circ.

10.63 Because of the need to inform all parties involved as quickly as possible on the latest developments necessary to implement the revised MARPOL Annex II before 1 January 2007, the Committee endorsed the Sub-Committee's recommendation regarding the timeframe for publication of the IBC Code, the interim MEPC.2/Circ. and approval of products.

Implementation of the revised MARPOL Annex II

10.64 The Committee recalled that MEPC 52 had addressed the issue of the practical problems that might arise in connection with the implementation of the requirements under the revised MARPOL Annex II and the revised IBC Code and had agreed to instruct BLG 9 to examine the practical problems in particular those related to:

- .1 the cargo loaded before entry into force date; and
- .2 the certificates.

10.65 The Committee endorsed BLG 9's statement for cargoes loaded before the entry into force date of the revised MARPOL Annex II, which clarified the operational requirements regarding such cargoes.

10.66 The Committee also endorsed the Sub-Committee's proposed approach to resolve the possible practical problems related to the relevant certificates that might arise in connection with the implementation of the revised MARPOL Annex II.

Product Data Reporting Forms

10.67 The Committee instructed the Secretariat to make available the BLG Product Data Reporting Form and GESAMP Reports and Studies No. 64 on the IMO public domain website as one package with the GESAMP/EHS Product Data Reporting Form and requested that this be done as soon as possible.

MEPC/Circ.265

10.68 The Committee recalled that MEPC/Circ.265 concerned the Guidelines for the provisional assessment of liquids transported in bulk which should be finalized at ESPH 11 (October 2005). Since these Guidelines were required to be available at the earliest opportunity to end-users and well in advance to the entry into force of the revised MARPOL Annex II and the consequential amendments to the IBC Code in order to allow for drawing up tripartite agreements under the revised system, the Committee agreed to allow ESPH 11 to submit the revised MEPC/Circ.265 direct to MEPC 54 for approval and circulation at the earliest opportunity.

Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels

10.69 The Committee noted the proposed amendments to the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (resolution A.673(16)), consequential to the revised MARPOL Annex II and the revised IBC Code including Appendix 2 of the Guidelines concerning the Model Form of Certificate of Fitness, which needed to be brought in line with the revised IBC Code. The Committee agreed, subject to concurrent decision of the MSC, to instruct the SLF Sub-Committee, as the co-ordinating Sub-Committee, to finalize these amendments for appropriate action by the Committee and the MSC. The Committee requested the DSC Sub-Committee to note the outcome of BLG 9 on this issue.

Revised MARPOL Annex II and gas carriers

10.70 The Committee noted the clarification given by the BLG Sub-Committee on regulation 5.3 of the revised MARPOL Annex II for gas carriers which contains an equivalent arrangement for gas carriers to meet equal standards for the protection of the marine environment when certified to carry Noxious Liquid Substances (NLS).

Guidelines on the basic elements of a shipboard occupational health and safety programme

10.71 With regard to the draft MSC/MEPC circular on Guidelines on the basic elements of a shipboard occupational health and safety programme, the Committee noted that this issue was discussed under agenda item 19 and therefore did not require further consideration under this agenda item.

MSDSs for MARPOL Annex I cargoes and marine fuel oils

10.72 The Committee considered document MEPC 53/10/3 submitted by OCIMF and IPIECA which contained proposed amendments to annex 2 as set out in resolution MSC.150(77) – Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuel oils.

10.73 Whilst welcoming the proposal, the Committee noted that further improvements might be necessary to the technical content of the Cargo Information Sheet and agreed that the BLG Sub-Committee should further consider this aspect under its agenda item – Decisions of other IMO bodies.

Revision of fire protection requirements of the IBC Code

10.74 The Committee noted that BLG 9 had finalized the revision of fire protection requirements of the IBC Code (BLG 9/17, annex 11). In this context, the Committee recalled that the revised IBC Code adopted at MEPC 52 and MSC 79 would not enter into force until 1 January 2007, and hence any proposed amendments would not normally be adopted by the MSC and MEPC before the revised IBC Code had entered into force. The Committee therefore agreed with the Sub-Committee's recommendation and approved in principle, subject to MSC 81's concurrent decision, the proposed amendments with a view to adoption at MSC 83 and MEPC 56. With this in mind, the Committee agreed that draft amendments, as set out at annex 29, should be circulated immediately after the deemed acceptance of the revised IBC Code.

10.75 Noting the Sub-Committee's recommendation that both MEPC and MSC invite Contracting Governments to the 1974 SOLAS Convention and Parties to the MARPOL 73/78 respectively to apply these proposed amendments to the revised IBC Code to ships flying their flags, pending their formal entry into force date, the Committee approved, subject to MSC 81's concurrent decision, the draft MSC/MEPC circular on early application of the amendments to the fire protection requirements of the revised IBC Code.

Matters related to the revised MARPOL Annex IV

10.76 The Committee recalled that MEPC 51 had decided to refer matters related to the revised MARPOL Annex IV, in particular those related to the standards on the discharge of sewage and rate of sewage discharge, to the BLG Sub-Committee for consideration as a high-priority item in its work programme, with a target completion date of 2006.

10.77 The Committee endorsed the Sub-Committee's course of action on matters related to the amendments to resolution MEPC.2 (VI) and on the development of standards regarding the rate of discharge for sewage.

Definition of fuel oil

10.78 The Committee recalled that the clarification of the definition of fuel oil in the revised MARPOL Annex I (regulation 21.2.2) had been discussed at MEPC 52, which instructed BLG 9 to consider the item and to report back to MEPC 53.

10.79 The Committee recalled further that MEPC 52 had decided that any future proposed amendments to MARPOL Annex I would be referred to the revised Annex I, which is expected

to come into force on 1 January 2007 and that the proposed amendment should be made to regulation 21 of the revised MARPOL Annex I.

10.80 The Committee noted that this clarification was intended to fill the perceived gap in the definition of Heavy Grade Oil (HGO) that presently would allow for HGOs other than crude oil, fuel oil, or bitumen, tar and their emulsions, to be carried on board single hulled ships beyond 5 April 2005.

10.81 The Committee approved the proposed amendments to regulation 21.2.2 of the revised MARPOL Annex I, which is set out at annex 30, with a view to adoption at the earliest opportunity allowed by the amendment procedure under the MARPOL Convention. Therefore, the proposed amendments should be circulated for consideration with a view to adoption at MEPC 54.

10.82 In addition, the Committee approved the Unified Interpretation 4.14 to regulation 13H(2) of the current MARPOL Annex I proposed by the BLG Sub-Committee, which provides an interim solution during the period before the entry into force of the proposed amendments as it can be implemented immediately when approved by the Committee. The Unified Interpretation is set out as annex 31.

10.83 Because regulation 13H of the current MARPOL Annex I and regulation 21 of the revised MARPOL Annex I contained the same text and regulation 13H of the current MARPOL Annex I would be superseded by regulation 21 of the revised MARPOL Annex I, the Committee concurred with the Sub-Committee's view to apply the same Unified Interpretation to regulation 21.2.2 of the revised MARPOL Annex I to cover the period between 1 January 2007 and the entry into force date (expected July 2007) of the proposed amendment to regulation 21.2.2 of the revised MARPOL Annex I.

10.84 Recognizing that this was an exceptional case where a unified interpretation was meant to anticipate the entry into force of an important amendment to MARPOL Annex I in order to cover a time gap before the amendment itself is in force, the Committee agreed with the Sub-Committee that this should, by no means, be considered as setting a precedent.

Guidelines for the application of the revised MARPOL Annex I requirements to FPSOs and FSUs

10.85 The Committee adopted, by resolution MEPC.139(53), Guidelines for the application of the revised MARPOL Annex I requirements to FPSOs and FSUs, as set out at annex 32.

Other issues

10.86 The Committee noted the work programme for the intersessional meeting of the ESPH Working Group in October 2005.

10.87 The Committee noted that the draft revised terms of reference for the BLG Sub-Committee were dealt with under agenda item 21.

10.88 The Committee noted that the proposed revised work programme of the Sub-Committee and provisional agenda for BLG 10 and the request to hold an intersessional meeting of the ESPH Working Group in 2006 were considered under agenda item 20.

11 WORK OF OTHER BODIES

Outcome of C 93

11.1 The Committee noted that the ninety-third session of the Council (C 90) was held from 15 to 19 November 2002 and a summary of its decisions was issued as C 93/D whilst those matters of relevance to this Committee have been reported under MEPC 53/11.

11.2 The Committee noted that Council had noted those issues arising from MEPC 52 and, in particular:

- .1 agreed on the proposed future funding of the sulphur-monitoring project through the regular budget of the Organization to ensure its continuation from 2006 onwards;
- .2 agreed on the funding of GESAMP by the Organization for the 2006-2007 biennium and noted that MEPC 53 will give further consideration to the proposed New GESAMP, including its funding and draft Memorandum of Understanding;
- .3 endorsed the action taken by the Committee in approving the intersessional meetings referred to in its report; and
- .4 agreed, with the Committee's recommendation, that the trial new reporting procedure for the sub-committees be halted and the existing reporting procedure be re-instated.

11.3 With regard to the Voluntary IMO Model Audit Scheme, the Committee noted that further progress on this issue had been made since the ninety-third session of the Council and that this issue was further dealt with under agenda item 12.

11.4 The Committee also noted that Council had considered the report of the twenty-sixth Consultative Meeting of Contracting Parties to the London Convention, 1972 (1 to 5 November 2004), and noted, *inter alia*, the planned action with the aim of clarifying the boundaries between MARPOL 73/78 and the London Convention concerning 'discharges' and 'dumping' by vessels. The Committee noted that this issue was considered under agenda item 6 - Interpretations and amendments of MARPOL 73/78 and related instruments (document MEPC 53/6/1 refers).

11.5 The Committee further noted the Council's decisions with regard to review of the work programme and budget for 2005, protection of vital shipping lanes, and relations with United Nations and specialized agencies, as reported in document MEPC 53/11.

Outcome of C 94

11.6 The Committee noted that the ninety-fourth session of the Council was held at IMO Headquarters and its summary of decisions was issued as C 94/D whilst those matters of relevance to the Committee had been reported MEPC 53/11/7. The Committee also noted that the outcome of C 94 on the Voluntary IMO Member State Audit Scheme was reported separately under item 12 (MEPC 53/12/6).

11.7 The Committee noted the following:

- .1 with regard to the performance indicators identified in the Organization's Strategic Plan, the Council instructed the Secretariat to prepare an analysis of the data and to draw any relevant conclusions to aid the Working Group in its work in reviewing the Strategic Plan, the high-level action plan and biennium priorities;
- .2 with regard to electronic access to certain IMO publications, the Council requested the Secretariat to undertake a survey, within the ambit of the ITCP, to assess the relative impact of the Scheme on developing countries and to assess how the scheme might be utilized more extensively and effectively by developing countries; and requested the Secretary-General to report the outcome of the survey at C 96;
- .3 with regard to protection of vital shipping lanes, the Council reaffirmed its mandate to the Secretary-General to continue work relating to the protection of shipping lanes of strategic importance and significance, reporting to the Council when appropriate; and
- .4 with regard to the draft report of the Council to the Assembly on the work of the Organization since the twenty-third regular session of the Assembly, the Council approved the report, subject to any developments which may occur between the issue of the aforementioned document and the twenty-fourth regular session of the Assembly, which would be reported to the Council for consideration and approval at its twenty-third extraordinary session.

11.8 The Committee also noted the Council's decision with regard to Greenpeace International.

11.9 The Committee considered the consultative status of the International Bunker Industry Association (IBIA) under agenda item 23 - Any other business (see paragraph 23.6).

Outcome of MSC 79

11.10 The Committee noted that the seventy-ninth session of the Maritime Safety Committee (MSC 79) was held from 1 to 10 December 2004 and its report on the session had been circulated under the symbol MSC 79/23.

11.11 The Committee noted that the outcome of MSC 79 on transitory non-compliance when conducting ballast water exchange, PSSAs, role of the human element, formal safety assessment, work programmes and provisional agendas of subsidiary bodies and the application for consultative status were reported under items 2, 8, 19, 20 and 23 respectively whilst those matters of relevance to the Committee had been reported in documents MEPC 53/11/1 and MEPC 53/11/1/Corr.1.

11.12 The Committee noted that MSC 79 adopted the revised IBC Code and amendments to the ISM Code by resolutions MSC.176(79) and MSC.179(79) respectively.

11.13 The Committee also noted that MSC 79 considered the proposed amendments to the BCH Code regarding the date of completion of the survey and adopted the amendments by resolution

MSC.181(79) which are expected to be accepted on 1 January 2006 and to enter into force on 1 July 2006. In this regard, the Committee recalled that it had approved earlier (under item 10 when considering the outcome of BLG 9) the draft amendments to the BCH Code as agreed by BLG 9 for circulation with a view to adoption by MEPC 54 and subsequent adoption by MSC 82.

11.14 The Committee further recalled that it had requested the Secretary-General to circulate the amendments to the BCH Code immediately after MEPC 53 for adoption at MEPC 54 and tasked the Secretariat to incorporate these amendments as appropriate.

11.15 The Committee considered the outcome of MSC 79 in relation to the report of FSI 13 on casualty-related matters, specifically the proposed amendments to MSC/Circ.953 - MEPC/Circ.372 on Reports on marine casualties and incidents under agenda item 10 – Outcome of Sub-Committees (Outcome of FSI 13).

11.16 The Committee recalled that MSC 79, having noted MEPC 52's concurrent decision:

- .1 had approved MSC/Circ.1140 - MEPC/Circ.424 on Transfer of ships between States;
- .2 had approved MSC/Circ.1142 - MEPC/Circ.425 on Marking the ship's plans, manuals and other documents with the IMO ship identification number; and
- .3 had approved the amendments to the FAL/MEPC/MSC circular on the list of certificates and documents to be carried on board ships.

11.17 The Committee concurred with the decision of MSC 79, following the outcome of the meeting of the MSC, MEPC and FAL Chairmen on the matter during C 93, that the SPI Working Group would be convened as a working group of the FAL Committee as and when that Committee considered it necessary. The Committee noted that both the MSC and MEPC may refer, as necessary, matters for the consideration by the FAL Committee but would not instruct directly the SPI Working Group to deal with them.

11.18 The Committee noted that MSC 79 deliberated on the Report on cost implications of providing data associated with the lists of substances subject to MARPOL Annex II but since further updated information was to be given by the Secretariat under agenda item 16 (MEPC 53/11/1), the Committee deferred any discussion on the issue.

11.19 The Committee noted that MSC 79 invited the MEPC to consider those aspects of the revision of the Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675) (MEPC 53/11/1/Corr.1, paragraph 1 refers) which fall under its purview.

11.20 The Committee recalled that, during the consideration of the matter, DSC 9, as co-ordinating sub-committee for this work:

- .1 had noted that some aspects of the Recommendations address marine pollutants, environmental issues and other matters fall under the scope of MARPOL 73/78. As these fall under the purview of the MEPC, the Sub-Committee did not examine either the marine pollution aspects of the Recommendations or annex 5 of the Recommendations on Bunkering Precautions, including the Bunkering checklist;

- .2 had urged the MEPC and other relevant Sub-Committees (STW and BLG) to refrain, to the extent possible, from making changes, when reviewing the Recommendations, to the text of the definitions which are already provided in the Recommendations as revised by DSC 9, and, in case, they find it necessary to amend any of the existing definitions they may do so provided the DSC Sub-Committee will be in a position to review the text of the Recommendations anew; and
- .3 had extended the target completion date of this work programme item to 2006 as a result of the need to refer the Recommendations to the MEPC and the other relevant Sub-Committees (STW and BLG) for their consideration.

11.21 In light of the DSC Sub-Committee's decision to extend the target completion date of this work programme to 2006, the Committee agreed to consider the matter at MEPC 54.

Outcome of MSC 80

11.22 The Committee noted that the eightieth session of the Maritime Safety Committee (MSC 80) was held from 11 to 20 May 2005 and its report on that session has been circulated under the symbol MSC 80/24.

11.23 The Committee also noted that the outcome of MSC 80 on PSSAs, Voluntary IMO Member State Audit Scheme, work programmes and provisional agendas of subsidiary bodies and the application of the Committees' Guidelines were reported under items 8, 12, 20 and 21 respectively whilst the other matters of relevance to the Committee are reported in document MEPC 53/11/5.

11.24 The Committee noted that MSC 80 adopted amendments to the ISM Code and to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)) by resolutions MSC.195(80) and MSC.197(80) respectively.

11.25 The Committee noted that with regards to the draft amendments to the Formal Safety Assessment Guidelines (MSC/Circ.1023 - MEPC/Circ.392) and the associated draft MSC/MEPC circular as well as the invitation by MSC 80 to Member Governments and international organizations to submit proposals to MSC 81 on the development of a risk index relevant to the protection of the marine environment with regard to the FSA Guidelines, both of these were dealt with under agenda item 19 – Future role of the formal safety assessment and human element issues.

11.26 The Committee, noting the concurrent decision of MSC 80, approved (see also section 10):

- .1 the draft MSC/MEPC circular on Reports on marine casualties and incidents superseding MSC/Circ.953-MEPC/Circ.372;
- .2 the draft MSC/MEPC circular on Recommended conditions for extending the period of validity of a certificate;
- .3 the draft MSC/MEPC circular on Guidelines for Administrations to ensure the adequacy of transfer of class-related matters between recognized organizations (ROs); and

- .4 the MSC/MEPC circular on Interpretation of the date of completion of the survey and verification on which the certificates are based.

11.27 In considering the approval of the draft MSC/MEPC circular on the retention of the original records/documents on board ships, the Committee considered document MEPC 53/WP.18 submitted by the Marshall Islands and the United States.

11.28 The delegation of the United States, in introducing MEPC 53/WP.18, noted that when it reviewed paragraph 3 of the draft MSC/MEPC circular, concerns were raised regarding the ability to effectively enforce certain IMO conventions and potentially other international agreements as well as concerns regarding the application of its national laws and consequently proposed alternative language in paragraph 3 as shown in MEPC 53/WP.18. In particular, the United States objected to the guidance that prior approval be sought from the “all parties” and from the master in investigations and proceedings regarding potential falsification of ship records, or criminal violations of applicable laws and regulations or international rules and standards such as those relating to safety, security or pollution. In such cases, the United States took the position that: port States need to secure the evidence without delay so that it is not tampered with, altered or destroyed; that removal should not be contingent upon the prior consent of all parties (which could include those involved in criminal acts); and originals may be required for evidentiary and forensic reasons.

11.29 The majority of delegations stated that the proposal in MEPC 53/WP.18 substantially changed the essence of the original paragraph 3 in the draft circular since it omitted the reference to the necessity for agreement by the master and all parties concerned to be reached before original records/documents, including ship and personnel certificates, are removed from a ship and replaced by a certified copy. In this connection, the Committee noted that since the proposal in MEPC 53/WP.18 was a substantial change to original paragraph 3, the proposal would need to be reverted to MSC for approval.

11.30 After extensive deliberation, the Committee, recognizing also that the draft circular should be adopted without undue delay and disseminated as soon as possible and that original paragraph 3 of the draft circular was a careful compromise reached at MSC, approved the draft MSC/MEPC circular on the retention of the original records/documents on board ships as shown in MEPC 53/11/5, annex 2 with the removal of the square brackets in paragraph 3, and instructed the Secretariat to issue the joint MSC/MEPC circular as soon as possible. The delegation of the United States objected to the text of paragraph 3 as approved. In this regard, some delegations saw merit in the proposal of the United States and requested the Committee that the issues and the objections made by the United States should be taken into account when the matter is reviewed in the future.

Long-range identification and tracking of ships (LRIT)

11.31 The Committee noted the importance and implication of long-range identification and tracking of ships (LRIT) for pollution prevention as referred to in the outcome of MSC 79 and MSC 80.

11.32 The Committee recalled that the concept of long-range identification and tracking of ships (LRIT) was discussed, for the first time, during the first intersessional meeting of the MSC Working Group on Maritime Security (11-15 February 2002) in the context of enhancing maritime domain awareness with a view to improving maritime security.

11.33 The Committee also recalled that, as reported in document MEPC 53/11/1Corr.1, MSC 79 had agreed that the purpose and scope of LRIT should be extended to include safety and environmental protection applications, subject to the resolving the technical issues by the COMSAR Sub-Committee. However, before being able to embark on the detailed technical consideration of the extension of LRIT by the COMSAR Sub-Committee it would be necessary for the MSC to define the safety applications and for the MEPC to define the environmental protection applications for which LRIT would be used.

11.34 The Committee further recalled that MSC 79 had also agreed that COMSAR 9 should be advised to bear in mind that the ultimate objective was to extend, at the appropriate time, the purpose and scope of LRIT to include safety and environmental protection applications. Nevertheless, COMSAR 9 should proceed, as instructed by MSC 78, with the development of LRIT as a tool which SOLAS Contracting Governments may use for the enhancement of maritime security.

11.35 The Committee noted that, although MSC 80 had widely acknowledged that significant progress was made in relation to the provision of LRIT information to SOLAS Contracting Governments, it also recognized that there were several outstanding issues which needed to be resolved before adopting amendments to SOLAS on LRIT and agreed for:

- .1 an MSC intersessional working group on LRIT, which will meet from 17 to 19 October 2005, for the purpose of developing appropriate draft SOLAS amendments on LRIT, so that SOLAS Contracting Governments can submit a proposal for draft SOLAS amendments, for consideration with a view to adoption at MSC 81; and
- .2 a COMSAR intersessional working group, which will meet prior to COMSAR 10 so as to enable COMSAR 10 to complete its own work on LRIT.

11.36 The Committee also noted that MSC 80 agreed, that the two intersessional working groups and COMSAR 10 should concentrate on the development of LRIT for maritime security purposes and, when that task had been completed, instructions should then be sought from the MSC and the MEPC with regard to the safety and environmental aspects.

11.37 Norway presented document MEPC 53/11/4 which, *inter alia*, suggests the use of LRIT:

- .1 as a tool for identifying ships having caused pollution;
- .2 for automatically submitting a position report when entering a sea area for which such reporting is required;
- .3 at an appropriate point in time, for verification of whether the requirements of the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" (which is not yet in force) has been violated; and
- .4 as one essential element for establishing reliable estimates on the emission of gases from international shipping.

11.38 Whilst these specific points were not extensively discussed by the Committee, all delegations who spoke, supported the technical contents of the Norwegian submission (MEPC 53/11/4). The majority agreed that, at an appropriate time, the scope of LRIT would

need to be extended to have environmental applications. The rest held the opinion that this should be done at the same time as security. However, it was recognized that initiating such discussions at this stage may adversely affect the plan of the MSC to adopt SOLAS amendments at MSC 81 to introduce LRIT as a tool to enhance maritime security.

11.39 The observer from ICS noted that, while supporting the additional uses for LRIT as described in document MEPC 53/11/4 (Norway), ICS was concerned that the requirement for additional inputs by the ship's crew such as the next port of call and the ETA would require human intervention. This, in their view, was regrettable and in itself may call into question reliability of the truly automatic tracking system for security purposes. ICS also drew the attention of the Committee to the short range capability of AIS and in this respect – it is a complementary technology – and duplicate information required from ships should be avoided.

11.40 The Committee agreed to invite the MSC to note that the Committee wishes to see, at an appropriate time, the use of LRIT being extended to have environmental applications. However, at this stage, the Committee did not wish to put forward any specific proposals to this end as it recognized the priorities set by the MSC in relation to development of the LRIT system.

11.41 The Committee noted, for the information of the MSC, that document MEPC 53/11/4 (Norway) provided, although it was not extensively discussed, a non-exhaustive list of issues which related with the expected extension of the scope of LRIT so as to have environmental applications. The Committee recognized that the ability of the LRIT system to accumulate and store data over a period of time which needs to be determined, at the appropriate time, by the Committee (which may be two months) is an essential element of the eventual environmental applications of the LRIT. As a result, the Committee agreed to point out to the MSC that the LRIT system would need to be developed in a manner that, when it would be extended to cater for environmental applications, it would be capable of easily being expanded so as to incorporate a data storage capability and capacity.

Outcome of LEG 89 and LEG 90

11.42 The Committee noted that, since MEPC 52, there had been two sessions of the Legal Committee: the eighty-ninth session (LEG 89) which was held from the 25 to 29 October 2004 and the ninetieth session (LEG 90) which was held from the 18 to 29 April 2005 and the reports of the meetings have been circulated under the symbol LEG 89/16 and LEG 90/15 respectively.

11.43 The Committee also noted that those issues of interest from LEG 89 to MEPC are highlighted in MEPC 53/11/2, whilst issues those issues of interest from LEG 90 to MEPC are highlighted in MEPC 53/11/3. These are:

- .1 the draft convention on wreck removal (DWRC);
- .2 places of refuge;
- .3 fair treatment of seafarers; and
- .4 the Torres Strait PSSA.

11.44 With regard to the outcome on the Torres Strait PSSA from LEG 89, the Committee noted that the views of the Legal Committee had already been noted under item 8.

Outcome of TCC 55

11.45 The Committee noted that the Technical Co-operation Committee held its fifty-fifth session (TCC 55) from 14 to 16 June 2005 and its report had been circulated under the symbol TC 55/13 whilst those issues of interest to the Committee are reported in MEPC 53/11/6. The Committee further noted that those issues of interest to the MEPC related to marine environment protection have been taken into account under agenda item 18 - Technical Co-operation Programme.

Feasibility Study on Sustainable Management of Marine Litter

11.46 The Committee noted the information in document MEPC 53/INF.3 related to the Feasibility Study on Sustainable Management of Marine Litter commissioned by UNEP and completed in 2004.

11.47 The representative of the UN Division for Ocean Affairs and the Law of the Sea supplemented the information provided in document MEPC 53/INF.3 and drew the attention of the Committee to the fact that although UNCLOS is not mentioned in the study by UNEP, UNCLOS nonetheless contains several provisions which are important for the prevention of marine litter. The obligations of States under UNCLOS in relation to preventing marine litter are described in the U.N. Secretary-General's report on oceans and the law of the sea to the 60th session of the General Assembly (A/60/63).

11.48 The observer of FOEI noted that the study did not reflect appropriately some of the initiatives conducted by IMO within the area of marine litter such: The Code of Conduct for the Prevention of Pollution for Small Ships in Marinas and Anchorages in the Caribbean area; the Comprehensive Manual on Port Reception Facilities; and the World Bank-IMO project on the Wider Caribbean Initiative for Ship-Generated Wastes.

Outcome of the eleventh session of the International Organization for Standardization's Technical Sub-Committee on Ships and Marine Technology, Marine Environmental Protection (ISO/TC8/SC2)

11.49 The Committee noted the information provided in document MEPC 53/INF.15 related to the Outcome of the eleventh session of the International Organization for Standardization's Technical Sub-Committee on Ships and Marine Technology, Marine Environmental Protection (ISO/TC8/SC2). The observer of INTERTANKO, as Chairman of the ISO Technical Sub-Committee on Ships and Marine Technology, urged interested parties to attend the next intersessional meeting which will continue its work on all three oil skimmer standards.

Report on the outcome of various UN meetings

11.50 The Committee noted document MEPC 53/INF.21 which reported on the outcome of three UN meetings which are relevant to the work of the Committee.

UN Informal Consultative Process (ICP)

11.51 The Committee noted that the agenda item dealing with marine debris discussed within the framework of the ICP was particularly relevant since this is considered to be a global and growing problem. The main concern of the ICP meeting when discussing this issue was the loss and discarded fishing gear and related marine debris. The conclusions arising from the

debate were reflected in “elements for recommendations” prepared by the ICP Co-Chairpersons and have been forwarded by them to the General Assembly for its consideration during the consultations on the draft General Assembly resolution on Oceans and the Law of the Sea and the Fishery issues which are expected to be adopted in November of this year. These recommendations included, *inter alia*, that the General Assembly:

- .1 invites IMO, in consultation with FAO, UNEP and the UN, to review MARPOL Annex V and to assess its effectiveness in addressing sea-based sources of marine debris;
- .2 welcomes IMO’s continuing work relating to port waste reception facilities and encourages the work of the MEPC to identify problem areas and develop a comprehensive action plan; and
- .3 encourages close co-operation and co-ordination between relevant organizations, UN programmes and other bodies, such as FAO, IMO, UNEP, and others to address the issue of lost and discarded fishing gear and related marine debris through a range of initiatives.

Second International Workshop on a “Regular Process” for global reporting and assessment of the state of the marine environment

11.52 The Committee was informed that the Second International Workshop on a “Regular Process” for global reporting and assessment of the state of the marine environment, formerly known as the “GMA-Process”, was also held in New York, in June 2005.

11.53 The Committee was also informed that unlike the first Workshop held in June 2004, this Second Workshop was able to reach an agreement on the nature and the aim of the “Assessment of Assessments” as a start-up phase of the whole regular process which should lead to a report to be available within two years.

11.54 The Committee noted that the Workshop recommended the organizational arrangements for the Regular Process. However, as with its previous meeting, the workshop did not properly address the issue of financing. Although the UN agencies explained that no additional work would be undertaken by them if no financing was provided for such work, the Member States still expect that the UN agencies will carry out the work. The question of financing of the experts, the meetings and publications is therefore still pending.

GESAMP

11.55 The Committee noted that the Director of the Marine Environment Division, in his capacity as the Administrative Secretary of GESAMP, organized a meeting of representatives of the GESAMP sponsoring organizations to discuss the GESAMP reform process. The meeting concluded that:

- .1 the GESAMP mechanism and its future should not be linked to the Regular Process. GESAMP should continue irrespective of the decision on the Regular Process; and

- .2 with the exception of WHO, UNEP and IOC, the sponsoring organizations support the continuation of GESAMP, recognizing that the restructuring and financing of the new GESAMP have not yet been resolved.

11.56 The Committee also noted that it was agreed that the Administrative Secretary should convene in 2005, a meeting of the GESAMP secretariat to address the structuring and financing of the new GESAMP, and in early 2006, the next session of GESAMP itself in order to develop a programme of work for GESAMP, based on its mission statement and the strategic vision as circulated to this Committee.

12 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

12.1 The Committee considered information provided by the Secretariat summarizing the outcome of the consideration of this item by:

- .1 the Sub-Committee on Flag State Implementation (FSI) at its thirteenth session (7 to 11 March 2005) (MEPC 53/12/1 and MEPC 53/12/2);
- .2 the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme, at its third session, (14 to 18 March 2005) (MEPC 53/12);
- .3 the Maritime Safety Committee, at its eightieth session (11 to 20 May 2005) (MEPC 53/12/4);
- .4 the Technical Co-operation Committee, at its fifty-fifth session (14 to 16 June 2005) (MEPC 53/12/5); and
- .5 the Council, at its ninety-fourth session (20 to 24 June 2005) (MEPC 53/12/6).

12.2 The Committee also had for its consideration a submission by India (MEPC 53/12/3), suggesting the inclusion of a “general questionnaire” in the draft Pre-audit questionnaire appended to the draft Procedures for the Voluntary IMO Member State Audit Scheme developed by the Joint MSC/MEPC/TCC Working Group.

12.3 The Committee considered, in particular, the action request by FSI 13 and the Joint MSC/MEPC/TCC Working Group, taking also into account the associated decisions made by MSC 80, TCC 55 and C 94, and took action as indicated in the following paragraphs.

Obligations of Contracting Governments/Parties

12.4 The Committee concurred with the FSI Sub-Committee’s decision concerning the finalization of the tables listing the obligations of Contracting Governments/Parties and the instruments made mandatory under IMO Conventions, noting that the Secretariat, in consultation with the correspondence group’s co-ordinator, had completed the tables, as shown in annexes 1 to 5 of document MEPC 53/12/2, and that the Maritime Safety Committee had approved them for incorporation in the final text of the draft Code for the implementation of IMO mandatory instruments.

Code for the implementation of IMO mandatory instruments

12.5 In concurring with similar action taken by MSC 80, the Committee approved the draft Code for the implementation of mandatory IMO instruments and the associated draft Assembly resolution which had been attached as annex 9 to document MSC 80/24/Add.1, for subsequent adoption by the twenty-fourth session of the Assembly, incorporating the tables listing the obligations of Contracting Governments/Parties and the instruments made mandatory under IMO Conventions, referred to in paragraph 12.4 above.

Framework for the Voluntary IMO Member State Audit Scheme

12.6 The Committee endorsed the draft Framework for the Voluntary IMO Member State Audit Scheme, as set out in annex 1 to the annex to document MEPC 53/12, noting that it had already been approved by MSC 80, TCC 55 and C 94.

Procedures for the Voluntary IMO Member State Audit Scheme

12.7 In considering, for endorsement, the draft Procedures for the Voluntary IMO Member State Audit Scheme, the Committee discussed the proposal by India (MEPC 53/12/3) that under the section on “General information” of the draft Pre-audit questionnaire set out in appendix 2 of the draft Procedures, a new paragraph 2 be added, with the title “General questionnaire”, setting out the questions listed in paragraph 3 of the said document.

12.8 Following an intervention by the delegation of Denmark and acknowledging that the Pre-audit questionnaire had already been approved by MSC 80, TCC 55 and C 94, the Committee agreed that, instead of modifying the text of the questionnaire, the Consultant engaged by IMO to develop the Auditors’ training course should be requested to take the proposal by India fully into account when preparing the course material. The Secretariat was instructed to take action accordingly.

12.9 The Committee endorsed the draft Assembly resolution for the adoption of the agreed Framework and Procedures, as set out in annex 3 to document MEPC 53/12, noting that it had already been approved by MSC 80, TCC 55 and C 94.

12.10 The Committee noted that the Joint Group had addressed its terms of reference and completed its work, and invited the twenty-third extraordinary session of the Council to concur with the course of action taken by the Committee on this agenda item.

13 FOLLOW-UP TO THE REVISED MARPOL ANNEX I AND ANNEX II

13.1 The Committee recalled that, at MEPC 49, it agreed to add this item on the agenda in order to consider any appropriate developments associated with the revised MARPOL Annex I and Annex II.

13.2 The Committee further recalled that, at MEPC 51 and MEPC 52, it had dealt with several issues under this item, such as updating of certificates or approval of guidelines, and had taken other decisions to ensure a future smooth implementation of the revised MARPOL Annex I and Annex II including approval, at MEPC 52, of MEPC/Circ.421 which provides cross-reference tables between the “old” and “new” regulations of MARPOL Annex I to be used as a tool to facilitate the transition when the revised MARPOL Annex I comes into force on 1 January 2007.

13.3 The Committee noted that no documents had been submitted to this session under this agenda item and this seemed to signal that a separate item on the issue was no longer necessary. In this respect, it was recognized that any future issues concerning implementation of the revised MARPOL Annex I and Annex II can be discussed under the standing items “Interpretations and amendments of MARPOL 73/78 and related instruments” or “Promotion of implementation and enforcement of MARPOL 73/78 and related instruments” in the Committee’s agenda.

13.4 Following a proposal by the Chairman, the Committee agreed to delete this item from the agenda of its next session.

14 STATUS OF CONVENTIONS

14.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection (MEPC 53/14) as follows:

- .1 Annex 1 shows the status, as at 15 April 2005, of the IMO conventions and other instruments relating to marine environment protection;
- .2 Annex 2 shows the status, as at 15 April 2005, of MARPOL;
- .3 Annex 3 shows the status, as at 15 April 2005, of the amendments to MARPOL;
- .4 Annex 4 shows the status, as at 15 April 2005, of the 1990 OPRC Convention;
- .5 Annex 5 shows the status, as at 15 April 2005, of the 2000 OPRC-HNS Protocol;
- .6 Annex 6 shows the status, as at 15 April 2005, of the 2001 AFS Convention; and
- .7 Annex 7 shows the status, as at 15 April 2005, of the 2004 BWM Convention.

14.2 The Committee also noted the following information provided by the Secretariat since MEPC 53/14 was issued on 15 April 2005:

- .1 With regard to annex 2 of document MEPC 53/14 on the status of MARPOL:
 - .1 Libya and Saudi Arabia deposited their instrument of ratification for MARPOL Annexes I, II, III, IV and V on 28 April and on 23 May 2005 respectively, and Maldives deposited its instrument of ratification for MARPOL Annexes I, II and V on 20 May 2005. Therefore there are 133 Parties to the MARPOL Convention as at 18 July 2005;
 - .2 Singapore deposited its instrument of ratification for MARPOL Annex IV on 1 May 2005; and
 - .3 Poland, Croatia, France and Estonia deposited their instruments of ratification for MARPOL Annex VI on 29 April, on 4 May, on 15 July and on 18 July 2005, respectively.
- .2 With regard to annex 7 of document MEPC 53/14 on the status of 2004 Ballast Water Management Convention:

- .1 Three more countries have signed the instrument subject to ratification, they were Australia, Finland and the Netherlands; and
- .2 Maldives deposited its instrument of ratification on 22 June 2005.

14.3 The Committee further noted the following statements:

- .1 the observer of ROPME stated that Bahrain, Kuwait, Qatar and United Arab Emirates were expected to ratify the MARPOL 73/78 before the end of 2005 and that all ROPME Member States had decided to ratify the 1990 OPRC Convention also before the end of 2005;
- .2 the delegation of Cyprus stated that its Government would deposit the instrument of ratification for the AFS Convention in the near future; and
- .3 the delegation of the Netherlands stated that its Government would deposit the instrument of ratification for MARPOL Annex IV in the near future.

15 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS

Update on the Anti-fouling Systems Convention

15.1 The Committee noted the information contained in document MEPC 53/15 that provided information on the Anti-fouling Systems Convention (AFS Convention) which was adopted by the International Conference on the Control of Harmful Anti-fouling Systems for Ships on 5 October 2001. To date, eleven States had ratified the Convention, representing about 9.3% of the world's merchant shipping.

15.2 In this respect the Committee noted that the Secretary-General had recently written to all Member Governments which have signed the Final Act of the 2001 Conference reminding them of the urgent need to consider acceptance of the Convention.

15.3 The Committee also noted that a new IMO publication that reproduces the texts of the AFS Convention, the four Conference resolutions and the three associated Guidelines adopted by resolutions MEPC.102(48), MEPC.104(49) and MEPC.105(49) respectively, would be available shortly.

15.4 The Committee further noted that, in an effort to provide countries with practical guidance on article 5 of the AFS Convention, Members were invited to provide MEPC 54 with examples of Codes of Practice, Guidance Documents or other relevant documentation that could serve as a basis for the preparation of a concise guide on the environmentally sound management of wastes from the application or removal of an anti-fouling system controlled under the provisions of Annex 1 to the AFS Convention.

15.5 The delegation of Cyprus indicated that it had completed preparations to ratify the AFS Convention on 24 June 2005 and it hoped to deposit its instrument of ratification shortly. Cyprus also indicated that it had abided by the provisions of the AFS Convention since 1 May 2004, in accordance with the EU Directive on this matter (see also paragraph 14.3).

Progress report on initial measures to tackle the problem of marine pollution caused by the use of tributyltin (TBT)-based anti-fouling paints in Venezuela

15.6 The Committee noted with appreciation the information provided by Venezuela (MEPC 53/15/1) on how Venezuela was acting to comply with the guidelines issued by IMO in relation to the AFS Convention and relevant resolutions. In its capacity as maritime authority, the National Institute for Aquatic and Island Spaces (INEA) had begun a process of formulating and introducing environmental policies and all necessary legal instruments, with a view to ensuring compliance with the relevant national and international standards and, ultimately, reducing marine environmental pollution. The Committee thanked Venezuela for providing the information and invited other delegations to provide similar information to the next session of the Committee.

OECD's Emissions Scenario Document for Anti-fouling Paints

15.7 The Committee noted with appreciation the information provided by OECD (MEPC 53/INF.3) on a recently completed Emission Scenario Document for anti-fouling paint products prepared by OECD's Environment, Health and Safety Division, and thanked the OECD for providing this information. The Committee further noted that the information was a "living" document, and could be accessed via the OECD's Biocides Home Page:

http://www.oecd.org/department/0,2688,en_2649_32159259_1_1_1_1_1,00.html

16 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL 73/78 AND RELATED INSTRUMENTS

Guidelines for the operation, inspection and maintenance of ship sewage systems

16.1 The Secretariat informed the Committee (MEPC 53/16) of the provisions of MSC/Circ.648 "Guidelines for the operation, inspection and maintenance of ship sewage systems" approved by the Maritime Safety Committee at its sixty-third session (16 to 25 May 1994). These Guidelines had been developed with the aim of promoting uniform standards in relation to the examination of the installation, routine inspection and regular maintenance of the sewage systems, to ensure safe operation at all times.

16.2 The Committee, having noted the information provided by the Secretariat, agreed to draw the attention of Administrations and the industry to the recommendations contained in the above-mentioned Guidelines and to invite Member Governments to apply them on ships flying their flag. The Committee also agreed that these Guidelines should be taken into account in the future development of survey guidelines under HSSC for the revised MARPOL Annex IV.

Discharge into the sea of spent packages of Magnesium Phosphide fumigant

16.3 The delegation of New Zealand, in its document MEPC 53/16/1, provided a brief overview of an incident that occurred off the coast of New Zealand in April 2005, concerning the discharge into the sea of a large number of packages of spent cargo fumigant Magnesium Phosphide. The Committee's attention was drawn to the fact that, while there appeared to be no prohibition on the discharge of such material pursuant to the existing marine pollution prevention conventions, the discharge of active packages producing phosphine gas represented a significant risk to the public who might encounter them at sea. As a result of this incident, New Zealand proposed the issuance of an MEPC circular on the Disposal of fumigant material and informed the Committee of its intention to submit to MEPC 54 a proposal for an amendment to MARPOL

Annex V with the aim of prohibiting the discharge into the sea of garbage that might present a high risk to public health.

16.4 In considering the draft MEPC circular on the Disposal of fumigant material proposed by New Zealand, the Committee, having noted that the issue raised in document MEPC 53/16/1 is related to cargo fumigation procedures, which forms part of the supplement to the IMDG Code, approved, subject to MSC's concurrent decision, the draft circular to be issued as a joint MSC/MEPC circular. In the light of this decision, the Committee further agreed to request the DSC Sub-Committee to review the draft circular, at DSC 10 in September 2005, from the viewpoint of its competence with regard to the IMDG Code, prior to MSC's consideration of the issue.

Port State control actions

16.5 The Committee noted that document MEPC 53/16/2 (Marshall Islands), addressing issues with respect to the seizure of original ship's log-books, seafarers' identification and record books, Oil Record Books, as well as other assorted records from on board the ship in the course of a port State action, was already dealt with under agenda item 11 in relation to the outcome of MSC 80 (MEPC 53/11/5 refers) (paragraph 11.29).

Report on cost implications of providing data associated with the lists of substances subject to MARPOL Annex II

16.6 The Committee considered information provided by the Secretariat (MEPC 53/16/3) and recalled that MEPC 49, in considering the BLG Sub-Committee's proposal to instruct the Secretariat to provide data associated with the lists of substances subject to MARPOL Annex II in a format suitable for uploading into a database, had acknowledged that this might have cost implications and had instructed the Secretariat to provide details in this respect to both the MSC and MEPC.

16.7 In accordance with the information provided, the Secretariat had developed a relational database for the management of the lists of substances subject to MARPOL Annex II (including those lists that appear in MEPC.2/Circ). While the requirements for the revised MARPOL Annex II and the consequential amendments to the IBC Code were under development, the database also served as a research tool. Once the mandatory requirements had been established with the adoption of the revised MARPOL Annex II and of the consequential amendments to the IBC Code, the Secretariat had explored possible solutions on how to restructure the database using a modern database platform and its management, as well as the cost-effective options available to restructure the database.

16.8 The Committee noted that the Secretariat had opted for an in-house solution using the platform provided by the IMO Global Integrated Shipping Information System with costs being mainly absorbed internally and, therefore, there were no cost implications at this time. However, should additional funding be required, the Committee and the MSC, as appropriate, will be duly informed. It is intended that the restructuring of the database will be completed prior to the entry into force of MARPOL Annex II on 1 January 2007.

Draft guidelines on detection, prosecution and deterrence of vessel source pollution

16.9 The Committee recalled that, at MEPC 52, the United States informed the Committee (MEPC 52/16/1) on the status of its efforts to develop guidelines to assist in the detection,

prosecution and deterrence of vessel source pollution and related criminal conduct and to increase international awareness of the problem and to achieve greater MARPOL compliance and enforcement co-operation. MEPC 52, having considered the information provided, invited the United States to take into account the Committee's views and submit the draft proposed guidelines for consideration at MEPC 53.

16.10 Taking into account that the draft proposed guidelines had not been submitted for consideration at this session, the Committee invited the United States to submit a document to a future session of the Committee.

Implementation of the revised regulation 13G and new regulation 13H of MARPOL Annex I

16.11 The Committee was informed that the Presidency of the Council of the European Community, acting on behalf of the European Union Member States, and the European Commission, had informed the Organization on 29 June 2005 that all Member States have adequately implemented the revised MARPOL Annex I regulations 13G and 13H and that in this respect they have decided to:

- .1 refrain from making use of the provisions of paragraph (7) of the revised regulation 13G for oil tankers entitled to fly their flags; and
- .2 make use of paragraph (8)(b) of both, regulation 13G and 13H, in order to deny entry into their ports of oil tankers operating under the provisions of paragraphs (5) and (7) of regulation 13G and paragraphs (5) and (6) of regulation 13H.

16.12 The Director, Legal Affairs and External Relations Division of the Organization, confirmed receipt of the said communication and informed the Committee that the issue was currently under study and that a response would be provided in due time.

17 FOLLOW-UP TO UNCED AND WSSD

17.1 The Committee noted that, under this item, the Committee was normally invited to consider developments of the marine environment sector in relation to the Plan of Implementation adopted at the World Summit on Sustainable Development (WSSD, 2002), which was held in Johannesburg, South Africa.

17.2 The Committee also noted that it had always taken into account the requests of WSSD, including the development and adoption of the BWM Convention.

17.3 In this respect, FOEI reminded the Committee of the expression of appreciation, by WSSD, of IMO's work being carried out under the GloBallast Programme. He further reminded the Committee of the need to bring the BWM Convention into force as soon as possible.

17.4 The Committee, having noted that there had been no submissions to this session, invited Members to submit relevant information on this item to future sessions of the Committee for consideration.

18 TECHNICAL CO-OPERATION PROGRAMME

18.1 The Committee recalled that, given the importance of technical co-operation (TC) in the work of the Organization, MEPC 51 had decided that the Committee should have the item of technical co-operation on its agenda on a regular basis: the even-numbered sessions providing exhaustive reports on the Organization's marine environment-related technical co-operation activities and updates provided, whenever necessary, at odd-numbered sessions. It also noted that a comprehensive report covering all TC activities of the Organization for the biennium 2004-2005 would be prepared for MEPC 54.

18.2 The Committee had before it an interim report (MEPC 53/18) covering TC activities carried out under the major projects/programmes, most of which are financed through sources other than the Technical Co-operation (TC) Fund.

18.3 The Committee noted that, despite the fact that no mention was made in the interim report of the work that the Secretariat devoted to managing and technically backstopping the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC) and the Regional Marine Pollution Emergency, Information and Training Centre for the Caribbean (REMPEITC – Carib.), the Marine Environment Division (MED) made considerable efforts to support these two centres. Likewise, MED also co-operated with, and assisted, similar activity centres established under other UNEP Regional Seas Conventions and other Agreements.

18.4 The Committee further noted that:

- .1 the outcome of the Project on building Partnerships for Environmental Protection and Management of the Seas of East Asia (PEMSEA) included two PDF Block B Grant projects and a draft partnership Agreement and draft operating arrangements; and
- .2 with regard to the Project on Removal of Barriers to the Effective Implementation of Ballast Water Control and Management Measures in Developing Countries (GloBallast), the pilot phase was completed in December 2004 and that the follow-on PDF-Block B Grant aimed at developing a full size project (GloBallast Partnerships) with a budget of US\$ 17 million.

18.5 The Committee took note of the developments regarding:

- .1 the project on the assessment of the extent of aquatic species transfer through ships' ballast water and sediments into and out of the Caspian Sea;
- .2 the marine electronic highway (MEH) project; and
- .3 the project on EUROMED co-operation on maritime safety and prevention of pollution from ships (SAFEMED), which aims at mitigating the existing imbalance in the application of maritime legislation in the Mediterranean region between the EU Member States and their Mediterranean partners.

18.6 The Committee also noted the information on major projects being developed and implemented directly by IMO or under its supervision.

18.7 The Committee further noted the sustained increase in the financial delivery of the Integrated Technical Co-operation Programme (ITCP) and, in this respect, the good results achieved in relation to the implementation of the marine environment-related activities under the ITCP, to which MED also devoted substantial support in the form of programme implementation and technical backstopping.

18.8 The Secretariat (Technical Co-operation Division (TCD)) provided the Committee with information on the outcome of the fifty-fifth session of the Technical Co-operation Committee. In particular, the Committee noted that the Organization's Integrated Technical Co-operation Programme (ITCP) for 2006-2007, with a total funding requirement of US\$15.5 million, was approved with budget allocation for capacity-building aspects of the Voluntary IMO Member State Audit scheme. The Committee further noted that TCC 55 agreed in principle to the establishment of an international ship-recycling fund as proposed by MEPC 52. The Committee also noted the action taken by the Secretary-General to implement resolution A.965(23) on the "Development and Improvement of Partnership Arrangements for Technical Co-operation" and pointed out the success of the IMO regional presence scheme through the three African regional offices in Côte d'Ivoire, Ghana, and Kenya, as well as in the Philippines and through the Regional Maritime Adviser in the Caribbean.

18.9 The delegation of Venezuela, in its document MEPC 53/2/22, presented a summary of its work in the field of ballast water management, including the provisions of the national law, the organizing of a national team for the development of a strategy and of a plan of action, the awareness campaign on the environmental problems caused by ships' ballast water and sediments and the development of a database containing accurate and up-to-date details on the taxonomy, habitat and distribution of autochthonous and foreign species. The delegation also informed the Committee on Venezuela's suggestions regarding measures, which could assist in addressing ballast water problems in the Wider Caribbean region.

18.10 Commenting on the documents under consideration, the delegation of Russian Federation recalled the excellent practice by the Organization consisting in organizing OPRC courses and, especially, for the benefit of the countries in the Black Sea region. It further insisted on the need for the Organization to continue organizing such courses, given the region's important training needs in this field. The Russian Federation also reiterated their suggestion made during MEPC 52 regarding the need to organize OPRC train-the-trainer courses with a view to gradually reducing developing countries' dependency on external expertise.

18.11 Regarding the Organization's technical co-operation programme in the field of ballast water management, the delegation of Russian Federation underlined the invaluable experience gained by the six countries which hosted the initial demonstration sites under GloBallast. It further expressed satisfaction at the prospect of the implementation, in 2006/2007, of the second phase of the GloBallast Partnerships project and indicated their readiness to share their experience in the field of ballast water management, especially for the implementation of the project.

18.12 In summing up, the Chairman thanked all donors and partners for their support and commitment to the Integrated Technical Co-operation Programme and encouraged them to continue their support.

19 FUTURE ROLE OF FORMAL SAFETY ASSESSMENT AND HUMAN ELEMENT ISSUES

HUMAN ELEMENT ISSUES

19.1 The Committee recalled that, at MSC 78, the Joint MSC/MEPC Working Group on the Human Element, due to the complex and interrelated issues involved and time constraints, was not able to develop a complete strategic plan and instead developed a working document, which could serve as a basis for developing the strategic plan to address the human element.

19.2 The Committee also recalled that in order to facilitate the finalization of the strategic plan, MSC 78 had invited Member Governments to submit comments on the working document (MSC 78/WP.16) to MSC 79.

19.3 The Committee further recalled that MSC 79 noted that, following consultations between the Chairmen of the Committees, MEPC 52 agreed that the next session of the Joint MSC/MEPC Working Group on the Human Element would be convened at this session.

19.4 The Committee noted that MSC 79, taking into account the decision of MEPC 52 to reconvene the Joint MSC/MEPC Working Group on the Human Element at this session, agreed that the Joint Working Group should consider in detail the documents MSC 79/14, MSC 79/14/1, MSC 79/14/2, MSC 79/14/3, MSC 79/14/4, MSC 79/14/5 and MSC 79/14/6.

19.5 The Committee also noted that MSC 79 had agreed that the Joint MSC/MEPC Working Group on the Human Element should change the title of the proposed plan to 'Organization's strategy to address the human element', so that it would not be confused with the Organization's Strategic Plan and should not be in conflict with the Organization's Strategic Plan.

19.6 The Committee further noted that MSC 79 had also agreed that the draft Guidelines on the basic elements of a shipboard occupational health and safety programme (BLG 8/WP.4) should also be considered by the Joint Working Group at this session.

19.7 The Committee, having been informed that MSC 79 had noted the information provided by the Secretariat (MSC 79/14/7) on the establishment of the Independent Experts Group to study the impact of the ISM Code at no cost to the Organization, urged Member Governments to respond to the questionnaire circulated by means of Circular letter No.2625.

19.8 The Committee considered the relevant proposals in documents MEPC 53/19 (Secretariat), MEPC 53/19/1 (Russian Federation), MEPC 53/19/3 (United States), MEPC 53/19/5 (FOEI), MEPC 53/19/6 (India) and decided to refer the relevant documents along with documents MSC 79/14, MSC 79/14/1, MSC 79/14/2, MSC 79/14/3 (Liberia), MSC 79/14/4 (ISF), MSC 79/14/5, MSC 79/14/6 (ICFTU) referred by MSC 79 to the Joint MSC/MEPC Working Group for developing the 'Organization's strategy to address the human element' for promoting safe behaviour in a maritime safety, environmental protection and security culture.

19.9 The Committee considered the relevant proposal in document MEPC 53/19/4 (ICFTU) to develop a Code of Safe Working Practice for seafarers consistent with resolution A.947(23), compatible with, and in addition to the Guidance on the ISM Code and decided to refer it to the working group along with the draft MSC/MEPC circular (BLG 9/17, annex 7) taking into account the views expressed by ICFTU at BLG 9 for appropriate advice.

19.10 The Committee noted the information provided by the United Kingdom (MEPC 53/19/2) on the development and preliminary trialling of a Human Element Assessment Tool (HEAT) to assess the effectiveness of management of the human element on board ships and within ship operating companies. The trial was expected to be completed on 31 December 2005, after which time the results and feedback would be analysed and appropriate alterations would be made if considered necessary. If the results of the trial was successful, the United Kingdom would make them available to the Organization for further consideration with a view to developing safer working practices within the maritime industry. The Committee agreed to refer this to the Joint MSC/MEPC Working Group on the Human Element for further consideration.

19.11 The Committee noted the information provided by Sweden (MEPC53/INF.7) on a study by the Swedish Maritime Administration concerning collisions and groundings, in which fatigue/sleep had been identified as a major contributing factor and decided to refer this to the Joint MSC/MEPC Working Group on the Human Element and the STW Sub-Committee for further consideration.

Reconvening of the Joint MSC/MEPC Working Group on the Human Element

19.12 The Committee reconvened the Joint MSC/MEPC Working Group on the Human Element with the following terms of reference:

Taking into account the comments and decisions made in the plenary to:

- .1 develop the Organization's strategy plan to address the human element taking into account information contained in documents MSC 79/14, MSC 79/14/1, MSC 79/14/2, MSC 79/14/3, MSC 79/14/4, MSC 79/14/5, MSC 79/14/6, MEPC 53/19, MEPC 53/19/1, MEPC 53/19/3, MEPC 53/19/5, MEPC 53/19/6 and the Strategic Plan for the Organization (resolution A.944(23));
- .2 consider information contained in document MEPC 53/19/2 and advise the Committee as appropriate;
- .3 take into account the information provided in document MEPC 53/INF.7;
- .4 consider the draft MSC/MEPC circular (BLG 9/17, annex 7) taking into account the views expressed by ICFTU at BLG 9 and in document MEPC 53/19/4 and advise the Committee as appropriate; and
- .5 submit a report to plenary on Thursday, 21 July 2005.

FORMAL SAFETY ASSESSMENT

19.13 The Committee recalled that MEPC 52 had agreed to consider the work of the Correspondence Group on Formal Safety Assessment (FSA) at this session after it had been considered by MSC 78. However, due to lack of time, the Committee also recalled that MSC 78 had decided to defer consideration of the report of the FSA Correspondence Group to MSC 79 (MSC 78/19).

19.14 The Committee noted that MSC 79, after having considered a proposal for the establishment of a group of experts which would be entrusted to provide expert judgement for specific FSA studies, agreed to establish an *ad hoc* working group at MSC 80 in order to consider

the need for such a group of experts, including representation, funding, independence and transparency issues; to consider the documents submitted to MSC 78, MSC 79 and MSC 80 in order to improve the FSA Guidelines; and to consider the link between FSA and goal-based new ship construction standards.

19.15 The Committee further noted that MSC 80, in considering the outcome of the aforementioned work group's deliberations, took the following decisions:

- .1 approved, subject to MEPC's concurrent decision, draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023 – MEPC/Circ.392) and an associated draft MSC/MEPC circular (MEPC 53/11/5, annex 1);
- .2 established a correspondence group and instructed it to prepare further draft amendments to the FSA Guidelines, including the development of a risk index relevant to the protection of the marine environment, taking into account the outcome of MEPC 53, and submit a report to MSC 81;
- .3 in order to facilitate the work on the development of a risk index relevant to the protection of the marine environment, invited Member Governments and international organizations to submit proposals on this matter to MSC 81 and invited MEPC 53 to endorse this view;
- .4 agreed on the establishment, when necessary, of an FSA Group of Experts for the purpose of reviewing an FSA study if the Committee plans to use the study for making a decision on a particular issue; and
- .5 agreed, in principle, that the above proposed expert group would undertake to review FSA studies on specific subjects submitted to the Organization, as directed by the Committee(s) and prepare relevant reports for submission to the Committee(s).

19.16 Notwithstanding the above decisions, the Committee also noted that the structure of the aforementioned group of experts was left open for future discussion, though MSC 80 agreed, in principle, that members participating in the expert group should have risk assessment experience, a maritime background and knowledge/training in the application of the FSA Guidelines.

19.17 The Committee, having considered the report of the correspondence group (MSC 80/7/1), considered the outcome of MSC 80 and took the following actions:

- .1 approved the draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (MSC/Circ.1023-MEPC/Circ.392) and the associated draft MSC/MEPC circular as set out in annex 1 to document MEPC 53/11/5, and instructed the Secretariat to issue them as MSC/Circ.1180 - MEPC/Circ.474;
- .2 endorsed the view of MSC 80 that, in order to facilitate the work on the development of a risk index relevant to the protection of the marine environment, Member Governments and international organizations be invited to submit proposals on this matter to MSC 81 and that the FSA Correspondence Group

established at MSC 80 should also consider the matter further, taking into account the outcome of MEPC 53; and

- .3 noted the outcome of MSC 80 regarding the establishment, when necessary, of an FSA Group of Experts to review FSA studies on specific subjects submitted to the Organization, as directed by the Committee(s) and prepare relevant reports for submission to the Committee(s).

Report of the Joint MSC/MEPC Working Group on the Human Element

19.18 Having received the report of the working group (MEPC 53/WP.12), the Committee approved it in general and took action as summarized in the ensuing paragraphs.

Organization's strategy to address the Human Element

19.19 The Committee considered the information provided in documents MSC 79/14, MSC79/14/1, MSC 79/14/2, MSC 79/14/3, (Liberia), MSC 79/14/4 (ISF), MSC 79/14/5, MSC 79/14/6 (ICFTU), MEPC 53/19/1 (Russian Federation), MEPC 53/19/2 (United Kingdom), MEPC 53/19/3 (United States), MEPC 53/19/5 (FOEI) and MEPC 53/19/6 (India) and agreed to use documents MSC 79/14 and MEPC 53/19/3 as the basic documents for the development of the Organization's strategy to address the human element.

19.20 The Committee considered the information provided in document MEPC 53/19/1 (Russian Federation) related to the research into quantification of human element influence on the safety of shipping and the methods for upgrading safety management systems within shipping companies and agreed that this should be considered in detail at the next meeting of the Joint MSC/MEPC Working Group on the Human Element. Accordingly, the Committee agreed to include this as an action point within the proposed strategy to address the human element.

19.21 The Committee considered the information provided in document MEPC 53/19/2 (United Kingdom) on the development and a preliminary trialling of a Human Element Assessment Tool (HEAT) and noted that the trials were expected to be completed by the end of the year, after which time the result and feedback would be analysed. The Committee further noted that the results of the trial, if successful, would be made available to IMO for further consideration in its drive towards safer working practices in the maritime industry. As the subject addressed in documents MEPC 53/19/1 and MEPC 53/19/2 are closely related, the Committee agreed that they should be considered as a single action point.

19.22 The Committee considered the information provided in document MEPC 53/19/5 (FOEI) on the courses for seafarers on marine ecosystems and sustainable shipping conducted by Pro Sea. The Committee agreed that these courses would go a long way in raising environmental consciousness and included the issue as an action point within the proposed strategy to address the human element.

19.23 The Committee considered the information provided in document MEPC 53/19/6 (India) providing a proposal for a comprehensive safety indexing of ships in lieu of current certification methods by the use of analysis of reliability of machinery and human and organizational errors. The Committee, noting that this proposal would require more detailed information including examples, agreed that this should be included as an action point in the proposed strategy to address the human element.

19.24 The Committee considered the draft guidance for the Organization to facilitate the comprehensive consideration of the human element in the development or amendment of mandatory and non-mandatory IMO instruments provided in document MSC79/14/1 (Liberia) along with the additional information provided by the United States (MEPC 53/19/3). The Group developed a checklist along with the associated MSC/MEPC circular. The Committee approved, subject to approval by MSC 81, the draft circular (MEPC 53/WP.12, annex 1) and instructed its subsidiary bodies to use the checklist in their work.

19.25 The Committee agreed to consider, at an appropriate time, amending the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies, as amended (MSC/Circ.1099 - MEPC/Circ.405) to include the checklist in the circular to be observed by Member Governments when submitting proposals for new, or amendments to existing, instruments.

19.26 The Committee considered the proposal by Liberia (MSC 79/14/3) for greater participation of human element expertise at meetings of Committees, Sub-Committees, Working and Correspondence Groups of the Organization and the comments by ISF (MSC 79/14/4). The Committee agreed that this would assist in the integration of the human element into the work of the Organization. Accordingly, the Committee approved, subject to approval by MSC 81, the MSC/MEPC circular urging the participation of human element expertise in various IMO bodies (MEPC 53/WP.12, annex 2).

19.27 The Committee considered a proposal by Liberia (MSC 79/14/2) to develop a human element action plan for consideration of ergonomics within IMO and noted that according to one P&I Club more than one out of five personal injury incidents reported are results of slips, trips and falls. Accordingly, the Committee approved, subject to approval by MSC 81, a framework for consideration of ergonomics and work environment, along with MSC/MEPC circular (MEPC 53/WP.12, annex 3). In considering the submission by ICFTU (MSC 79/14/6), the Committee noted the existing guidance on ergonomic criteria related to bridge and engine room (MSC/Circ.982 and MSC/Circ.834).

19.28 The Committee, adhering to the Strategic Plan for the Organization (A.944(23)), approved, subject to approval by MSC 81, the Organization's strategy to address the human element along with the associated MSC/MEPC circular (MEPC 53/WP.12, annex 4). The Committee instructed its subsidiary bodies to take action accordingly. The Committee agreed to keep the Strategy and, in particular, the action plan under continuous review and to revise, when necessary.

Guidelines on the basic elements of a shipboard occupational health and safety programme

19.29 The Committee considered the draft Guidelines on basic elements of a shipboard occupational health and safety programme, along with associated draft MSC/MEPC circular (BLG 9/17, annex 7), and agreed that:

- .1 in paragraph 3.5 at annex and in paragraph 2.10 at appendix 5 of the guidelines "safety management systems" should be replaced by "safety management programmes";
- .2 in the last line of paragraph 1.1, "occupational" should be inserted between the words "shipboard" and "health"; and

- .3 the words “occupational health and safety” should be used consistently throughout the document.

19.30 The Committee agreed that the above guidelines would assist in the implementation of the ISM Code and agreed that the following text be included in the main body of the draft MSC/MEPC circular:

“3. The Committees, recognizing the need to provide guidance for shipowners and ship managers for implementing the ISM Code, agreed that these guidelines would provide relevant information related to occupational health and safety on board ships.”

19.31 The Committee, having taken the above action, approved, subject to approval by MSC 81, the draft MSC/MEPC circular (BLG 9/17, annex 7).

19.32 In considering the submission by ICFTU (MEPC 53/19/4), the Committee agreed to consider this further at a future session.

Other matters

19.33 The Committee agreed to refer document MEPC 53/INF.7 (Sweden) to the FSI Sub-Committee for information purpose only.

19.34 The Committee recalled that the Committees had agreed to keep the ‘Role of the Human Element’ on their agenda and to reconvene the Group annually alternately at MSC and MEPC meetings. The Committee agreed that this would ensure that the actions identified in the Organization’s strategy to address the human element could be effectively conducted.

20 WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Amendments to MARPOL Annex I to prevent the risk of pollution during oil transfer operations between ships at sea

20.1 The Committee noted the document by Spain and Mexico (MEPC 53/20), which proposed to add a new chapter and a new appendix to MARPOL Annex I in respect of the potential risk to the marine environment posed by transfers of oil cargoes between ships at sea and its inclusion as a new item in the work programme of the BLG Sub-Committee and the provisional agenda for BLG 10 in 2006.

20.2 The Committee noted the information provided by Denmark (MEPC 53/20/3) in support of the proposal by Spain and Mexico indicating that it would be preferable that the international regulation provide the overall framework for coastal States to regulate the area as they find necessary by establishing an authorization or notification scheme, and by enabling coastal States to introduce limitations or a possible ban on the operations in sensitive sea areas.

20.3 The Committee also noted the information provided by OCIMF and ICS (MEPC 53/20/2) supporting, in principle, the proposal by Spain and Mexico, however there were technical and operation issues which needed to be fully evaluated and justified by the BLG Sub-Committee, and to direct matters such as unnecessary controls or proposals to ban ship to ship operations in Special Areas under MARPOL or PSSAs, including jurisdictional issues arising from a desire to control legitimate operations in adjoining States territorial waters, to the Legal Committee for consideration.

20.4 In accordance with the provisions of paragraph 2.17 of the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies (MSC/Circ.1099 – MEPC/Circ.405), the Chairman made a preliminary assessment on the proposed new work programme by Spain and Mexico (MEPC 53/WP.6), which showed that the criteria for general acceptance provided in paragraph 2.9 of the Committee's Guidelines had been met.

20.5 In the ensuing discussion, the Committee recognized that the technical and operation issues pertaining to the potential risk of pollution during ship to ship transfer of oil cargoes at sea should be considered by the BLG Sub-Committee taking into account the principle of international maritime law, for example, UNCLOS, and, during consideration by the BLG Sub-Committee, the rights and obligations of coastal and flag States should be the guiding principles.

20.6 The Committee agreed to include a high-priority item on "Amendments to MARPOL Annex I for the Prevention of marine pollution during oil transfer operations between ships at sea" in the work programme of the BLG Sub-Committee and in the provisional agenda of BLG 10, with a target completion date of 2007, taking into account the issue raised in paragraph 20.5 above. In order to facilitate discussions at BLG 10, Member States and international organizations are invited to submit information to BLG 10 on incidents caused by ship-to-ship oil transfer operations at sea.

20.7 The Committee noted the correction made by OCIMF in document MEPC 50/20/2 in reference to the Persian Gulf in accordance with United Nations' standard geographical designation for the sea area between the Arabian Peninsula and the Islamic Republic of Iran.

Draft high-level action plan and prioritization of areas of work for the Organization for 2006-2007 biennium

20.8 The Committee recalled that the Council, at its eighty-eighth session, established an *ad hoc* Council Working Group to draft the Strategic Plan for the Organization for the period 2004 to 2010, which was adopted by the twenty-third session of the Assembly by resolution A.944(23).

20.9 The Committee noted that the *ad hoc* Council Working Group, at its fourth session, agreed that there should be linkage between the strategic directions, high-level action plan, priorities and the work programmes of the Committees, including the reporting back to the Council of work done; and further agreed that the priorities should be set biennially and be outcome-based and agreed by the Council on the basis of proposals made by the Committees.

20.10 The Committee also noted that the Council, at its ninety-third session, adopted the draft high-level action plan for the period 2006-2009 (i.e. for the two biennia remaining of the current Strategic Plan period) and instructed the Secretariat to forward it to the Committees for consideration with a view to its adoption at the twenty-fourth session of the Assembly.

20.11 The Committee considered and endorsed the draft high level action plan, as contained in annex 1 to document MEPC 53/20/1.

20.12 The Committee also considered, taking into account the amendments by Australia and the Netherlands, amended and endorsed the draft outcome-based priorities for the Committee for 2006-2007 (MEPC 53/20/1, annex 2). The planned output from the Committee for the 2006-2007 biennium, as amended, is set out at annex 33.

Progress report on the Committee's long-term work plan (up to 2010)

20.13 The Committee recalled that Assembly, by resolution A.943(23), approved the long-term work plan of the Organization for the period up to 2010 and requested the Committees to keep the respective lists of subjects under review in the light of developments in the work of the Organization.

20.14 The Committee noted that, pursuant to the request of the twenty-first session of the Assembly (November 1999) that future Assembly documents on the Organization's long-term work plan should contain information on progress made with respect to the subjects established on that work plan, the Secretariat prepared the progress report on the Committee's long-term work plan (up to 2010) (MEPC 53/INF.4, annex) for consideration by the Committee prior to its submission to the twenty-fourth session of the Assembly.

20.15 The Committee noted that the Council, at its ninety-third session (15 to 19 November 2004), when considering the draft high-level action plan for the Organization, decided that the existing long-term work plan would be discontinued as from the twenty-fourth session of the Assembly.

20.16 The Committee agreed with the progress report on MEPC's long-term work plan (up to 2010) (MEPC 53/INF.4, annex) and requested the Secretariat to update the report to include the progress made by this session prior to its submission to the twenty-fourth session of the Assembly.

Work programmes and provisional agendas of the BLG and FSI Sub-Committees

20.17 The Committee noted that MSC 80, in view of the need to reduce some workload of DE 49, agreed to move on an *ad hoc* basis for 2006 only, the following items of the provisional agenda for DE 49 to the provisional agenda for BLG 10:

- .1 safety aspects of ballast water management; and
- .2 guidelines on equivalent methods to reduce on-board NO_x emission.

20.18 The Committee also noted that MSC 80 decided that FP 50, STW 37, DE 49 and BLG 10 should consider the Inter-Industry Working Group (IIWG) interim report on investigation into casualties of tankers and to submit their comments for consideration by MSC 81 and therefore included the item on "Casualty Analysis" in the provisional agenda of BLG 10.

20.19 The Committee recalled that it had approved the inclusion of a new item on amendments to MARPOL Annex I for the Prevention of marine pollution during oil transfer operations between ships at sea in the work programme item of the BLG Sub-Committee and in the provisional agenda of BLG 10.

20.20 The Committee noted that, with regard to the FSI Sub-Committee, MSC 80 considered the recommendations of FSI 13 (FSI 13/23, paragraph 7.6) for a single continuous item on "Port State control" to replace the existing continuous items on "Regional co-operation on port State control" and on "Reporting procedures on port State control detentions and analysis and evaluation of reports" and agreed to amend the title of the proposed item on "Port State control" by "Harmonization of port State control activities".

20.21 The Committee amended and approved the work programmes of the BLG and FSI Sub-Committees as well as the provisional agendas for their forthcoming sessions, BLG 10 and FSI 13, respectively, on the basis of those approved by MSC 80 (MSC 80/24, annexes 18 and 19), which are set out at annex 34.

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

20.22 The Committee, noting the information provided in document MEPC 53/20/5 and the decision of MSC 80 (MSC 80/24, annexes 18 and 19), amended and approved the environmental related items in the work programmes of the DSC, NAV, DE, SLF and STW Sub-Committees, which are set out at annex 35.

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

20.23 The Committee amended and approved the items to be included in the agendas for MEPC 54, MEPC 55 and MEPC 56 (MEPC 53/WP.5), which are set out at annex 36.

Dates for MEPC 54, MEPC 55 and MEPC 56

20.24 The Committee noted that MEPC 54 would be held from 20 to 24 March 2006 and that MEPC 55 and MEPC 56 were scheduled tentatively from 9 to 13 October 2006 and July 2007, respectively.

Working/drafting groups at MEPC 54

20.25 The Committee noted that, as reported in document MEPC 53/20/4, MSC 80 agreed to consider, at MSC 81, the establishment of the Joint MSC/MEPC Working Group on Human Element at MSC 82, which will be convened in December 2006 after MEPC 55 (October 2006).

20.26 The Committee agreed, in principle, to establish the following working/drafting/technical groups at MEPC 54:

- [.1 Working Group on Ballast Water Management;]*
- .2 Working Group on Ship Recycling;
- .3 Working Group on Air Pollution;
- .4 Drafting Group on Amendments to MARPOL Annex IV; and
- .5 Technical Group on PSSAs.

Correspondence groups

20.27 The Committee agreed to establish a correspondence group on development of guidelines under the BWM Convention to prepare submissions to BLG 10, and a Joint MEPC/LC correspondence group on clarification of boundaries between the MARPOL Convention and the London Convention (see paragraphs 2.25 and 6.11).

* To be decided at MEPC 54.

Intersessional meetings

20.28 The Committee confirmed that the OPRC/HNS Technical Group would meet during the week prior to MEPC 54 and report to the Committee on the outcome of its work.

21 APPLICATION OF THE COMMITTEES' GUIDELINES

Deadline for submission of documents containing proposals for new work programme items

21.1 The Committee recalled that, with regard to the Guidelines on the organization and method of work of the MSC and the MEPC (MSC/Circ.1099 - MEPC/Circ.405), the deadlines for the submission of documents to IMO Secretariat are:

- .1 20 weeks for documents containing proposals for new work programme items;
- .2 13 weeks for documents containing more than 6 pages;
- .3 9 weeks for documents containing 6 or less pages; and
- .4 7 weeks for documents containing up to 4 pages commenting on those referred to in .1 and .2 above.

21.2 The Committee noted that, in considering the work programmes of the Sub-Committees and provisional agendas of their forthcoming sessions and taking into account the Committee's method of work relating to the consideration of proposals for new work programme items, the Chairman of MSC 78 clarified that the objective of the Committee, when discussing these proposals was to decide, based upon justification provided by Member Governments in accordance with the Committee's Guidelines, whether the new item should or should not be included in the sub-committee's work programme. A decision to include a new item in a sub-committee's work programme does not mean that the Committee agreed with the technical aspects of the proposal. If it is decided to include the item in a sub-committee's work programme, detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and recommendations should be left to the sub-committee concerned (MSC 80/24, paragraph 21.3).

21.3 In light of the aforementioned issues, Germany and the United Kingdom (MEPC 53/21) proposed that:

- .1 in view of the extensive requirements in the Committee's Guidelines such as on format and contents of the submissions and the extensive internal consultation and approval process needed by some delegations, the 20-week deadline for proposals for new work programme items should be reduced to 13 weeks;
- .2 to modify paragraphs 4.10.2 to 4.10.7 of the Committee's Guidelines by replacing "at IMO Headquarters" with "at IMO Headquarters and on the IMO document web site" in light of C 92's decision that the distribution of hard copies of meeting documents to IMO Member States should be limited to one copy per delegation, as from 1 July 2004 and that non-governmental organizations would not receive meeting documents in hard copy as from 1 June 2004 (C 92/D, paragraph 17(e).2(i) and (ii)); and

- .3 a paper on these same issues will be submitted to MSC 81.

21.4 In the ensuing discussion, several delegations pointed out that, although there will be significant benefits by reducing the 20-week deadline for proposals for new work programme items to 13 weeks, the time to review and for submission of comments on such proposals will be shortened, which the joint paper by Germany and the United Kingdom did not take into account. In view of this, the Committee agreed to defer further consideration of document MEPC 53/21 to MEPC 54 to enable the submission of comments on the issues raised.

Report of the Chairmen's Meeting and the outcome of MSC 80 on the terms of reference of the sub-committees and related matters

21.5 The Committee recalled that, at its fifty-second session, the issues remaining from 2002 Chairmen's Meeting were examined by the 2004 Chairmen's Meeting including the agreement that some flexibility should be introduced to allow working groups to start work on Monday mornings.

21.6 The Committee noted that issues left unresolved by the 2002 and 20054 Chairmen's Meetings were accordingly, revisited by the 2005 Chairmen's Meeting held on 14 May 2005 under the following broad headings: improving the efficiency of meetings; control of new work programme items; documentations; workload management; terms of reference of the sub-committees; sub-committees' workload and work programme management; and other business.

21.7 In considering the actions requested by the 2005 Chairmen's Meeting (MEPC 53/21/1), the Committee noted that MSC 80 agreed or endorsed all these actions as contained in document MEPC 53/21/2 on the outcome of MSC 80 on the aforementioned report, and therefore, the Committee:

- .1 agreed that, if possible, working groups may start work on Monday mornings on standing issues and, to that end, the terms of reference of working groups may be agreed at the previous session of the parent body;
- .2 agreed that, alternatively, working groups may start work on Monday mornings on the basis of the draft terms of reference submitted to that session for approval;
- .3 endorsed the recommendation addressed to the MSC concerning the holding of specialist technical groups of experts back-to-back with the Committee or its subsidiary bodies;
- .4 agreed that sub-committee working groups, if circumstances and time constraints so dictate, may submit their reports directly to the Committees;
- .5 agreed that there is no need to revise paragraph 2.11 of the Guidelines;
- .6 agreed that chairmen should periodically re-assess the status of any longstanding low priority items on their work programmes;
- .7 agreed that the Guidelines be reviewed in due course to take account of ongoing developments concerning the establishment of biennial work priorities;

- .8 requested Member States to refrain from submitting to the Committees proposals for new work programme items under specific agenda items and to instruct the Secretariat not to accept such submissions and to advise the submitting Administration accordingly;
- .9 concurred that the chairmen, where appropriate and agreed, should allow working group reports to be processed as session documents for consideration by the subsequent meeting;
- .10 requested Member States and international organizations to respect the existing deadlines for the submission of documents;
- .11 instructed the Secretariat to advise Member States and international organizations on the exact format of meeting documents;
- .12 agreed that, at this stage, no further action should be taken on the possible introduction of an additional night shift on Wednesdays during sub-committee meetings;
- .13 agreed that the phrase “including the role of such measures in the protection of the marine environment” should be inserted in an appropriate place in the terms of reference of all sub-committees;
- .14 agreed that the sub-committees should periodically review their terms of reference to ensure that they accurately reflect the work being carried out;
- .15 endorsed the recommendation addressed to the MEPC that it should consider assigning IMO’s environmental conventions, or parts thereof, to specific sub-committees, as appropriate, in particular to the BLG Sub-Committee;
- .16 endorsed the request to the Chairmen of the MSC and MEPC that they examine the possibility of holding back-to-back sub-committee sessions and submit relevant proposals to the Committees as soon as practicable (paragraph 26);
- .17 endorsed the request to the Chairmen of the MSC and MEPC that they examine the possibility of introducing flexible arrangements to facilitate the *ad hoc* assignment of certain work programme items and, in particular, to request the Chairmen of the MSC and MEPC to consider the possibility of shifting, in 2006 and on an *ad hoc* basis, the life-saving appliances issues of the DE Sub-Committee to the FP or COMSAR Sub-Committees, as well as relevant environmental issues from the MEPC to the BLG Sub-Committee in 2006;
- .18 considered paragraph 6.5 of document MSC 80/20 concerning the change of the name of the BLG Sub-Committee to better reflect the work being undertaken, and decided that the name of the BLG Sub-Committee should not be changed at this stage;
- .19 agreed that, subject to certain conditions, experts may participate in committee and sub-committee sessions and, to that end, the Committees’ Rules of Procedure should be revised; and

- .20 reminded subsidiary bodies of the provisions of paragraph 3.8 of the Committee's Guidelines concerning the development of amendments to, or interpretations of, IMO instruments.

21.8 In response to the issue raised by the Marshall Islands concerning paragraph 19.2 of document MEPC 53/21, the Chairman stated that, as an example, there could be 11 weeks delay after receipt of a submission to posting at IMODOCS website and informed the Committee that this issue will be considered at the next Chairmen's meeting.

Terms of reference of the sub-committees

21.9 The Committee recalled that, as instructed by the Committees, all Sub-Committees had prepared their draft terms of reference for consideration and approval by the Committees.

21.10 The Committee noted that MSC 80, having considered the outcome of the 2005 Chairmen's Meeting on the subject, approved the revised terms of reference of all the Sub-Committees and agreed that, in compliance with the recommendation of the Chairmen's Meeting, the mandate to all Sub-Committees should include explicit reference to marine environment issues and that the phrase "including the role of such measures in the protection of the marine environment" should be inserted in an appropriate place in the terms of reference of all Sub-Committees. The Committee concurred with the above decision of MSC 80 and instructed the Secretariat to do so accordingly. The revised terms of reference of all the Sub-Committees, as amended and approved by the Committee and MSC 80, are attached at annex 37.

22 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2006

22.1 In accordance with rule 17 of the Rules of Procedure, the Committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman, and re-elected Mr. Ajoy Chatterjee (India) as Vice-Chairman, both for 2006.

23 ANY OTHER BUSINESS

Applications for consultative status

23.1 The Committee recalled that the twenty-second extraordinary session of the Council referred the application of the International Bunker Industry Association (IBIA) to the Committee and the MSC for advice.

23.2 The Committee also recalled that MEPC 51, having considered the application of IBIA, agreed to recommend to the Council that consultative status could not be granted to IBIA at this time.

23.3 The Committee further recalled that the ninety-second session of the Council subsequently decided to defer consideration of the application of IBIA pending the provision of additional information regarding its access to IMO through other organizations.

23.4 The Committee noted that additional information had been received from IBIA and that MSC 79 was satisfied with the additional information and decided to recommend to the Council that consultative status be granted to IBIA.

23.5 The Committee established an informal group on consultative status under the Chairmanship of Mr. A. Chatterjee (India) to re-consider the application of IBIA in accordance with the Rules Governing Relationships with Non-Governmental International Organizations and report back to plenary.

23.6 Having considered the report of the informal group (MEPC 53/WP.14), and noting the relevant decision of MSC 79 on IBIA, the Committee agreed to recommend to the Council that consultative status be granted to IBIA.

Expressions of appreciation

23.7 The Committee expressed appreciation to Mr. A. Chrysostomou (Chairman of the Committee), to Mr. A. Chatterjee (Vice-Chairman of the Committee and Chairman of the Informal Group on Consultative Status), to Mr. M. Hunter (Chairman of the Review Group on Ballast Water), to Mr. J. Koefoed (Chairman of the Working Group on Ship Recycling), to Mr. B. Okamura (Chairman of the Working Group on Air Pollution), to Mr. J. Rasmussen, (Chairman of the Working Group on Human Element), to Mr. Z. Alam (Chairman of the Drafting Group on MARPOL Amendments), and to Ms. L.S. Johnson (Chairman of the Technical Group on PSSAs) for their outstanding contribution to the success of MEPC 53.

23.8 The Committee also expressed appreciation to the following delegates, who had recently relinquished their duties, retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Dr. J. Cowley (Vanuatu) (on retirement)
- Mr. B. Parkinson (ICS) (on retirement)
- Mr. Tom Allan (United Kingdom) (on retirement)
- Mr. Jørgen Rasmussen (Denmark) (on retirement)
- Mr. K.T. Lim (Republic of Korea) (as outgoing Chairman of the FSI Sub-Committee)
- Mrs. Xu Cuiming (China) (on transfer)

(The annexes will be issued as addenda to this report)