



MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
58th session  
Agenda item 23

MEPC 58/WP.11  
9 October 2008  
Original: ENGLISH

**DISCLAIMER**

As at its date of issue, this document, in whole or in part, is subject to consideration by the IMO organ to which it has been submitted. Accordingly, its contents are subject to approval and amendment of a substantive and drafting nature, which may be agreed after that date.

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

**1 INTRODUCTION**

1.1 The fifty-eighth session of the Marine Environment Protection Committee was held at IMO Headquarters from 6 to 10 October 2008 under the chairmanship of Mr. A. Chrysostomou (Cyprus). The Committee's Vice-Chairman, Mr. A. Chatterjee (India), was also present.

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

ALGERIA	DEMOCRATIC PEOPLE'S
ANGOLA	REPUBLIC OF KOREA
ANTIGUA AND BARBUDA	DENMARK
ARGENTINA	DOMINICA
AUSTRALIA	DOMINICAN REPUBLIC
BAHAMAS	ECUADOR
BANGLADESH	EGYPT
BARBADOS	ESTONIA
BELGIUM	FINLAND
BELIZE	FRANCE
BOLIVIA	GERMANY
BRAZIL	GHANA
CAMEROON	GREECE
CANADA	ICELAND
CHILE	INDIA
CHINA	INDONESIA
COLOMBIA	IRAN (ISLAMIC REPUBLIC OF)
COOK ISLANDS	IRELAND
CROATIA	ISRAEL
CUBA	ITALY
CYPRUS	JAMAICA

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

JAPAN  
KENYA  
LATVIA  
LIBERIA  
LITHUANIA  
LUXEMBOURG  
MALAYSIA  
MALTA  
MARSHALL ISLANDS  
MEXICO  
MONACO  
MONGOLIA  
MOROCCO  
NAMIBIA  
NETHERLANDS  
NEW ZEALAND  
NIGERIA  
NORWAY  
OMAN  
PANAMA  
PAPUA NEW GUINEA  
PERU  
PHILIPPINES  
POLAND  
PORTUGAL  
QATAR  
REPUBLIC OF KOREA  
ROMANIA

RUSSIAN FEDERATION  
SAINT KITTS AND NEVIS  
SAINT VINCENT AND THE  
GRENADINES  
SAN MARINO  
SAUDI ARABIA  
SIERRA LEONE  
SINGAPORE  
SLOVENIA  
SOUTH AFRICA  
SPAIN  
SRI LANKA  
SUDAN  
SWEDEN  
SWITZERLAND  
SYRIAN ARAB REPUBLIC  
THAILAND  
TRINIDAD AND TOBAGO  
TURKEY  
TUVALU  
UKRAINE  
UNITED ARAB EMIRATES  
UNITED KINGDOM  
UNITED STATES  
URUGUAY  
VANUATU  
VENEZUELA

the following Associate Members of IMO:

HONG KONG, CHINA  
FAROE ISLANDS

by representatives from the following United Nations and Specialized Agencies:

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)/SECRETARIAT OF  
THE BASEL CONVENTION  
INTERNATIONAL LABOUR ORGANIZATION (ILO)  
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE  
(UNFCCC)  
THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR  
THE MEDITERRANEAN SEA (REMPEC)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)  
MARITIME ORGANISATION FOR WEST AND CENTRAL AFRICA (MOWCA)  
LEAGUE OF ARAB STATES  
REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT (ROPME)

INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUNDS)  
COMMISSION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF  
THE NORTH-EAST ATLANTIC (OSPAR COMMISSION)  
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING ON  
PORT STATE CONTROL (ABUJA MoU)  
INTERNATIONAL WHALING COMMISSION (IWC)  
REGIONAL ORGANIZATION FOR THE CONSERVATION OF  
THE ENVIRONMENT OF THE RED SEA AND THE GULF OF ADEN (PERSGA)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)  
INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)  
COMITÉ MARITIME INTERNATIONAL (CMI)  
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 FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
THE INTERNATIONAL GROUP OF P & I ASSOCIATIONS (P & I CLUBS)  
THE INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED  
(ITOPF)  
THE WORLD CONSERVATION UNION (IUCN)  
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)  
GREENPEACE INTERNATIONAL  
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)  
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 SHIP MANAGERS' ASSOCIATION (INTERMANAGER)  
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)  
INTERNATIONAL SAILING FEDERATION (ISAF)  
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)  
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)  
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)

THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)  
INTERFERRY  
INTERNATIONAL BUNKER INDUSTRY ASSOCIATION (IBIA)  
INTERNATIONAL ASSOCIATION OF MARITIME UNIVERSITIES (IAMU)  
INTERNATIONAL FUND FOR ANIMAL WELFARE (IFAW)  
INTERNATIONAL PAINT AND PRINTING INK COUNCIL (IPPIC)  
INTERNATIONAL SPILL CONTROL ORGANIZATION (ISCO)

1.3 The Chairman of the Maritime Safety Committee (MSC), Mr. N. Ferrer (Philippines); the Chairmen of the Sub-Committee on Flag State Implementation (FSI), Mrs. Tatjana Krilić (Croatia); and Sub-Committee on Bulk Liquids and Gases (BLG), Mr. Z. Alam (Singapore); were also present.

#### **The Secretary-General's opening address**

1.4 The Secretary-General welcomed participants and delivered his opening address. The full text of the opening address is reproduced in document MEPC 58/INF.24.

#### **Chairman's remarks**

1.5 The Chairman thanked the Secretary-General for his opening address and stated that it would be given every consideration in the work of the Committee.

#### **Statement by India and the Republic of Korea concerning two Indian seafarers**

1.6 The statement made by the delegation of India and the response statement made by the delegation of the Republic of Korea concerning two Indian seafarers in the Republic of Korea are set out in annex 1.

#### **Statement by ICS on behalf of the industry on piracy**

1.7 The statement made by ICS on behalf of the industry concerning piracy in the Gulf of Aden is set out in annex 2.

#### **Adoption of the agenda**

1.8 The Committee adopted the agenda (MEPC 58/1) and the provisional timetable for guidance during the session (MEPC 58/1/1, annex 2, as amended). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MEPC 58/INF.25.

## **Credentials**

1.9 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 recalled that, from 31 May 2005, the “International Convention for the Control and Management of Ships’ Ballast Water and Sediments” (BWM Convention) had been open for accession by any State and noted that three more States (France, Liberia and South Africa) had acceded to the Convention since the last session, which brought the number of Contracting Governments to 16, representing an encouraging 14.24% of the world merchant fleet tonnage. The Committee urged the other Member States to ratify this Convention at their earliest possible opportunity.

### **ESTABLISHMENT OF THE BALLAST WATER REVIEW GROUP**

2.2 The Committee recalled that MEPC 57 had agreed to re-establish the Ballast Water Review Group at this session and had approved the provisional terms of reference of the Group, as set out in annex 2 of document MEPC 57/21. In view of the significant volume of work, the Committee instructed the Group to start working immediately on the outstanding matters from MEPC 57 and on further development of Guidelines (G2) and (G8). The Committee agreed that the documents related to the above-mentioned matters should be forwarded to the Group for consideration and would not be introduced in plenary when the Group re-joins the plenary at a later stage.

2.3 Following an intervention by Brazil, the Group was also instructed to allow Brazil to come back on their document MEPC 55/2/20 and provide additional clarification as in their view, the proposals contained in this document were not fully understood during the discussions at BLG 12.

### **REPORTS OF THE SIXTH AND SEVENTH MEETINGS OF THE GESAMP-BWWG**

2.4 After resuming the consideration of this agenda item on Wednesday, 8 October 2008, the Committee noted that the sixth and seventh meetings of the GESAMP-BWWG were held from 19 to 23 May 2008 and from 30 June to 4 July 2008, at the IMO Headquarters, under the chairmanship of Mr. Jan Linders and Mr. Finn Pedersen, respectively. During the two meetings, the GESAMP-BWWG reviewed a total of six proposals for approval of ballast water management

systems that make use of Active Substances submitted by Germany, Japan, the Netherlands, Norway and the Republic of Korea.

2.5 The Committee further noted that the seventh meeting of the GESAMP-BWWG was held as an extraordinary meeting in addition to the regular meeting scheduled between MEPC 57 and MEPC 58, to review the proposals which could not be reviewed by the sixth meeting and which had been submitted before the deadline for submission of proposals for approval to MEPC 58. The Committee expressed its appreciation for the efforts made by the members of the GESAMP-BWWG to accomplish this task and to facilitate timely development of new ballast water technologies.

### **Basic Approval**

2.6 The Committee, having considered the recommendations contained in annexes 5 and 6 of the “Report of the sixth meeting of the GESAMP-BWWG” (MEPC 58/2/7) as well as recommendations contained in annex 5 of the “Report of the seventh meeting of the GESAMP-BWWG” (MEPC 58/2/8), agreed to give **Basic Approval** to:

- 1 the TG Ballastcleaner and TG Environmentalguard System proposed by Japan in document MEPC 57/2/8;
- 2 the Greenship’s Ballast Water Management System proposed by the Netherlands in document MEPC 57/2/7; and
- 3 the Ecochlor® Ballast Water Treatment System proposed by Germany in document MEPC 58/2/2.

2.7 The Committee then invited the Administrations of Japan, the Netherlands and Germany to take into account all the recommendations made in annex 5 and 6 of the sixth report and annex 5 of the seventh report, respectively, during the further development of the systems.

### **Final Approval**

2.8 The Committee, having examined the recommendations contained in annex 7 of the “Report of the sixth meeting of the GESAMP-BWWG” (MEPC 58/2/7), the Committee agreed to give **Final Approval** to the Electro-Cleen™ System proposed by the Republic of Korea in document MEPC 58/2.

2.9 Following consideration of the recommendations contained in annex 4 of the “Report of the seventh meeting of the GESAMP-BWWG” (MEPC 58/2/8) regarding the OceanSaver®Ballast Water Management System proposed by Norway in document MEPC 58/2/1, the Committee noted the concerns expressed by the delegations of the Netherlands and FOEI and invited these delegations to have additional consultations with the Co-Chairman of the GESAMP-BWWG during the lunch break.

2.10 Having received additional clarification from the Co-Chairman of the GESAMP-BWWG, the Committee agreed to give **Final Approval** to the OceanSaver® Ballast Water Management System proposed by Norway in document MEPC 58/2/1 and, at the same time, invited the Administration of Norway to verify that all recommendations made in annex 4 of the above report are fully addressed prior to the issuance of a Type Approval Certificate.

2.11 Having examined the recommendations contained in annex 6 of the “Report of the seventh meeting of the GESAMP-BWWG” (MEPC 58/2/8), the Committee did not agree to give **Final Approval** to the NK-O3 BlueBallast System proposed by the Republic of Korea in document MEPC 58/2/3 for the reasons given in annex 6 of the above report.

2.12 The delegation of Republic of Korea thanked GESAMP-BWWG for the recommendations regarding the ballast water management system described in document MEPC 58/2/3 and indicated that all these recommendations are being carefully addressed and a new proposal for Final Approval will be submitted for re-evaluation by the GESAMP-BWWG and subsequent consideration by the Committee at its fifty-ninth session.

### **Future work of the GESAMP-BWWG**

2.13 The Committee, having considered the information provided by the Secretariat, noted the suggested time schedule for the eighth meeting of the GESAMP-BWWG (16 to 20 February 2009) and invited Members to submit their proposals for approval (application dossiers) and the non-confidential description of their ballast water management systems to MEPC 59, as soon as possible but not later than 19 December 2008.

2.14 Recognizing the need to facilitate the timely development of ballast water treatment technologies to alleviate the concerns of the shipping industry regarding their availability and recognizing also, based on previous experience, that a maximum of three application dossiers could be reviewed at one meeting, the Committee agreed that an additional meeting of the GESAMP-BWWG could be organized if more than three proposals for approval of ballast water management systems are received for the same session of the MEPC in accordance with an established deadline.

2.15 In that context, the Committee agreed further that the reports of such additional meetings would be processed as a matter of urgency with the necessary relaxation of the deadline, to facilitate their consideration during the following session of the MEPC and that only the main body of the GESAMP-BWWG's reports be translated in all the three working languages with the annexes in English only.

#### **METHODOLOGY FOR INFORMATION GATHERING AND THE CONDUCT OF WORK OF GESAMP-BWWG (THE METHODOLOGY)**

2.16 The Committee noted that the GESAMP-BWWG had continued to develop the Methodology during its sixth and seventh meetings to ensure it accurately reflects the provisions of the revised Procedure (G9) and that the updated version of the Methodology was contained in annex 4 of the "Report of the sixth meeting of the GESAMP-BWWG" (MEPC 58/2/7).

2.17 After the introduction by the Co-Chairman of the GESAMP-BWWG and some discussions, the Committee endorsed the updated version of the Methodology and took action as outlined in the following paragraphs.

#### **Human Exposure Scenario (HES)**

2.18 The Committee noted the Group's intention to further develop the sections related to Human Exposure Scenario, taking into account comments in document BLG 12/5/8 (United States) and the experience of other Administrations. The Committee invited interested Members and observers to send their comments and suggestions on Human Exposure Scenario to the Secretariat with the understanding that they will be disseminated to the members of the GESAMP-BWWG to facilitate their consideration.



### **Review of the relationship between Procedure (G9) and Guidelines (G8)**

2.19 The Committee agreed to the GESAMP-BWWG's clarification, contained in section 3.3 of the "Report of the sixth meeting of the GESAMP-BWWG" (MEPC 58/2/7), on why analytic ballast water toxicity tests should be conducted immediately after treatment, at the middle, and at the end of the five-day period required in Guidelines for approval of ballast water management systems (G8) and on how this information will be used in the evaluation.

2.20 The Committee concurred with the view of the GESAMP-BWWG that, in addition to the testing required by paragraphs 5.2.2, 5.2.3 and 5.2.4 of Procedure (G9), from a pragmatic standpoint in the context of toxicity tests during land-based testing, the following information would provide adequate safeguards for the environment:

- .1 acute toxicity testing using fish, invertebrates and plants; or
- .2 chemical analysis demonstrating that there is no significant negative changes during the five-day tank holding time in the chemical by-products; or
- .3 both chemical analysis and acute aquatic toxicity testing,

immediately after treatment and after 24 or 48 hours.

### **Logistical costs and timing implication of the proposal for screening of ballast water management systems and pre-evaluating the testing facilities**

2.21 The Committee noted that the GESAMP-BWWG, having considered the logistical costs and timing implication related to the proposals contained in document BLG 12/5/10 (Norway), had identified a number of aspects, as indicated in section 3.4 of the "Report of the sixth meeting of the GESAMP-BWWG" (MEPC58/2/7), that did not support the approach proposed. In that context, the Committee noted the strategic objective of the GloBallast Programme to develop a "Guidance Manual for Ballast Water Treatment Technology Test Facilities" and the GESAMP-BWWG's willingness to designate its representatives to attend the intended GloBallast Workshop for the development of such guidance to present the Group's expectations regarding the testing facilities and their procedures.

**Further development of the Methodology**

2.22 The Committee agreed to the GESAMP-BWWG's proposal to explore the possibility of developing or adapting one model with the same basic parameters when calculating Predicted Environmental Concentrations (PEC) used in the risk assessment of the ballast water discharge. The Committee further agreed that additional time should be allocated to take stock of the experience achieved during the first seven meetings and to discuss the lessons learned and the general aspects related to the evaluation process without the pressure of having to review specific submissions.

2.23 Following an intervention by the delegation of CEFIC with regard to the GESAMP-BWWG's proposal to develop a database containing toxicological, ecotoxicological data and appropriate physical properties for chemical by-products produced by most of the ballast water management systems, the Committee requested the Ballast Water Review Group to consider the suggestions by CEFIC and advise the Committee accordingly.

**Submission of proposals for approval of ballast water management systems**

2.24 The Committee invited Members to bring Procedure (G9) and the Methodology to the attention of concerned Administrations and to advise the applicants to structure their applications in accordance with the Methodology. The Committee reiterated its request to the Administrations to evaluate the application dossier and confirm that it is satisfactory and complete before submitting to the Organization in accordance with Procedure (G9).

**OUTCOME OF THE WORK OF BLG SUB-COMMITTEE RELEVANT TO BALLAST WATER MANAGEMENT**

2.25 Following consideration of document MEPC 58/2/5 on the outcome of BLG 12 and having noted that document MEPC 58/2/6 "Report of the Working Group on development of Guidelines for uniform implementation of the 2004 BWM Convention (Part 2)" had already been introduced in the Ballast Water Review Group and will be reported upon in the Group's report (MEPC 58/WP.6), the Committee recalled that the sections related to the outcome of Guidelines for ballast water sampling (G2) had been referred to the Ballast Water Review Group for further consideration.

2.26 Also with regard to Guidelines (G2), the delegation of the Bahamas reiterated the concern expressed at BLG 12 that a shipowner who purchased and correctly operated type-approved equipment, would be subject to control and prosecution through no fault of their own. To alleviate this concern and provide some certainty, the delegation of the Bahamas suggested that before initiating any action related to prosecution, the port State control officer should advise the shipowners in writing and allow them to rectify the non-compliance aspects. Noting also the suggestions by the United States, the Marshall Islands and FOEI that, being an issue of enforcement, this matter could be better addressed by FSI Sub-Committee, the Committee requested the Ballast Water Review Group to consider the suggestions above and advise the Committee accordingly.

2.27 Noting that BLG 12 had finalized the guidance document regarding the arrangements for responding to emergency situations involving ballast water operations, the Committee approved the guidance document, set out at annex 2 of document BLG 12/17, and instructed the Secretariat to issue a technical circular on this matter.

2.28 The Committee, having noted that the Ballast Water Working Group established at BLG 12 was not able to address all the terms of reference due to the time constraints and the large volume of work assigned, endorsed the Sub-Committee's authorization to the Group to continue its work until the end of BLG 12 session and submit Part 2 of its report directly to MEPC 58.

2.29 The Committee noted further that the Ballast Water Working Group would be re-established during BLG 13 and endorsed its Terms of Reference, set out at annex 3 of document BLG 12/17.

2.30 In view of the significant volume of work required for the timely and effective implementation of the BWM Convention, the Committee agreed to change the title of agenda item "Development of guidelines for uniform implementation of the 2004 BWM Convention" to "Development of guidelines and other documents for uniform implementation of the 2004 BWM Convention" as a high-priority item of the work programme of the BLG Sub-Committee with a target completion date of 2010.

**REVIEW OF BALLAST WATER TREATMENT TECHNOLOGIES**

2.31 The Committee noted that five documents, MEPC 58/2/10 (Brazil), MEPC 58/2/12 (Norway), MEPC 58/INF.8 (the Netherlands), MEPC 58/INF.9 (United Kingdom) and MEPC 58/INF.17 (Germany) providing information on the development of ballast water treatment technologies had been submitted to facilitate the review.

2.32 The Committee noted the information regarding the type approval certification of two ballast water management systems by the Administrations of Norway and Germany as contained in documents MEPC 58/2/12 and MEPC 58/INF.17, respectively.

2.33 The Committee noted with appreciation the information in document MEPC 58/INF.8 (the Netherlands) on the testing facility for ballast water treatment technologies at the Royal Netherlands Institute for Sea Research (NIOZ) and document MEPC 58/INF.9 (United Kingdom) on the update of the Industry Guide commissioned by Lloyd's Register on the current status, availability and specifications of ballast water management systems.

2.34 After a brief discussion, the Committee agreed to refer the five documents mentioned above to the Ballast Water Review Group for further consideration.

**OTHER INFORMATION RELATED TO BALLAST WATER MANAGEMENT AND CONTROL**

2.35 The Committee noted the information provided in document MEPC 58/INF.4 (ROPME/MEMAC) on the First Regional Steering Committee Meeting on ballast water management held in the Kingdom of Bahrain from 27 to 29 January 2008 and the information provided by India in document MEPC 58/INF.12 on deliberations at the International Conference on Bio-fouling and Ballast Water Management held from 5 to 7 February 2008, in Goa, India.

**ESTABLISHMENT OF THE BALLAST WATER REVIEW GROUP**

2.36 Having completed the consideration of all the sub-items under this agenda item, the Committee agreed to establish the Ballast Water Review Group with the following terms of reference:

“Taking into consideration comments made in plenary, the Ballast Water Review Group is instructed to:

- .1 further consider the Methodology for information gathering and the conduct of work of the GESAMP-BWWG contained in annex 4 to document MEPC 57/2/10, and advise the Committee on how to address the recommendations made by the GESAMP-BWWG during its fourth and fifth meetings, contained in action items 1 to 4 of document MEPC 57/2 and action item 1 of document MEPC 57/2/10;
- .2 consider the provisions in resolution A.1005(25) and review the issue of a ship subject to regulation B-3.3 constructed in 2010 and the immediate availability of type-approved technology for such a ship to meet the D-2 standard by:
  - .1 refining and applying the existing review methodology employed at MEPC 53 and MEPC 55;
  - .2 assessing the number of vessels to be constructed in 2010 that will need ballast water treatment technology;
  - .3 identifying the current status of ballast water treatment technologies and providing an estimate of how many of them will be available for ships constructed in 2010;
  - .4 taking into account paragraphs 2.2 and 2.3 above, evaluate whether there is sufficient type-approved technology for ships subject to regulation B-3.3 constructed in 2010; and
  - .5 if it is concluded that the immediate availability of type-approved technology for such ships is insufficient, recommend an appropriate course of action for consideration by the Committee;
- .3 complete the work on the draft Guidelines for ballast water sampling (G2) with a view to finalizing these Guidelines providing the needed certainty and recommend these Guidelines for adoption by an MEPC resolution taking into account the existing draft (BLG 12/17, annex 1) and any further submissions;
- .4 consider procedural aspects regarding the submission of proposals for approval of ballast water management systems that make use of Active Substances as

discussed at MEPC 57 and, in particular, regarding the communication between the GESAMP-BWWG and the applicants;

- .5 consider any additional changes to the Guidelines for approval of ballast water management systems (G8) based on the draft text provided in annex 3 of the report of the Ballast Water Review Group (MEPC 57/WP.5) and develop an amended version of these Guidelines for adoption by an MEPC resolution;
- .6 continue to consider document BLG 12/5/10 to identify the possible impacts and implications of the proposed arrangements on the GESAMP-BWWG and the availability of technologies;
- .7 continue to consider document MEPC 57/2/12 to identify whether shipboard testing requirements contained in Guidelines (G8) should be changed; and
- .8 submit a written report to plenary on Thursday, 9 October 2008.

2.37 Having noted that apart from 2.36.2 and 2.36.8 all the other terms of reference listed in paragraph 2.36 above had been already addressed by the Ballast Water Review Group, the Committee requested the Group to focus on the review of the availability of treatment technologies and resolution A.1005(25).

#### **CONSIDERATION OF THE REPORT OF THE BALLAST WATER REVIEW GROUP**

2.38 Upon receipt of the report of the Ballast Water Review Group (MEPC 58/WP.6), the Committee approved it in general and took action as outlined in the following paragraphs.

#### **[Guidelines for ballast water sampling (G2)]**

2.39 The Committee recalled that BLG 12, having completed its work on the Guidelines for ballast water sampling (G2) (BLG 12/17, annex 1), invited MEPC 58 to adopt these Guidelines by an MEPC resolution and, at the same time, invited the delegations concerned with the lack of certainty in the current version of these Guidelines to submit relevant proposals to MEPC 58 to enhance the certainty and ensure the much needed uniformity.

2.40 The Committee noted that the Review Group had considered documents MEPC 58/2/11 (Brazil), MEPC 58/2/13 (ICS), MEPC 58/INF.10 (Japan) and MEPC 58/INF.23 (FOEI), commenting on Guidelines (G2).

2.41 The Committee noted that the text of Guidelines (G2), with the exception of section 6, seemed to be acceptable to all the participants and therefore the Group used the text provided by ICS in document MEPC 58/2/13 as a basis for further refining paragraph 6.2.

2.42 Following considerable exchange of views of the text proposed, some delegations agreed to the text proposed by ICS, with the exception of the wording “whole” in paragraph 6.2.2. It was suggested that removing that word would not significantly change the meaning of the paragraph and would still provide useful guidance for taking representative samples. Others were of the view that the word “whole” had a specific meaning and therefore could not agree with the removal. The Chairman of the Review Group then suggested to use the text provided by ICS with the word “whole” in square brackets to replace the chapeau of paragraph 6.2 and sub-paragraphs 6.2.1 to 6.2.3 of the existing version of the draft Guidelines (G2). After a final review of the whole document, the Review Group unanimously agreed that there are no other changes recommended to the text of these Guidelines.

2.43 The Committee noted the need to finalize Guidelines (G2) to allow countries which are dependent upon the full set of fourteen Guidelines to ratify the Convention to do so and to minimize the risk of individual States taking unilateral action.

2.44 After some discussion, the Committee adopted the Guidelines for ballast water sampling (G2) by resolution MEPC....(58), as set out in annex ... The Committee also agreed to instruct the BLG Sub-Committee to develop, as a matter of high priority, an IMO circular to provide sampling and analysis guidance to be followed and to give advice on the uniform application of that guidance. The Committee further agreed to request the FSI Sub-Committee to take note of Guidelines (G2), after their adoption, when developing the Guidelines on port State control under the 2004 BWM Convention.

2.45 Following a proposal from Brazil regarding the need for technical co-operation to ensure uniformity in implementing these Guidelines, the Committee agreed to explore together with the Technical Co-operation Division of the Organization the possibility of providing such technical co-operation and to invite Member States to share their knowledge and experience on sampling and analysis.

**Revision of the Guidelines for approval of ballast water management system (G8)**

2.46 The Committee recalled that MEPC 57, having considered a number of submissions commenting on the revision of Guidelines (G8), had prepared a draft of the revised Guidelines (G8), which incorporates changes to ensure appropriate appraisal of environmental toxicity during the Type Approval process for systems not subject to Procedure (G9) as agreed by MEPC 56.

2.47 The Committee recalled further that, having considered the comments of the Review Group on document MEPC 57/2/12 (Norway) proposing changes to concentration levels of test organisms during shipboard tests stipulated in Guidelines (G8), MEPC 57 could not agree with the changes proposed and referred the document to MEPC 58 for further consideration.

2.48 The Committee noted that, during the discussion, Norway proposed that instead of the proposals in document MEPC 57/2/12 to change the size of organisms in challenge water, only one of the three shipboard tests should fulfil the pre-treatment organism concentrations. After considerable discussions, this proposal was not supported by the Group.

2.49 Following a proposal by the United States, supported by some other delegations, the Committee agreed to invite Member States to provide information on their experiences regarding shipboard testing and test results..

2.50 After some discussion, the Committee adopted the revised Guidelines for approval of ballast water management systems (G8) by resolution MEPC....(58), as set out in annex ....

2.51 The Committee noted the information provided by the United Kingdom in document MEPC 58/2/9 on draft United Kingdom Type Approval Guidelines for ballast water management systems and invited Members to contribute to further development of such guidance at BLG 13.

**Methodology for information gathering and the conduct of work of the GESAMP-BWWG**

2.52 The Committee recalled that MEPC 57 instructed the BWRG to consider the Methodology for information gathering and the conduct of work of the GESAMP-BWWG, contained in annex 4 of document MEPC 57/2/10 in light of the actions requested from the Committee in documents MEPC 57/2 and MEPC 57/2/10. In the time available, the Group was not able to consider all the action items in the two documents above which were added to the draft terms of reference for the Ballast Water Review Group convened at MEPC 58.



2.53 The Committee noted further that as a consequence of the adoption of the revised Procedure (G9), MEPC 57 requested the GESAMP-BWWG to harmonize the Methodology with the revised Procedure and continue to develop Human Exposure Scenario which made most of the action items contained in documents MEPC 57/2 and MEPC 57/2/10 redundant. With regard to the last action point on Assessment Factors contained in document MEPC 57/2, which was not redundant, the GESAMP-BWWG requested further guidance from the MEPC.

2.54 Having noted the explanation received from the Co-Chairman of the GESAMP-BWWG on the use of the Assessment Factors, the Committee agreed that when only two chronic Non-Observed Effect Concentrations (NOECs) are available for use in the marine risk assessment and if chronic tests included the most sensitive organism from the acute set of three tests, an Assessment Factor (AF) of 100 could be used on a case-by-case basis. If the most sensitive group is not included, then an AF of 1000 should be applied.

2.55 Having noted that the BWRG had agreed in principle with a number of editorial changes with respect to the GESAMP-BWWG Methodology, the Committee invited the GESAMP-BWWG to consider the proposed changes to the Methodology at their earliest opportunity and instructed the Secretariat to forward these changes to the GESAMP-BWWG.

#### **Procedural aspects regarding the submission of proposals for approval of ballast water management systems**

2.56 Following the examination of the views regarding the submission of proposals for approval of ballast water management systems, expressed by the GESAMP-BWWG in paragraph 4.1.1 of document MEPC 58/2/8, and the additional information provided by the Co-Chairman of the GESAMP-BWWG as well as the suggestion to better track changes in the Methodology, the Committee noted the positive developments in this respect and the availability of GESAMP-BWWG to further improve the communication with the proponent Administrations.

**Draft MEPC resolution on “Information reporting on type approved ballast water management systems”**

2.57 Following the examination of the draft text of the MEPC resolution on “Information reporting on type approved ballast water management systems”, developed at BLG 12 and the changes made by the BWRG, the Committee adopted resolution MEPC....(58), as set out in annex ....

**Additional explanation provided by the delegation of Brazil on document MEPC 55/2/20**

2.58 The Committee noted the additional information regarding document MEPC 55/2/20, provided by Brazil, and agreed to include an additional term of reference for the Ballast Water Working Group to be established at BLG 13 on the long-term effects, maintenance and reliability of Ballast Water Management Systems.

**Review of the availability of ballast water treatment technologies**

2.59 The Committee recalled the conclusion reached at MEPC 56 that a limited number of ballast water treatment technologies would be available to meet the first implementation date of the BWM Convention together with the concerns regarding the capability of all ships subject to regulation B-3.3 to meet the D-2 standard in 2009 due to procedural and logistical problems. The Committee further recalled that, following an initiative by the Secretary-General to address these concerns, the Assembly, at its twenty-fifth session, had adopted resolution A.1005(25) on the Application of the BWM Convention, which calls on States that have not yet done so, to ratify the Convention as soon as possible. In the meantime, the resolution recommends that ships subject to regulation B-3.3 constructed in 2009 should not be required to comply with regulation D-2 until their second annual survey, but no later than 31 December 2011. Operative paragraph 6 of resolution A.1005(25) requests MEPC to:

- .1 keep this resolution under review;
- .2 revise or withdraw the recommendations in paragraphs 2, 3 and 4 as appropriate;
- .3 review, not later than at its fifty-eighth session, in particular, the issue of a ship subject to regulation B-3.3 constructed in 2010 and the immediate availability of type-approved technology for such a ship to meet the D-2 standard; and

.4 inform the Assembly accordingly.

2.60 Having examined the conclusions of the Review Group regarding the number of new buildings over the next two years and the current status of ballast water treatment technologies, the Committee concluded that ballast water treatment technologies are currently available and more technologies will be available in the near future. With regard to whether there is sufficient type-approved technology for ships subject to regulation B-3.3 constructed in 2010, the Committee agreed that this issue would be better defined at MEPC 59. Consequently, the Committee agreed to re-establish the Ballast Water Review Group at MEPC 59, to confirm whether there is sufficient type-approved technology for ships subject to regulation B-3.3 constructed in 2010, as instructed by Assembly resolution A.1005(25).

#### **Additional matters raised during the preliminary discussions in plenary**

2.61 Having examined views expressed by the Group on the proposal by Bahamas regarding the situation when a sample taken from a ship is not in compliance with the standard D-2, the Committee agreed that Guidelines (G2) contained technical guidance and that matters related to enforcement could be better dealt with by the FSI Sub-Committee, which is currently developing the Guidelines for port State control under the 2004 BWM Convention. The Committee agreed that the delegation of the Bahamas and other interested delegations could provide their proposals on this matter to either the FSI Sub-Committee or to the Correspondence Group established by the Sub-Committee in this respect.

2.62 Following the examination of the editorial proposals by CEFIC regarding action point 9 of the report of the sixth meeting of the GESAMP-BWWG (MEPC 58/2/7), the Committee agreed to advise the GESAMP-BWWG that any open database should be limited to data describing chemical by-products formed during ballast water treatment and should not contain proprietary information.

#### **Action taken by the Committee**

2.63 Having considered the actions requested by the Review Group and the comments made by the various delegations, the Committee:

.1 adopted the Guidelines for ballast water sampling (G2) by resolution MEPC....(58), as set out in annex ...;

- .2 instructed the BLG Sub-Committee to develop, as a high-priority matter, an IMO circular to provide sampling and analysis guidance to be followed and to give advice on the uniform application of that guidance;
- .3 requested the FSI Sub-Committee to take into account the Guidelines (G2) when developing the Guidelines on port State control under the 2004 BWM Convention;
- .4 agreed to explore, together with the Technical Co-operation Division of the Organization, the possibility of providing technical cooperation to ensure uniform implementation of the Guidelines (G2);
- .5 requested Member States to share information on experience gained in shipboard testing;
- .6 adopted the revised Guidelines for approval of ballast water management systems (G8) by resolution MEPC....(58), as set out in annex ...;
- .7 requested Member States to provide contributions to the further development of guidance on conducting type approvals to BLG 13;
- .8 endorsed the GESAMP-BWWG's view regarding the Assessment Factor contained in paragraph 4.2 of document MEPC 57/2 and concurred with the view that when only two chronic NOECs are available for use in the marine risk assessment and if chronic tests include the most sensitive organism from the acute set of three tests, an Assessment Factor of 100 could be used on a case-by-case basis. If the most sensitive group is not included, then an Assessment Factor of 1000 should be applied;
- .9 requested the GESAMP-BWWG to consider the proposed changes to the Methodology at their earliest opportunity;
- 10 adopted resolution MEPC....(58) on "Information reporting on type approved ballast water management systems", as set out in annex ...;

- .11 included an additional term of reference on the long-term effects, maintenance and reliability of Ballast Water Management Systems in the terms of reference for the Ballast Water Working Group to be established at BLG 13;
- .12 concurred with the view that ballast water treatment technologies are currently available and more technologies will be available in the near future and agreed to re-establish the Ballast Water Review Group at MEPC 59 to confirm whether there is sufficient type-approved technology for ships subject to regulation B-3.3 constructed in 2010, as instructed by Assembly resolution A.1005(25);
- .13 concurred with the view that Guidelines (G2) are technical guidance and that matters related to enforcement could be better dealt with by the FSI Sub-Committee; and
- .14 approved the action point 9 of the report of the sixth meeting of the GESAMP-BWWG (MEPC 58/2/7), and advised the GESAMP-BWWG that any open database should be limited to data describing chemical by-products formed during ballast water treatment and should not contain proprietary information.]

### **3 RECYCLING OF SHIPS**

3.1 The Committee recalled that MEPC 57 had made substantial progress in the further development of the draft International Convention for the Safe and Environmentally Sound Recycling of Ships.

3.2 The Committee also recalled that MEPC 57 had agreed to prepare a draft resolution to be adopted by the diplomatic conference addressing the adequacy of ship recycling capacity. For this purpose MEPC 57 had established a correspondence group under the coordination of the United Kingdom and had instructed it to prepare a draft resolution to address the circumstances in which sufficient recycling capacity may not be available both before and following entry-into-force of the convention. MEPC 57 had intended that the draft resolution should: encourage States to ratify the convention (when adopted) at the earliest opportunity; address disincentives for flag and recycling States to ratify the convention; not conflict with the requirements of the convention itself; and not require any amendments to the text of the convention as drafted. The correspondence group had also been instructed to consider the draft resolution in the context of the entry-into-force provisions.

3.3 MEPC 57 had also agreed that there was a strong need for holding an intersessional meeting of the Working Group on Ship Recycling, of four day duration, the week before MEPC 58, in order to consider and resolve any outstanding issues and corresponding text of the draft convention and to prepare a final version of the draft convention for an Article-by-Article and regulation-by-regulation review by MEPC 58, with a view to approval for circulation in time for the diplomatic conference to be hosted by Hong Kong, China, from 11 to 15 May 2009.

3.4 The Committee noted that the fourth intersessional meeting of the Working Group on Ship Recycling had been held at IMO Headquarters from 30 September to 3 October 2008 under the chairmanship of Mr. Jens Henning Koefoed (Norway).

#### **PLANNING OF THE WORK**

3.5 The Committee recalled that the report of the correspondence group on ship recycling had been submitted by the United Kingdom as document MEPC 58/3/3 and the report of the fourth intersessional meeting of the working group on ship recycling had been submitted to the Committee as document MEPC 58/WP.4. In addition, a further 17 documents had been submitted addressing: the draft convention; the guidelines to the draft convention for the Inventory and for the Recycling Facilities; the issue of technical cooperation; ISO's response to the questions raised by document MEPC 57/3/14; the decisions of the ninth meeting of the Conference of the Parties to the Basel Convention; and the resolution of the European Parliament on the Green Paper on better ship dismantling.

3.6 The Committee noted that it needed to undertake an Article-by-Article and regulation-by-regulation review of the draft convention, prior to its approval for circulation to the diplomatic conference. Furthermore, as the intersessional working group had already addressed documents dealing with the draft convention and the draft guidelines, and had also considered the report of the correspondence group, the Committee agreed that plenary should only consider the following issues:

- .1 technical cooperation on ship recycling (document MEPC 58/3);
- .2 ISO's response to the questions raised by document MEPC 57/3/14 (document MEPC 58/3/5);

- .3 the report of the ninth meeting of the Conference of the Parties to the Basel Convention (document MEPC 58/3/9); and
- .4 the report of the fourth intersessional meeting of the Working Group on Ship Recycling (document MEPC 58/WP.4).

## **OUTCOME OF THE COMMITTEE'S CONSIDERATIONS**

### **Technical cooperation on ship recycling**

3.7 The Secretariat, in introducing document MEPC 58/3 on the outcome of the fifty-eighth session of the Technical Co-operation Committee (TC 58) on the issue of the implementation of the new convention, recalled that MEPC 57 had invited the Technical Co-operation Committee to provide its views on mechanisms which can be developed through the Technical Co-operation Programme of the Organization to facilitate, at national level, the implementation of the standards contained in the convention concerning recycling yards in developing countries. Furthermore, the Committee had invited the Technical Co-operation Committee to identify potential sources of funding.

3.8 TC 58 was held from 10 to 12 June 2008 and had suggested that the Technical Co-operation Committee, in collaboration with the MEPC, should work towards the development of a programme of training and capacity enhancement of maritime administrations that would assist Member States to understand and implement the convention.

3.9 The Committee was also reminded that the third session of the Joint ILO-IMO-Basel Convention Working Group on Ship Scrapping was due to be hosted by ILO in Geneva from 29 to 31 October 2008 and that the two main items on the provisional agenda of that meeting were: "joint technical co-operation projects" and "interim measures to be taken prior to the entry-into-force of the convention".

### **ISO's response to the questions raised by document MEPC 57/3/14**

3.10 The ISO observer introduced document MEPC 58/3/5 responding to the questions posed in paragraph 18 of document MEPC 57/3/14, clarifying related matters and providing the current status of the ISO work items, as had been requested by MEPC 57; and re-stating that the ISO standards would not overlap or contradict the relevant IMO provisions. Should this be the case, ISO would immediately take action to rectify the relevant standards.

3.11 In response to the information provided by the ISO, the delegation of Japan, supported by China, India and France, pointed out that the ISO 30000 series would duplicate some of the provisions in the draft IMO convention and its associated guidelines and thus would create confusion to stakeholders. Japan stressed that MEPC had never requested the ISO to develop management standards on ship recycling.

3.12 The delegation of India further explained that the ISO 30000 series is a “business to business” certification scheme and not a “government to business” scheme as mandated by the draft IMO convention for the authorization of recycling facilities by recycling States. In India’s opinion, the ISO 30000 series was therefore inconsistent with the provisions of the convention.

3.13 The Committee agreed that it had never requested ISO to develop a management standard for ship recycling and, furthermore, saw no reason at the present time for ISO to develop such a standard.

#### **Report of the ninth meeting of the Conference of the Parties to the Basel Convention**

3.14 The Secretariat of the Basel Convention introduced document MEPC 58/3/9 reporting on the outcome and decisions of the ninth meeting of the Conference of the Parties to the Basel Convention (COP 9) on the subject of environmentally sound management of ship dismantling. The Committee noted that COP 9 had recognized and welcomed the progress made by IMO; had invited IMO to continue to have due regard to the role, competence and expertise of the Basel Convention in matters relating to ship dismantling; and had defined a process by which it intended to assess whether the ship recycling convention would establish an equivalent level of control as that established under the Basel Convention. Also, COP 9 had noted once again in its decision that the duplication of regulatory instruments that have the same objective should be avoided.

3.15 The Committee also noted that the seventh session of the Open-ended Working Group of the Basel Convention is scheduled to meet from 10 to 14 May 2010 to carry out a preliminary assessment of the equivalent level of control between the two conventions and then to transmit the results of its consideration to COP 10, scheduled to be held in 2011. In this respect COP 9 had invited Parties to provide, by 31 January 2009, to the Secretariat of the Basel Convention comments on appropriate criteria to be used in the preliminary assessment of the equivalency.



3.16 The Committee noted further that COP 9 had welcomed the joint technical co-operation programmes relating to sustainable ship recycling developed by the Basel Convention, the International Maritime Organization and the International Labour Organization.

**European Parliament's resolution on the Green Paper on better ship dismantling**

3.17 The Committee also noted document MEPC 58/INF.16, providing information on the European Parliament's resolution on the Green Paper on better ship dismantling.

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

3.18 The Chairman of the intersessional working group, Mr. Jens Koefoed (Norway), introduced the group's report (MEPC 58/WP.4). The Committee noted that the group, using the text contained in annex 1 of document MEPC 57/WP.6 as the basic text of the draft convention, considered outstanding issues and agreed on the corresponding text of the draft convention. A final version of the draft convention had been prepared for an Article-by-Article and regulation-by-regulation review by MEPC 58.

***Further development of the text of the draft convention – Articles***

3.19 The Committee noted that document MEPC 58/3/13 (India) had proposed that warships should be included under the scope of the convention. The Committee, after some discussion, agreed that warships should not be included as long as they retain their sovereign immunity and also that when warships are decommissioned and then sold to commercial interests, they may lose their sovereign immunity and at that stage they could come under the scope of the convention. The Committee had therefore agreed that there may be a need to develop a guidance document in the future.

3.20 The Committee also noted that document MEPC 58/INF.13 (European Commission) had proposed a specific format for the reporting requirements under Article 12.1, whereby Parties shall provide a list of Ship Recycling Facilities to the Organization for dissemination. During the discussion, it was pointed out that the information sought in the proposal already existed in the form of the Authorization of Ship Recycling Facilities and in its Supplement and that, therefore, Parties should simply provide the Organization with copies of the above. The Committee agreed that the reporting requirements under Article 12.1 should be specified in a Committee Circular rather than in the text of the convention.

3.21 In connection with the square brackets in Article 15.2, the Committee noted that there had been a considerable exchange of views in the working group revolving around three possible options: (a) deletion of the text after “international agreements” on the second line; (b) deletion of the square brackets and retention of the text “and the Basel Convention”; (c) deletion of the square brackets and of the text. The representative of IMO’s Legal Office had expressed the view that the expression “Nothing in this Convention shall prejudice the rights and responsibilities of Parties under other relevant and applicable international agreements” meant that the arrangements in place under those agreements are preserved and therefore are not disturbed or altered one way or another for States which are also Party to this convention. Furthermore, the representative of ILO had drawn the attention of the working group that the present text was a carefully drawn compromise. The delegation of Cyprus had requested to be associated with the statement of the ILO. There had been no consensus and it had therefore been decided to bring this matter to the Committee for its decision.

***Recycling capacity concerns and entry-into-force conditions***

3.22 The Committee noted that, during the discussion of the working group on Article 17 (Entry into force), the United Kingdom as the coordinator of the correspondence group had introduced its report (MEPC 58/3/3) noting that it presented the majority but not the unanimous view of the group.

3.23 The Committee noted that, as described in document MEPC 58/3/3, a variety of views had been expressed in the correspondence group. Amongst those views, a majority of the participants had agreed that it is not feasible to draft a conference resolution for ensuring sufficient recycling capacity following the entry into force of the convention, without conflicting with the requirements of the convention itself. Instead, the group had agreed that the entry-into-force provisions and conditions are a possible way of addressing the recycling capacity problem.

3.24 The Committee was also advised that the working group had also considered: document MEPC 57/3/13 (Japan) on a method for calculating ship recycling capacity based on historic published data; document MEPC 58/3/12 (Bangladesh) proposing a criterion for assessing recycling capacity on the basis of five States, each having at least five authorized Ship Recycling Facilities; and document MEPC 58/3/14 (India) proposing a variation of Option 2 of the report of the correspondence group.

3.25 The Committee noted that the group had seen merit in aspects of all the above proposals and had an extensive discussion on the issue of ship recycling capacity. It had been recognized that overcapacity may be a problem in the future, as a few key recycling States control a large proportion of the world's recycling capacity. The majority of the group had agreed that Article 17 should include a capacity criterion. Some members of the group had recognized that the proposals by Japan and India offered a straightforward mechanism, while some members still favoured the concept in the proposal by Bangladesh and considered that this concept captured the need for compliant ship recycling capacity to be available at the entry into force of the convention. Some members had expressed serious concerns over the use of historical data to calculate recycling capacity.

3.26 The Committee was advised that during the discussion, the representative of IMO's Legal Office had reiterated his view that there was no problem in principle in having recycling capacity as an element in the entry-into-force provisions, but it would be necessary to have clarity and precision on how the recycling capacity was to be objectively determined by the Depositary. The group had agreed that if a capacity criterion were to be included in the entry-into-force conditions, a diplomatic conference resolution would be needed to specify the exact method for the assessment of the convention's entry into force by the Depositary.

3.27 The Committee noted that the group had developed text for Article 17 with square brackets around the criteria. The United Kingdom had reserved its position about the inclusion of this text in the draft convention as this could prejudice other options.

***Further development of the text of the draft convention – Annex***

3.28 The Committee noted that the group had discussed the text proposed in document MEPC 58/3/12 (Bangladesh) for general exceptions to the provisions of the convention under regulation 3. The group had agreed that whereas the convention should not include such a regulation, the cases of abandoned and of wrecked ships may warrant the development of a guidance document at a future stage.

3.29 The Committee also noted that on the basis of the proposal in document MEPC 58/3/11 (France) the group had introduced in the draft Convention a voluntary audit scheme. According to this, recycling States will be able to introduce additional transparency to the process of the authorization of Ship Recycling Facilities by disseminating through the Organization the results of the audit scheme to interested stakeholders. This auditing scheme, which will be carried out by

the Competent Authorities or an organization recognized by the Party, is intended to contribute to a more uniform implementation of the convention amongst volunteering Parties with Ship Recycling Facilities operating under their jurisdiction (regulation 16.3).

3.30 The Committee noted further that extensive discussions had taken place throughout the meeting of the working group on the restructure of the reporting requirements under the convention as contained in regulation 25 based on proposals contained in documents MEPC 58/3/4 (Denmark) and MEPC 58/3/8 (Belgium and Turkey). The Committee had agreed on new text for regulation 25 and associated consequential amendments. The following benefits were pointed out as arising from this restructure: (a) increased certainty for the industry; (b) increased clarity and transparency; and (c) consent by the recycling State as early as practical and reasonable.

### ***Guidelines***

3.31 In view of the importance of adopting the Guidelines for the Inventory of Hazardous Materials and the Guidelines for the Safe and Environmentally Sound Ship Recycling as soon as possible after the adoption of the convention, the Committee also considered the following three submissions relating to these guidelines: document MEPC 58/3/2 (Japan and Germany), document MEPC 58/3/7 (Denmark) and document MEPC 58/INF.18 (Japan). Acknowledging that the group did not have sufficient time for a thorough review of the guidelines, the Committee agreed on the need for the establishment of a correspondence group for the development of these two guidelines with a view to their finalization, if possible, at MEPC 59.

3.32 The ILO representative recalled the good and constructive working relationship that has existed between IMO and ILO over the years and noted that this co-operation had been given practical effect in Article 15 and in regulation 3 of the draft convention. The wording that was adopted ensured that the draft convention would not inadvertently place governments in a position where they must deal with inconsistent obligations between applicable ILO and IMO conventions. The ILO has a number of conventions and other instruments for protecting occupational health and safety in connection with ship recycling activities and it was suggested that these would need to be recognized in the new convention and its associated guidelines.

3.33 The Committee approved the report of the intersessional working group in general and, in particular (annexes are those of document MEPC 58/WP.4):

- .1 noted that the working group had finalized its work on the development of the text of the draft convention, as set out in annex 1;
- .2 conducted an Article-by-Article and regulation-by-regulation review of the draft convention; and
- .3 established an intersessional correspondence group, under the coordination of Japan, for the further development of the Guidelines for the Safe and Environmentally Sound Ship Recycling and the Guidelines for the Inventory of Hazardous Materials, with the following Terms of Reference:

“On the basis of the outcomes of the 4th Intersessional Meeting of the Working Group on Ship Recycling and of MEPC 58, the Correspondence Group<sup>1</sup> on Ship Recycling is instructed to:

- .1 further develop the text of the Guidelines for Safe and Environmentally Sound Ship Recycling and of the Guidelines for the Inventory of Hazardous Materials, taking into account proposals in documents: MEPC 58/3/2 (Japan and Germany), MEPC 58/3/7 (Denmark), MEPC 58/3/10 (Germany) and MEPC 58/INF.18 (Japan), as well as proposals contained in relevant documents submitted to earlier sessions of the Committee;
- .2 if possible, finalize the Guidelines for Safe and Environmentally Sound Ship Recycling and the Guidelines for the Inventory of Hazardous Materials; and
- .3 report the outcome of its deliberations to MEPC 59.”

---

<sup>1</sup>

**Co-ordinator:**

Mr. Shinichiro OTSUBO  
Director for International Regulations  
Safety Standards Division  
Maritime Bureau  
Ministry of Land, Infrastructure, Transport and Tourism  
Tel: +81-3-5253-8636  
Fax: +81-3-5253-1644  
E-mail: [otsubo-s24r@mlit.go.jp](mailto:otsubo-s24r@mlit.go.jp)

3.34 During the Article-by-Article and regulation-by-regulation review in the plenary, the Committee considered the following comments made by delegations.

3.35 Norway proposed to insert “Unless otherwise specified in this Convention” at the beginning of Article 3.3, for the purpose of allowing the application of the convention’s requirements to ships below 500 GT in regulation 4. The Committee did not support the proposal as it considered that it represented an expansion to the scope of the convention. Norway stated that it would submit a further proposal on this matter to the diplomatic conference.

3.36 In relation to the second paragraph of Article 7, which the 4th intersessional working group had agreed to delete, the United States reaffirmed its concern that the convention needs to respect the confidentiality of trade secrets and of other proprietary information protected by national law. The United States indicated that it may submit a proposal to the diplomatic conference on this subject.

3.37 In connection with the square brackets in Article 15.2, the representative of the Basel Convention noted the general agreement expressed during the development of the draft convention, that the Basel Convention would continue to apply to activities, to ship recycling facilities and to ships excluded from the scope of the ship recycling convention. The representative therefore suggested that an appropriate reference to the Basel Convention in the text of the convention may provide a useful indicator as to applicable regimes in the future.

3.38 The representative of the International Labour Organization recalled that the text in Article 15.2 was the result of a delicate compromise in earlier discussions. Paragraph 1 referred to UNCLOS because of its paramount importance in maritime law, while paragraph 2 drew attention to those instruments that are most critical in ship recycling. The ILO therefore preferred that the specific reference to its conventions be maintained in the body of the convention in order to underscore the obligations of ratifying States under relevant ILO conventions.

3.39 Following an extensive discussion, the Committee agreed to delete “agreements including those of the International Labour Organization [and the Basel Convention]” from Article 15.2. The Committee also agreed to instruct the drafting group to develop a new operative paragraph in the preamble of the IMO Convention noting the role of the Basel Convention, and also to prepare a draft Conference resolution acknowledging the contribution of the International Labour Organization and of the Basel Convention in the development of the draft convention on ship recycling.

3.40 The Committee discussed Article 17 on the entry into force of the convention. There was a broad range of views expressed reflecting the discussions that had taken place in the intersessional correspondence and working groups. The Committee agreed to maintain the text that had been proposed by the working group within square brackets and invited submissions to the diplomatic Conference on this subject. On this basis, the United Kingdom withdrew its earlier reservation.

3.41 The Committee then agreed to instruct the drafting group to consider drafting solutions to the three issues raised in plenary by IACS: threshold values for the Inventory of Hazardous Materials; consideration of the responsibilities of surveyors involved in the final survey in cases where a Party has made a declaration pursuant to Article 16.6; and the alignment in Appendix 1 of the draft convention of the specified control measures for TBT with the understanding reached at MEPC 57 (MEPC 57/21, paragraph 12.9).

3.42 The Committee finally agreed to instruct the drafting group to clarify in the text of the convention whether it is intended that the Competent Authority or that the Ship Recycling Facility be the responsible body for copying to the flag State the Statement of Completion at the end of recycling.

#### **ESTABLISHMENT OF THE DRAFTING GROUP ON SHIP RECYCLING**

3.43 The Committee established the Drafting Group on Ship Recycling under the chairmanship of Mrs. Katy Ware (United Kingdom) with the following Terms of Reference:

“The Drafting Group is instructed to:

- .1 produce a clean text of the draft International Convention for the Safe and Environmentally Sound Recycling of Ships for approval by the Committee, taking into account the comments made in plenary and on the basis of decisions made concerning the draft convention contained in document MEPC 58/WP.4;
- .2 prepare a draft Conference resolution expressing appreciation to the Basel Convention and to the International Labour Organization; and
- .3 provide a written report to plenary on Thursday, 9 October 2008.”

[3.44 The Committee noted that the drafting group had carefully reviewed the draft convention and had finalized the draft text as set out in annex 1 of its report MEPC 58/WP.7.

3.45 The Committee also noted that the group, within the time available, had been unable to find drafting solutions to the following issues:

- .1 Article 14 – Dispute settlement: Various proposals were made to clarify in the text that Parties to a dispute would have to agree to the means by which the dispute would be settled.
- .2 regulation 5 – Inventory of Hazardous Materials: A proposal was made to revise regulation 5.1.1 as follows (new text is underlined):

identify as Part I, measurable concentrations of Hazardous Materials listed in Appendices 1 and 2 to this Convention and contained in ship's structure and equipment, their location and approximate quantities;
- .3 regulation 10 – Surveys: A proposal was made to revise regulation 10.1.4.2 as follows (text to be deleted is struck through):

that the Ship Recycling Plan developed by the Ship Recycling Facility(ies), unless a Party has made a declaration pursuant to Article 16.6, has been approved by the Competent Authority(ies).
- .4 regulation 25 – Reporting upon completion: Various proposals were made to clarify who is responsible (in the recycling State) for copying to the Administration (flag State) the Statement of Completion.
- .5 Appendix 1 – Controls of Hazardous Materials: The group was unable to align the description for the control measure for TBT with the understanding reached at MEPC 57 (document MEPC 57/21 paragraph 12.9).

### **Report of the Drafting Group on Ship Recycling**

3.46 The Committee approved the report of the drafting group (MEPC 58/WP.7) in general and, in particular:



- .1 noted that the drafting group has completed its work and had produced the final text of the draft International Convention for the Safe and Environmentally Sound Recycling of Ships;
- .2 approved the final text of the draft convention, as set out in annex ... to this report;
- .3 noted that the drafting group had prepared, at the Committee's request, a provisional draft Conference resolution expressing appreciation to the Basel Convention and to the International Labour Organization for their contribution in the development of the draft Convention and agreed to the draft Conference resolution, as set out in annex ...;
- .4 instructed the Secretariat to carry out any necessary editorial/conforming changes to the draft convention before circulation for the Conference; and
- .5 requested the Secretary-General to circulate the text of the draft convention to all Members at least six months before the date of the diplomatic Conference with a view to adoption.]

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

5.1 The Committee recalled that MEPC 57 (31 March to 4 April 2008) approved the proposed amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code with a view to adoption at the present session (MEPC 57/21, paragraphs 4.58.4 and 4.58.7). The proposed amendments were circulated by the Secretary-General of the Organization, in accordance with Article 16(2)(a) of the MARPOL Convention, under cover of Circular letter No.2861 of 7 April 2008.

5.2 Following a proposal by the Chairman, the Committee agreed to consider the matters under this agenda item in the following order:

- .1 Draft amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code;
- .2 Criteria and Procedure for Designation of Emission Control Area (Appendix III to MARPOL Annex VI);
- .3 Unified Interpretations under the current MARPOL Annex VI and the NO<sub>x</sub> Technical Code and guidelines under the revised Annex and Code;

- .4 Guidelines for the development of a VOC management plan; and
- .5 Implementation of the revised MARPOL Annex VI.

### **Draft amendment to MARPOL Annex VI and the NO<sub>x</sub> Technical Code**

5.3 The Committee considered document MEPC 58/5 (Secretariat) with the draft text of the proposed amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code and noted that the Secretariat, in accordance with the request of MEPC 57 (MEPC 57/21, paragraph 4.58.10), has carried out necessary editorial/conforming changes to the draft amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code. The Committee also considered the observations listed in paragraph 8 of document MEPC 58/5 and agreed that only the observations in items .1 and .2 should be considered in plenary and the rest would be dealt with by the Drafting Group.

### ***Definition of marine diesel engines***

5.4 The Committee agreed that the definition of marine diesel engine in regulation 2(14) of MARPOL Annex VI and in paragraph 1.3.10 of the NO<sub>x</sub> Technical Code should not include engines which operate under normal service conditions on a gas fuel only.

### ***SO<sub>x</sub> emission limits for exhaust gas cleaning system***

5.5 In respect of the SO<sub>x</sub> emission limits for exhaust gas cleaning system that was removed from regulation 14 of the current MARPOL Annex VI (e.g., the limit for exhaust gas cleaning systems is 6.0 g SO<sub>x</sub>/kWh as it applies to areas where fuel is limited to maximum 1.5% sulphur content), the Committee agreed that the SO<sub>x</sub> emission limit for exhaust gas cleaning system should not be included in the revised Annex but in the Guidelines for exhaust gas cleaning systems (resolution MEPC.170(57) as revised). The Committee also agreed that the relevant equivalent levels applicable to meet the various sulphur limits now included in the draft Annex (4.50, 3.50, 1.50, 1.00, 0.50 and 0.10%) should be included in the Guidelines as proposed in document MEPC 58/5/8 (Marshall Islands and ICS).

### ***Definition of sulphur***

5.6 The Committee agreed that no other definition of sulphur was needed in the revised Annex than the reference to the test method described in ISO 8754: 2003 in Appendix V and paragraph 2.4 of Appendix VI.

***Date of entry into force of the revised Annex and Code***

5.7 The Committee considered document MEPC 58/5/10 (Japan) proposing the date of entry into force of the revised MARPOL Annex VI and the NO<sub>x</sub> Technical Code be set as 1 July 2010, instead of 1 March 2010, as indicated in the square brackets of the draft MEPC resolution.

5.8 The Committee agreed to the proposal by Japan to set the entry-into-force date to 1 July 2010 for the revised Annex and Code to allow sufficient time for updating of affected guidelines and development of new guidelines as required by the revision. A large number of delegations reasoned that this would facilitate smooth implementation as it would enable the Committee to consider the matter over two sessions. Enabling finalization of the related guidelines would also provide predictability for the industry and promote efficient enforcement of the revised emissions reduction measures from the entering into force.

***Regulation 13(7) Existing Engines***

5.9 The Committee considered document MEPC 58/5/9 (United States) proposing a modification to paragraph 1.3.2 of the NO<sub>x</sub> Technical Code, to clarify that installation of an approved method to existing engines should not be seen as a “substantial modification” as defined in the NO<sub>x</sub> Technical Code as this would trigger a new certification process. The United States also recommends a modification of regulation 13(7)(a) of MARPOL Annex VI to specify this distinction.

5.10 A large number of delegations supported the clarification proposed by the United States and the Committee agreed to instruct the Drafting Group accordingly.

***The impact of sulphur limits on ferry operations in Northern Europe***

5.11 The Committee considered document MEPC 58/5/11 (INTERFERRY) providing comments and information on possible impacts on ferry operations in Northern Europe under the revised MARPOL Annex VI. INTERFERRY also proposed that the overall environmental impact under the revised MARPOL Annex VI should be taken into consideration by the appropriate bodies to maintain a level playing field between different modes of transport.

5.12 A number of delegations stressed that the matters raised by INTERFERRY had been satisfactorily considered in the revision process and the negotiations leading to the delicately balanced package approved by MEPC 57 that represented a compromise that should not be reopened.

5.13 The Committee agreed to note the information provided and the views expressed by delegations, with no further action needed.

#### **Fuel oil specification – response from ISO**

5.14 The Committee considered document MEPC 58/4/1 (ISO) responding to the request by MEPC 57 for a review of marine fuel oil specifications. The ISO working group was re-established in spring 2008 and will consider the list of parameters and appropriate limits and report back to MEPC.

5.15 The Committee welcomed the information provided by ISO and expressed appreciation for the work of the ISO working group that was re-established to undertake the review following the request by MEPC 57. Several delegations expressed concerns that the revised standard would not be published prior to the entering into force of the revised MARPOL Annex VI. The delegation of ISO assured the Committee that the work would be fast-tracked by issuing a “Public Available Standard” (PAS) and that the PAS would be published in time for the entering into force (1 July 2010) and that a progress report would be submitted to MEPC 59 to keep the Committee informed.

#### **Criteria and Procedure for Designation of Emission Control Areas**

5.16 The Committee recalled that MEPC 57 had noted the debate in the working group on air pollution on possible relaxation of “the criteria and procedures for designation of emission control areas” as set forth in Appendix III to MARPOL Annex VI. MEPC 57 had agreed that those interested in relaxing the current criteria should submit proposals for consideration by MEPC 58.

5.17 The Committee considered document MEPC 58/5/3 (France and Germany) proposing relaxation of the “Criteria and Procedures for Designation of Emission Control Areas (ECA)” by deleting some existing criteria for the designation of an ECA. The co-sponsors further proposed to delete paragraph 7 of regulation 14 of MARPOL Annex VI, so as not to delay the effective date of an ECA for 12 months after entry into force, as it is today (a 12-month grace period).

5.18 The Committee considered document MEPC 58/5/6 (OCIMF) proposing modifications of the criteria by adding an assessment of fuel availability within the proposed ECA and by deleting introductory paragraph 1.2 of Appendix III and the requirement to provide meteorological

information. OCIMF held the view that a rapid growth of ECAs would have a significant impact on fuel markets in those areas and also globally.

5.19 The Committee considered document MEPC 58/5/7 (IPIECA) proposing the same modifications of the criteria as OCIMF (MEPC 58/5/6). IPIECA emphasized that the requirement to demonstrate environmental needs and cost-effectiveness of a proposed ECAs should be maintained and the regional fuel supply situation should be assessed including regional impacts on neighbouring countries, where necessary.

5.20 A significant number of delegations supported the proposal by France and Germany but an equal number of delegations stressed that no amendments should be made as the existing criteria had served their purpose well and that they could not support a relaxation. Also, several delegations supported the proposal by OCIMF and IPIECA based on the challenges experienced when trying to obtain compliant fuel in connection with the two SECAs designated under the current Annex VI.

5.21 Following a proposal by the Chairman and in the absence of a majority view, the Committee agreed that no amendments should be made to Appendix III.

**Unified Interpretations under the current MARPOL Annex VI and the NO<sub>x</sub> Technical Code and guidelines under the revised Annex and Code**

5.22 The Committee recalled that MEPC 57 had noted that the Working Group on Air Pollution did not consider whether MEPC/Circ.473 and MEPC.1/Circ.540, containing unified interpretations to the current MARPOL Annex VI and the NO<sub>x</sub> Technical Code, should be revoked. MEPC 57 had agreed, due to time constraints and taking into account that this was not an urgent matter, that the issue should be considered at MEPC 58.

5.23 The Committee considered document MEPC 58/5/2 (Secretariat) providing a summary of the unified interpretations presently in force and guidelines in need of updating, as well as the new guidelines which may need to be developed.

5.24 The Committee agreed to revoke MEPC/Circ.473 and MEPC.1/Circ.540 on the existing unified interpretations under the current MARPOL Annex VI and the NO<sub>x</sub> Technical Code upon the entry into force of the revised Annex and Code.

5.25 The Committee recalled its decision to set the entry-into-force date as 1 July 2010 and that review of relevant non-mandatory instruments as a consequence of the revised Annex VI and the NO<sub>x</sub> Technical Code was already on the work programme for the BLG Sub-Committee. Based on this background, the Committee agreed that there was no need to establish a correspondence group on the matter but that the drafting group should develop the necessary instructions for BLG to carry out the work.

***Washwater discharge criteria for exhaust gas cleaning systems***

5.26 The Committee considered document MEPC 58/5/5 (Secretariat) providing a reply from GESAMP on the interim washwater discharge criteria, as set out in section 10 of the revised Guidelines for Exhaust Gas Cleaning Systems (resolution MEPC.170(57)). GESAMP was seeking clarifications on some specific issues in order to complete the work. The Committee noted GESAMP's preparedness to advise the Committee on the washwater discharge criteria and agreed to task the Drafting Group to develop a draft reply to GESAMP.

5.27 The Committee considered document MEPC 58/5/8 (Marshall Islands and ICS) highlighting the need for further amendments to the revised Guidelines for Exhaust Gas Cleaning Systems (resolution MEPC.170(57)) to reflect amendments to MARPOL Annex VI.

5.28 The Committee agreed that the proposed amendments should not be further considered before the advice from GESAMP is received and noted that resolution MEPC.170(57) would be valid until the revised Annex VI enters into force.

***Guidelines for certification of exhaust gas after-treatment NO<sub>x</sub> systems***

5.29 The Committee considered document MEPC 58/5/4 (Denmark, Japan and the Republic of Korea) which stressed the need for development of guidelines for certification of exhaust gas after-treatment systems for the Tier III NO<sub>x</sub> limit. The co-sponsors also proposed the engine group concept as the appropriate certification procedure for compliance with Tier III, in which engines and after-treatment systems should be certified separately.

5.30 The Committee considered document MEPC 58/5/12 (United States) which recommended that any future guidelines for certification of Tier III exhaust gas treatment system should be applied to large bore engines only (cylinder displacement more than 30 litres). In response to the "group certificate" concept described in document MEPC 57/4/46 (Denmark), the United States

advocated that there is no significant hurdle to verify NO<sub>x</sub> emissions at all test cycle points during sea trials.

5.31 A number of delegations supported the proposal to develop guidelines for certification of exhaust gas after-treatment systems for the Tier III NO<sub>x</sub> limit but reminded the Committee that this was not an urgent matter as Tier III would apply from 1 January 2016.

5.32 The Committee agreed to instruct the BLG Sub-Committee to do the work with a target completion date of 2012.

### **Guidelines for the development of a VOC management plan**

5.33 The Committee recalled that MEPC 57 agreed that the draft Guidelines for the development of a VOC management plan should be presented to this session with a view to adoption with an MEPC resolution (MEPC 57/21, paragraph 4.58.11).

5.34 The Committee considered document MEPC 58/5/1 (Secretariat) with the draft Guidelines for the development of a VOC management plan and agreed to instruct the Drafting Group to review and finalize the draft guidelines with a view to adoption.

### **Early implementation of the principles of regulation 18(2) of the revised Annex VI**

5.35 The Committee considered document MEPC 58/14 (IPTA and ICS) which proposed that the principles of regulation 18(2) of the revised MARPOL Annex VI should also be applied, through an MEPC circular, in the interim period prior to its entry into force. The interim application period would be from the date of adoption of the MEPC circular until the end of the application period of the current MARPOL Annex VI. The principles of regulation 18(2) entail that if a ship, despite its best efforts, is unable to purchase the required fuel quality, it should follow certain notification procedures and thereby not risk detention or other control measures in the next port or ports of call.

5.36 A large number of delegations supported the proposal by IPTA and ICS. However, some delegations stressed that a change of destination due to continued trading of cargoes during the voyage or other commercial reason could not, on its own, justify that a vessel was unable to source compliant fuel.

5.37 The Committee agreed that the principles of regulation 18(2) of the revised MARPOL Annex VI should also be applied in the interim period prior to its entry into force as many ships

experienced challenges in purchasing compliant fuel in some areas. The Committee also agreed to instruct the Drafting Group to review the draft MEPC circular set out at annex to document MEPC 58/14 and, with this as a basis, finalize a draft MEPC circular for adoption by the Committee.

### **Additional Term of Reference**

5.38 The Committee, at the request of the Drafting Group, added an additional term of reference to the work of the Drafting Group to address the impact of the entry-into-force date for the revised Annex VI and the revised NO<sub>x</sub> Technical Code 2008. Since the Committee decided to set the entry-into-force date as 1 July 2010, there was a period of only six months for Administrations and recognized organizations acting on their behalf to certify engines and issue Engine International Air Pollution Prevention Certificates in order to comply with regulation 13(4) (Tier II NO<sub>x</sub> regulations for new engines). In order to enable Administrations to use the procedures in the revised NO<sub>x</sub> Technical Code 2008 prior to the entry into force of the revised Annex, and to avoid the practical implementation difficulties posed by the six-month period between the entry into force of the Annex and the effective date for Tier II compliance set forth in regulation 13(4), the Committee agreed that the Drafting Group should develop a draft circular, for consideration and approval by the Committee, attaching interim guidelines for the application of the revised NO<sub>x</sub> Technical Code 2008 in order to facilitate the effective implementation of regulation 13(4).

### **Establishment of the Drafting Group on amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code**

5.39 The Committee recalled that MEPC 57 had agreed in principle to establish a Drafting Group on Amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code and had agreed to establish the group under the Chairmanship of Ms Lindy Johnson (United States) with the following Terms of Reference:

“Taking into account all submitted documents as well as comments and decisions made in plenary, the Drafting Group is instructed to:

- .1 review and finalize the text of the revised MARPOL Annex VI and incorporate the decimal numbering system in paragraphs and sub-paragraphs;
- .2 review and finalize the text of the revised NO<sub>x</sub> Technical Code;



- .3 review and finalize the draft guidelines for the development of a VOC management plan (MEPC 58/5/1);
- .4 identify the guidelines to be updated or developed by the BLG Sub-Committee and prepare any necessary instructions;
- .5 develop a draft response to GESAMP on the requested clarifications on the interim washwater discharge criteria (MEPC 58/5/5);
- .6 review and finalize a draft MEPC Circular on interim application of the principles of regulation 18(2) using the annex to document MEPC 58/14 as a basis;
- .7 develop for consideration and adoption by the Committee a draft circular attaching interim guidelines for the application of the revised NO<sub>x</sub> Technical Code 2008 in order to facilitate the implementation of regulation 13(4); and
- .8 submit a written report to the plenary for consideration and adoption of these amendments on Thursday, 9 October 2008.”

#### **Outcome of the Drafting Group and adoption of the amendments**

5.40 In introducing the report, the Chairperson highlighted the issue of gas fuels, a supplementary issue in the group’s terms of reference and one that needed to be resolved prior to the adoption of the revised Annex VI. It was first discussed in the definition of fuel oil in regulation 2 and then again in regulation 18. It was noted that the application of the requirements pertaining to the Bunker Delivery Note and samples of gas fuels would create practical implementation difficulties and potentially serious safety hazards. It was also noted that gas-fuelled ships were covered by the revised Annex VI and a decision was therefore needed on whether or not the provisions should apply to them.

5.41 The Chairperson stated that the Group had worked extremely hard and extended her sincere thanks to all the members of the group for their critical scrutiny of the text and their helpful observations and patience. She also thanked the members of the Secretariat, in particular, Mr. Dachang Du, Mr. Eivind Vagslid, Ms. Lucy Essuman and Mr. Tomonori Hiratsuka. Before closing, Ms Johnson thanked the Chairman of the Working Group, Mr. Bryan Wood-Thomas, for the decisions he took, for listening to all points of view and for leading the group fairly so that there were few, if any issues, that the Drafting Group found contentious in its deliberations. His

tireless efforts, sound advice and ability to grasp the nuances of the political and technical landscape and, thus, facilitate consensus was nothing short of amazing.

5.42 Having considered the report of the Drafting Group on amendments to MARPOL Annex VI and the NO<sub>x</sub> Technical Code (MEPC 58/WP.9), which met from 6 to 8 October 2008 under the chairmanship of Ms Lindy Johnson (United States), the Committee approved the report in general and, consequently:

- .1 considered whether any amendment to the revised MARPOL Annex VI regarding gas fuels should be adopted as raised in paragraphs 11 and 12 of the report and agreed to add the following two sentences to the end of regulation 18.4:

“Paragraphs 5, 6, 7.1, 7.2, 8.1, 8.2, 9.2, 9.3 and 9.4 of this regulation do not apply to gas fuels such as Liquified Natural Gas, Compressed Natural Gas or Liquified Petroleum Gas. The sulphur content of gas fuels delivered to a ship specifically for combustion purposes onboard that ship shall be documented by the supplier.”;

- .2 noted that, as a consequence, annex 1 to document MEPC 58/WP.9, containing the revised MARPOL Annex VI, should be amended as follows:

- .1 the following should be added to the end of regulation 18.4:

“Paragraphs 5, 6, 7.1, 7.2, 8.1, 8.2, 9.2, 9.3 and 9.4 of this regulation do not apply to gas fuels such as Liquified Natural Gas, Compressed Natural Gas or Liquified Petroleum Gas. The sulphur content of gas fuels delivered to a ship specifically for combustion purposes onboard that ship shall be documented by the supplier.”;

- .2 in the Supplement to the International Air Pollution Prevention Certificate, the following amendments were needed to paragraph 2.1.1 to conform to the wording of regulation 12.3.2:

“the words “halons or chlorofluorocarbons (CFCs)” should be replaced with “ozone depleting substances, other than hydro-chlorofluorocarbons,””;

- .3 noted that in all annexes to document MEPC 58/WP.9, the words “on board” or “on-board” should be changed to “onboard”;
- .4 adopted the revised MARPOL Annex VI by resolution MEPC... (58), as set out in annex ..., as modified by the decisions taken by the Committee referred to in paragraphs ....1 to .3 above;
- .5 adopted the revised NO<sub>x</sub> Technical Code 2008 by resolution MEPC... (58), as set out in annex ...;
- .6 agreed to refer the guidelines for the development of a VOC management plan (MEPC 58/WP.9, annex 3) to the BLG Sub-Committee for consideration;
- .7 approved the Terms of Reference for the Sub-Committee on Bulk Liquids and Gases to update and develop guidelines and to consider guidance on several issues relating to revised Annex VI and revised NO<sub>x</sub> Technical Code 2008, as set out in annex ...;
- .8 agreed to the draft response to GESAMP on the clarifications needed to provide the comments and input requested by MEPC 57 on the interim washwater discharge criteria for exhaust gas cleaning systems, as set out in annex ...;
- .9 noted that the Drafting Group had reviewed and finalized a draft MEPC circular inviting Member States to consider applying the principles outlined in regulation 18.2 of revised Annex VI to the current Annex VI. Revised regulation 18.2 addresses the situation when a ship is found by a Party not to be in compliance with the standards for compliant fuel oils. Document MEPC 58/14, submitted by the International Parcel Tankers Association and the International Chamber of Shipping, noted that there have been cases under the current Annex VI where ships have not been able to obtain fuel to comply with the existing SO<sub>x</sub> Emission Control Areas (SECA) requirements. While there was support in the Committee for adopting this circular, a number of delegations had expressed concern regarding paragraph 3 of document MEPC 58/14, which stated that ships in certain trades, such as the chemical/parcel tanker trade which might have last minute changes of destination, can sometimes have difficulties in planning bunkering operations far in advance and thus may not have compliant

fuel onboard for operating in a SECA. It was felt by those concerned that this should not be considered a valid reason for applying the principles outlined in revised regulation 18.2;

- .10 approved the draft MEPC circular on interim application of the principles of regulation 18(2) and requested the Secretariat to issue it as soon as possible;
- .11 approved the draft MEPC circular pertaining to interim guidelines for the application of the revised NO<sub>x</sub> Technical Code 2008 in order to facilitate the implementation of regulation 13(4) and requested the Secretariat to issue it as soon as possible; and
- .12 expressed profound appreciation to all the parties that had been involved in the challenging and technically complicated revision of MARPOL Annex VI and the NO<sub>x</sub> Technical Code since it was agreed to by the Committee at its fifty-third session in July 2005, in particular to:
  - Member Governments and observer organizations that had provided scientific and expert input into the work and had submitted documents enabling the work to progress expeditiously, and had worked tirelessly to reach this important decision that would significantly reduce air pollution from ships, offering benefits for the environment and humans in the entire world; and greatly esteemed the co-operation and flexibility showed by all Member States and involved observers enabling IMO to reach this vital agreement;
  - the BLG Sub-Committee and its Chairman (Mr. Zafrul Alam of Singapore);
  - the BLG Working Group on Air Pollution, its members and Chairman (Mr. Bryan Wood-Thomas of the United States);
  - the MEPC Working Group on Air Pollution, its members and Chairmen (Mr. Bin Okamura of Japan and Mr. Bryan Wood-Thomas of the United States);

- the informal Cross Government/Industry Scientific Group of Experts established by the Secretary-General to evaluate the effects of the different fuel options proposed under the revision of MARPOL Annex VI, its members, the subgroup leaders and its Chairman (Mr. Mike Hunter of the United Kingdom);
- leaders and members of other informal groups facilitating the work;
- the Governments of Norway and Germany for hosting intersessional meetings during the period of refurbishment of the IMO Headquarters; and
- the Chairperson of the Drafting Group, Ms. Lindy Johnson (United States) and all its members for finalizing the work in a successful way.

## **6 INTERPRETATIONS OF AND AMENDMENTS TO MARPOL AND RELATED INSTRUMENTS**

### **PROPOSAL TO REVISIT RESOLUTION MEPC.108(49) (MANUALLY OPERATED ALTERNATIVES IN THE EVENT OF EQUIPMENT MALFUNCTIONS)**

6.1 The delegation of Denmark, in document MEPC 58/6/2, raised the concern that in the event of equipment malfunctions it appears possible to discharge oil or oily mixtures from cargo tanks of oil tankers only with an ineffective visual control carried out by the crew and not by any other means to control the oil content for compliance with the established limits, which may lead to pollution of the sea. The delegation, therefore, proposed that paragraph 6.11 of resolution MEPC.108(49) on “Manually operated alternatives in the event of equipment malfunctions” should be revisited so as to avoid any uncontrolled discharge of oil, and in order to be in accordance with MARPOL Annex I, regulation 34.

6.2 The Committee shared this concern and agreed that the DE Sub-Committee should review resolution MEPC.108(49) which it had developed, taking into account the proposal by Denmark, and report back to MEPC 59. The Committee thanked Denmark for bringing this issue to its attention.

6.3 On the general point of discussing proposed amendments to MARPOL, the delegation of the Netherlands expressed the concern that several proposals had been submitted to this session to amend MARPOL Annex I under separate items of the agenda (e.g., items 6 and 10). The delegation suggested that such proposals, whether proposed afresh or already considered by a

Sub-Committee, be presented under one item, if possible, including proposed entry-into-force dates. This would enable delegations to keep track of the status of proposed amendments.

6.4 This concern was shared by other delegations and the Committee agreed to request the Secretariat to keep this in mind when processing documents proposing amendments to the mandatory instruments.

#### **PROPOSALS FOR UNIFIED INTERPRETATIONS**

6.5 IACS, in document MEPC 58/6, invited the Committee to consider IACS's unified interpretation on how to calculate the distance 'h' measured from the baseline shown in Figure 2 of MARPOL Annex I, regulations 12A.6-8 and 11.8 on oil fuel tank protection, as amended by resolution MEPC.141(54), when the vessel is fitted with a skeg or when the vessel is designed with permanent trim. These proposals shown in the annex to document MEPC 58/6 concern vessels with an aggregate oil fuel capacity of  $600\text{m}^3 < x < 5,000\text{m}^3$  and  $> 5,000\text{m}^3$ , respectively.

6.6 The Committee noted that IACS, in document MEPC 58/6/1, also proposed another uniform interpretation for MARPOL Annex I, regulation 23.7.3.2, on Accidental oil outflow performance, as amended by resolution MEPC.117(52), regarding the definition of the overpressure used for calculations of cargo level after bottom damage. For bottom damages the calculation of oil outflow of a tank is based on hydrostatic balance and the effect of overpressure. This definition is critical when undertaking the design of a ship and, in the view of IACS, it was important that the figure used was clear and that an appropriate operational pressure was used in the determination of the number of bulkheads. IACS therefore proposed the following unified interpretation:

*“The pressure p is to be taken as the maximum static inert gas pressure that is obtained at the discharge side of the non-return device fitted forward of the deck water seal or 5 kPa, whichever is greater. However, p need not be taken more than the maximum tank pressure corresponding to the P/V valve set-point.”*

6.7 The Committee approved the Unified Interpretation on the application of the factor 'h' measured from the baseline shown in Figure 2 of MARPOL Annex I, regulations 12A.6-8 and 11.8 on oil fuel tank protection, as set out in annex ... to this report. The Committee further approved the Unified Interpretation of MARPOL Annex I, regulation 23.7.3.2 on Accidental oil outflow performance, as set out in annex ... to this report.

## **OTHER PROPOSALS**

### **Request for clarification of application of MARPOL Annex I, regulation 12A**

6.8 IACS, in document MEPC 58/6/3, recalled that amendments to MARPOL Annex I had been adopted by resolution MEPC.141(54) in which a new regulation 12A on oil fuel tank protection was added. This regulation would apply to all ships with an aggregate oil fuel capacity of  $\geq 600 \text{ m}^3$ , which are delivered on or after 1 August 2010, as defined in regulation 1.28.9 of Annex I. IACS had received queries from industry on the applicability of the new regulation 12A, in the case of conversions from single hull oil tankers to bulk/ore carriers. While it was clear that converting a single hull oil tanker to a bulk/ore carrier was a change in ship type and therefore constituted a major conversion as per regulation 1.9.1.2, it was unclear if:

- .1 regulation 12A should be applied to the entire bulk/ore carrier, i.e. all new and existing fuel oil tanks; or
- .2 regulation 12A should be applied only to the newly installed/converted fuel oil tanks of the bulk/ore carrier; or
- .3 regulation 12A should not apply where the fuel tank arrangements remain unchanged after conversion, i.e. in cases where the actual conversion work is carried out only in the cargo area without affecting the fuel oil tanks located outside the cargo region; and no new fuel oil tanks are added anywhere in the ship such that total fuel oil capacity is not exceeding that prior to the conversion, i.e. the risk level remains the same.

6.9 It was IACS's view that this issue needed to be addressed as a matter of urgency and IACS requested the Committee to consider the arguments in its document and clarify which of the three proposals above, or a hybrid thereof, was correct.

6.10 A majority of the delegations that spoke supported the first interpretation offered by IACS, in view of the fact that after a major conversion (regulation 1.9.1.2) the ship was treated as a "new" ship. The Committee therefore agreed that regulation 12A should be applied to the entire bulk/ore carrier, i.e., all new and existing fuel oil tanks. As requested, the Secretariat, in consultation with IACS, produced a final text for this clarification, which is set out in annex ....

**Revision of MARPOL Annex I concerning the record of construction and equipment for oil tankers (Form B)**

6.11 IACS, in document MEPC 58/6/4, also proposed to improve the Record of Construction and Equipment for Oil Tankers (Form B), in areas of Form B which do not provide specific information on the arrangement of oil tankers. Form B was a mandatory requirement under MARPOL Annex I, as it is Appendix II to Annex I, and therefore must be amended in accordance with article 16 of the MARPOL Convention. Notwithstanding this procedural issue, IACS invited the views of the Committee regarding proposed revisions of the MARPOL Annex I, Form B, in order to provide additional detail to document more completely the arrangement of different categories of oil tankers. The proposed revisions to section 5.8 of Form B were shown in annex 1 to document MEPC 58/6/4, whereas its annex 2 contained the justification for these proposals.

6.12 Several delegations representing Parties to the MARPOL Convention supported the proposal by IACS.

6.13 The Committee, after a short debate, approved the proposed amendment to section 5.8 of Form B of MARPOL Annex I, Appendix II, as set out in annex ... to this report, and noted that the proposed amendment must follow the procedure set out in article 16 of the MARPOL Convention. Therefore, the Committee instructed the Secretariat to ensure the timely circulation of the proposed amendment in combination with the other amendments to Form B, which the Committee considered under item 10 of its agenda, at the recommendation of the DE Sub-Committee (MEPC 58/10/1, annex 2), in accordance with article 16 so that this amendment could be formally adopted at MEPC 59.

**STATUS REPORT ON THE REVIEW OF MARPOL ANNEX V**

6.14 The delegation of Canada reported on the status of the Correspondence Group's progress on the Review of MARPOL Annex V and its Guidelines (MEPC 58/6/5). Members of the Group continued to discuss issues (i.e., an overall and technical assessment of Annex V; reception facilities and how they function in the waste management chain; managing garbage on board ships, etc.) and were examining scientific information on the global extent of marine debris, particularly from sea-based sources. A new revised text of Annex V and its Guidelines must be proposed in the final report of the Group to MEPC 59, but more analysis was needed to confirm that supporting evidence for any proposed changes was of a compelling nature. The Correspondence Group would continue its work in the intersessional period, guided by



available scientific evidence, towards consensus on possible recommendations to the Committee, which may include:

- .1 that no further action was required on Annex V;
- .2 the requirement for a specific amendment to Annex V or its Guidelines;
- .3 a proposal for a new work item for the Committee;
- .4 a request to another IMO body for consideration or action; and
- .5 a request to another United Nations organization for consideration or action.

6.15 The delegation of the Netherlands, while acknowledging that the review of MARPOL Annex V was not an easy task to co-ordinate, expressed the view that the planned review should be completed at MEPC 59 in accordance with the terms of reference adopted at MEPC 57 (MEPC 57, paragraph 5.12). To achieve this target, the delegation proposed that the correspondence group should focus its work, first, on developing a set of definitions of “marine debris”, “marine litter” vis-à-vis “garbage” under Annex V and, secondly, to start from the presumption of a general prohibition on the discharge of garbage from ships.

6.16 This view was supported by several other delegations. The delegation of New Zealand noted in this respect that while no firm scientific conclusions could be drawn at this stage on the overall sources of marine debris or litter because of incomplete datasets, the fact that an unacceptable quantity of debris originated from the shipping industry demonstrated the need for completion of this review at MEPC 59.

6.17 In conclusion, the Committee noted the status report and thanked the delegation of Canada, the Chairman and members of the Correspondence Group for the work done thus far. The Committee also instructed the Correspondence Group<sup>2</sup> to continue working during the intersessional period on the basis of a set of clear definitions, as suggested, and with as starting

---

<sup>2</sup> **Co-ordinator of the Correspondence Group:**  
Mr. Paul Topping  
Manager, Environment Protection, AMSEE  
Operations and Environmental Programs  
Marine Safety, Transport Canada  
Ottawa, Ontario K1A 0N8  
Tel: +613-991-3168  
E-mail: toppingp@tc.gc.ca

point a general prohibition on the discharge of garbage from ships and to submit a final report to MEPC 59, as reflected in its Terms of Reference agreed at MEPC 57 (MEPC 57/21, paragraph 5.12).

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

7.1 The Committee considered three documents under this agenda item as follows: MEPC 58/WP.1, Report of the eighth meeting of the OPRC-HNS Technical Group; MEPC 58/7 (Secretariat) Manual on assessment of oil spill risks and preparedness; and MEPC 58/7/1 (Secretariat) IMO/UNEP Manual on the assessment and restoration of environmental damage following marine oil spills.

### **Report of the eighth meeting of the OPRC-HNS Technical Group**

7.2 The Committee noted that the eighth session of the OPRC-HNS Technical Group was held from 29 September to 3 October 2008, under the chairmanship of Mr. Nick Quinn (New Zealand), and that the report of the Group was issued under symbol MEPC 58/WP.1.

7.3 During consideration of the report of the Technical Group, the delegation of the Bahamas questioned whether the Technical Group could establish three Correspondence Groups like the Committee and Sub-Committees.

7.4 The Committee noted the clarification provided by the Secretariat that the Technical Group had been established at MEPC 48 as a subsidiary body of the MEPC and that the Committee had agreed that the working arrangements of subsidiary bodies, as defined in the 'Guidelines on the organization and method of work of the Maritime Safety Committee and Marine Environment Protection Committee and their subsidiary bodies' would apply to the Technical Group, as identified in the terms of reference established for it (MEPC 49/22/Add.1).

7.5 The Committee noted the comments made by the delegation of the Netherlands, indicating its appreciation to the Technical Group for fully addressing the comments it had put forward at MEPC 57 with regard to the format of the work programme and consistency issues with the provisional agenda, as reflected in the new work programme.

7.6 The Committee approved the report in general (MEPC 58/WP.1) and:

- .1 endorsed the view of the Group to submit the finalized text of the Guidance document on the identification and observation of spilled oil, for approval by MEPC 59, noting the proposal to publish the document as a joint IMO/IPIECA publication;
- .2 concurred with the Group's decision to combine the information contained in the Guidance document on the establishment of joint co-ordinated information centres, with that found in the Manual on incident command systems, and to develop these as a single Manual;
- .3 endorsed the view of the Group to submit the finalized draft course materials for two introductory courses on HNS, i.e. the Introduction to the response to HNS in the marine environment – Operational level and – Management level, for approval at MEPC 59;
- .4 urged Member States to report any marine casualties and incidents involving HNS, in accordance with the provisions of the Revised harmonized reporting procedures – Reports under SOLAS regulation I/21 and MARPOL 73/78, articles 8 and 12 (MSC-MEPC.3/Circ.1) utilizing the module on maritime casualties and incidents of the Global Integrated Shipping Information System (GISIS);
- .5 approved the revised terms of reference and revised format of the work programme of the OPRC-HNS Technical Group (annex [xx]);
- .6 agreed with the prioritization of the two work items referred by MEPC 57, i.e. Oil spill response in ice and snow conditions and Updating of the IMO dispersant guidelines, as low priority items within the context of the Group's work programme;
- .7 welcomed the election of Mr. Nick Quinn (New Zealand) as the new Chairman, and Mr. Suh Woo Rack (Republic of Korea) as the new Vice-Chairman of the OPRC-HNS Technical Group for the year 2009; and

- .8 approved the draft work programme and provisional agenda for the ninth meeting of the OPRC-HNS Technical Group and the scheduling of the ninth session of the OPRC-HNS Technical Group the week prior to MEPC 59 (annex [xx]).

### **Manual on assessment of oil spill risks and preparedness**

7.7 The Committee recalled that, further to its consideration of a proposal submitted by the Russian Federation for the development of an IMO Manual on Assessment of oil spill risks and preparedness at MEPC 49, it had approved the new work item and referred the matter to the OPRC-HNS Technical Group for action.

7.8 The Committee noted that the Group, at TG 5, having considered a draft of the Manual developed over a number of sessions and recognizing that it did not meet the needs of developing countries as well as could be expected, agreed on a new structure to address the identified shortcomings and a plan and timeframe for execution of the work.

7.9 The Committee further noted that at TG 7, having reviewed the draft text developed on the basis of the new agreed structure, the Group had reached agreement on the finalized text of the Manual and instructed the Secretariat to undertake any final editing and to submit the finalized draft to MEPC 58 for approval.

7.10 The Committee considered document MEPC 58/7 (Secretariat) containing the final draft text of the Manual on assessment of oil spill risks and preparedness, as agreed by the Technical Group at its seventh session.

7.11 The delegation of the Russian Federation, having originally proposed the development of this Manual, expressed its support for and agreement to the draft under consideration, noting that it provided good strategic guidance for developing oil spill response capacity. The delegation further expressed its desire for, in addition to this guidance, the development of more practical and operational guidance, which could include specific examples that would assist users in developing a minimum level of response capacity, in particular for oil terminals.

7.12 The Committee approved the draft text of the Manual on assessment of oil spill risks and preparedness and instructed the Secretariat to work with IPIECA to prepare the document for publishing as a new volume in the IMO/IPIECA report series.

**IMO/UNEP Manual on the assessment and restoration of environmental damage following marine oil spills (MEPC 58/7/1)**

7.13 The Committee recalled that the OPRC-HNS Technical Group, at its second session, had first considered a draft Manual on natural resource damage assessment, as prepared by the United Nations Environment Programme (UNEP), following its experience of the Tasman Spirit oil spill incident that occurred in Karachi, Pakistan in July 2003 (MEPC/OPRC-HNS/TG 2/11).

7.14 The Committee recalled further that, given the relevance of the proposal to IMO's ongoing work regarding preparedness and response to oil spills and the link with IMO's activities in implementing the OPRC Convention and OPRC-HNS Protocol, and also building on IMO's longstanding co-operation with UNEP, it had agreed to UNEP's proposal to develop the above-mentioned Manual as a joint IMO-UNEP publication. Having considered this information at MEPC 52, the Committee had added this item to the work programme of the OPRC-HNS Technical Group.

7.15 The Committee noted that the Group had encountered a number of challenges throughout the development of the Manual, which considerably lengthened the timeframe for its development and finalization. Having reached consensus on the outstanding issues at TG 6, the Technical Group finalized and reached agreement on the text at TG 7 and instructed the Secretariat to submit the Manual for approval at MEPC 58 (MEPC 57/WP.1).

7.16 The Committee approved the draft text of the IMO/UNEP Manual on the assessment and restoration of environmental damage following marine oil spills and instructed the Secretariat to work with UNEP to prepare the document for publication as a joint IMO/UNEP Manual.

7.17 The Committee noted the endorsement of the delegation of Italy of both Manuals, recognizing their usefulness, and its support for the ongoing work of the Technical Group.

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

### **Antarctic Shipping**

8.1 The Committee recalled that MEPC 57, having noted information provided by the observer from FOEI on Antarctic area vessel issues, in particular regarding concerns about the increased number and type of vessels operating in the Antarctic area, recent incidents and that the work programme of BLG 13 would include “Amendments to MARPOL Annex I on the use and carriage of heavy grade oil on ships in the Antarctic area”, invited proposals to future meetings of the Committee, and the BLG Sub-Committee, as appropriate.

8.2 The observer from FOEI, on behalf of the co-sponsors of document MEPC 58/8 (FOEI, Greenpeace International, IFAW and WWF) on Antarctic Shipping, highlighted that, while the Antarctic area south of 60°S latitude is recognized as sensitive and vulnerable to the impacts of pollution and had been designated as a Special Area under MARPOL Annexes I, II and V, the area remained vulnerable to the threat from international shipping.

8.3 The observer from FOEI suggested that a joint IMO/Antarctic Treaty Consultative Meeting (ATCM) Working Group be established to consider and collaborate on solutions to shipping threats in the Antarctic Treaty Area. The observer proposed that the main task of this joint Working Group would be: to conduct a comprehensive assessment of potential risks and impacts on the area from vessels; identify the presence or absence of a measure to address those impacts; analyse whether a measure exists or whether it has been effectively implemented; and, whether further action is needed. It was also suggested that for the Antarctic Treaty Area, or discrete areas within the area, a risk assessment and assessment against the PSSA Guidelines should be undertaken, and IMO measures developed as associative protective measures (APMs), if appropriate.

8.4 The observer from FOEI, also proposed that the Committee endorse the Antarctic and Southern Ocean Coalition (an umbrella NGO group that includes FOEI, Greenpeace International, IFAW and WWF) proposal to host a Workshop in 2009, to work on a comprehensive assessment of the threats to the Antarctic area from the full range of vessels operating in the area. The Workshop would seek to address both risks and routine operations and begin identifying appropriate mitigation measures.

8.5 All the delegations that spoke, including Belgium, Brazil, Chile, Egypt, Italy, New Zealand, the Netherlands, Norway, Sweden and the United Kingdom shared the concerns of the co-sponsors regarding the increased number and types of vessels operating in the Antarctic Treaty area and the importance of protecting this area through greater collaboration between IMO and the Parties to the Antarctic Treaty.

8.6 The Committee noted New Zealand's invitation to participate in the Antarctic Treaty Meeting of Experts (ATME) on the management of ship-borne tourism in the Antarctic Treaty area that it would host in Wellington from 6 to 8 December 2009<sup>3</sup>.

8.7 Several delegations stressed the importance of work currently being undertaken by the Organization, including work scheduled for the BLG Sub-Committee, as set out in paragraph 8.1, and the work scheduled for the DE Sub-Committee on Amendments to the Guidelines for ships operating in Arctic ice-covered waters (Polar Code), which when finalized, would apply to both Polar Regions. Members were reminded to include experts in polar matters on their delegations to future sessions of these meetings.

8.8 Having considered the action points in paragraph 19 of document MEPC 58/8, and noting that all interested parties can attend MEPC meetings and submit documents and, if needed, an *ad hoc* group could be established during MEPC, the Committee decided that a joint IMO-ATCM Working Group should not be established at present. The Committee, however, endorsed the Antarctic and Southern Ocean Coalition's proposal to host a Workshop in 2009 to address both risks and routine operations and begin identifying appropriate mitigation measures. The Committee agreed that no financial or human resources could be made available by IMO for this purpose.

## **9 INADEQUACY OF RECEPTION FACILITIES**

9.1 The Committee recalled that with regard to work item 5.1 (Development of Guidelines for establishing regional arrangements for reception facilities) in the Action Plan on the inadequacy of port reception facilities, it had agreed at MEPC 55 that it was not appropriate to adopt an MEPC resolution to recognize regional arrangements as satisfying MARPOL obligations in view of the fact that the relevant MARPOL regulations require each Party to provide reception facilities, and that regional arrangements may contravene the current

---

<sup>3</sup> Interested Members should contact:  
Mr. Trevor Hughes, Antarctic Policy Unit, Ministry for Foreign Affairs and Trade. [trevor.hughes@mfat.govt.nz](mailto:trevor.hughes@mfat.govt.nz)

MARPOL requirements. Recognizing though the benefit of having such regional arrangements in place, MEPC 55 had agreed to recognize the benefit of regional arrangements as means of providing reception facilities.

9.2 The Committee further recalled that it had requested Member States to provide their views to future sessions of the Committee on how these regional arrangements could be better institutionalized but that no submissions had been received at either MEPC 56 or MEPC 57. The invitation to Member States to submit relevant information for consideration had consequently been reiterated, bearing in mind that the target completion date for work item 5.1 of the Action Plan is 2008.

9.3 In response, document MEPC 58/9 (Australia, Marshall Islands, New Zealand, the United States, Vanuatu and the Secretariat of the Pacific Regional Environment Programme (SPREP)) had been submitted outlining views on how regional arrangements for reception facilities in small island and less developed archipelagic States could be better institutionalized.

9.4 In reviewing document MEPC 58/9, the Committee noted that the co-sponsors support regional arrangements when unique circumstances prevail and that the co-sponsors believe that, as an example, in the case of the Pacific Region's small islands and less developed archipelagic States, such circumstances have been clearly demonstrated.

9.5 A number of delegations expressed general support for the principles presented in document MEPC 58/9, while stressing that the approach should also be applicable to any region with the same need, such as the Caribbean.

9.6 The delegation of Norway, in supporting the approach in principle, expressed the view that the proposal to institutionalize the regional arrangements by amending the relevant MARPOL Annexes would not be a straight forward task as regional arrangements might contravene the current MARPOL requirements. Therefore, this should be approached carefully.

9.7 The delegation of the Netherlands advised that they had identified a number of practical concerns which would need to be addressed but offered support in working to resolve these issues.

9.8 The delegation of Cuba made a statement concerning the current state of reception facilities in the Caribbean Region. As requested, the text of the statement is set out in annex ....



9.9 Following discussions, the Committee endorsed the two main elements in document MEPC 58/9:

- .1 in order to institutionalize regional arrangements for providing reception facilities, appropriate amendments should be made to the relevant MARPOL Annexes and resolution MEPC.83(44); and
- .2 until any future amendments to the relevant MARPOL Annexes are adopted and entered into force, the decision of MEPC 55 to recognize the benefit of regional arrangements as a means of providing reception facilities should continue.

9.10 With respect to developing amendments to the relevant MARPOL Annexes, Member States were invited to propose suitable amendments to a future session of the Committee.

## **11 WORK OF OTHER BODIES**

11.1 Under this agenda item the Committee had before it three documents and agreed to deal with them in the following order:

- .1 Outcome of TCC 58: document MEPC 58/11;
- .2 Outcome of MSC 84: document MEPC 58/11/1; and
- .3 Outcome of the one hundredth session of the Council: document MEPC 58/11/2.

### **OUTCOME OF TC 58**

11.2 The Committee noted that the fifty-eighth session of the Technical Co-operation Committee was held from 10 to 12 June 2008 and its report was circulated as document TC 58/13. Those matters of relevance to the Committee's work had been reported in document MEPC 58/11 (Secretariat).

11.3 The Committee agreed to take into account all issues related to marine environment protection in that report under agenda item 15 - Technical Co-operation Sub-programme for the Protection of the Marine Environment.

**OUTCOME OF MSC 84**

11.4 The Committee noted that the eighty-fourth session of the Maritime Safety Committee was held from 7 to 16 May 2008 and its report was circulated under the symbol MSC 84/24 and Add.1, 2 and 3. The outcome of MSC 84 relevant to the work of this Committee had been summarized in document MEPC 58/11/1 (Secretariat).

11.5 The Committee noted also that the outcomes of MSC 84 on the Human Element (HE); Formal Safety Assessment (FSA); Work Programme of the Committee and subsidiary bodies and the Application of the Committees' Guidelines would be considered under agenda items 16, 17, 19, and 20, respectively.

11.6 In considering document MEPC 58/11/1, the Committee agreed to note, in general, the outcomes of MSC 84 on all issues of relevance to its work and take MSC 84's action into account, as appropriate, under the relevant items of its agenda.

11.7 The Committee noted, in particular, that MSC 84 had taken action on the following matters of interest to its work, as reported hereunder:

- .1 adoption of the Casualty Investigation Code (resolution MSC.255(84));
- .2 adoption of amendments to the IMDG Code (resolution MSC.262(84));
- .3 adoption of amendments to the Guidelines on the Enhanced Survey Programme of inspections during surveys of bulk carriers and oil tankers (resolution MSC.261(84));
- .4 adoption of Revised performance standards and functional requirements for LRIT (resolution MSC.263(84)); and Establishment of the LRIT data exchange on an interim basis (resolution MSC.264(84));
- .5 on the issue of possible need for amendments to IMO instruments, including MARPOL, following the eventual adoption of the Goal-based new ship construction standards (GBS) for bulk carriers and oil tankers, MSC 84 agreed to consider the matter in detail at MSC 85 when the GBS are expected to be finalized;

- .6 having noted the concurrent decision of MEPC 57, MSC 84 endorsed the action taken by DSC 12 in issuing DSC.1/Circ.54 on Information on the amendments to the IMDG Code marine pollutant provisions during the voluntary implementation period of the amendments, from 1 January to 31 December 2009;
- .7 having noted the concurrent decision of MEPC 57, MSC 84 endorsed the action taken by DSC 12 in issuing DSC.1/Circ.55 on Guidance on the application of chapter 2.10 (Marine Pollutants) of the IMDG Code following amendment 33-06;
- .8 MSC 84 agreed that, in the context of reducing the generation of SO<sub>x</sub> gases when furthering the development of provisions for gas-fuelled ships, the relevant provisions of MARPOL Annex VI, as amended, should be taken into account;
- .9 MSC 84 concurred with MEPC 57's decision that an intersessional meeting of the ESPH Working Group should be held some time in 2009;
- .10 having noted that MEPC 57 had agreed to a joint MSC-MEPC circular requesting Members Governments to collect data on halons for the maritime sector and report this information directly to the Ozone Secretariat, MSC 84 agreed that the circular should not be misunderstood to mean that halons could not be used to extinguish a fire on board a ship, and approved MSC-MEPC.1/Circ.3 on Decreasing availability of halons for marine use, having added a new paragraph 5 in that respect;
- .11 MSC 84 agreed to refer documents MEPC 57/20 and MEPC 57/INF.18 on the impact of small pleasure and fishing craft on the marine environment, which MEPC 57 had invited the MSC to consider in the context of its work on the safety of fishing vessels, to the SLF Sub-Committee for advice; and
- .12 MSC 84 agreed to refer the issue of possible updates of AIS after the entry into force of the revised MARPOL Annex II on 1 January 2007, to the NAV Sub-Committee for consideration (see paragraph 10...).

11.8 In addition, the Committee noted that MSC 84, had noted the request of MEPC 57, in the context of the MSC resolution on use of LRIT information for safety and marine environmental protection purposes (MSC.242(83)), to seek in the future the view of the MEPC prior to adoption of similar resolutions.

**OUTCOME OF C 100**

11.9 The Committee noted that the one hundredth session of the Council was held from 16 to 20 June 2008 and its summary of decisions was issued under the symbol C 100/D. The matters of interest to the Committee had been summarized in document MEPC 58/11/2, including the Council's action concerning the report of MEPC 57.

11.10 The Committee noted further that C 100 also considered issues associated with Strategy and planning – Monitoring of performance; Voluntary IMO Member State Audit Scheme; Relations with intergovernmental and non-governmental organizations; and Report on the status of conventions and other multilateral instruments, all of which are relevant to the work of the Committee.

11.11 The Committee noted, finally, that C 100 had endorsed the Secretary-General's proposal that the theme for World Maritime Day 2009 should be "CLIMATE CHANGE: A challenge for IMO too!".

**Application for consultative status**

11.12 On the issue of Relations with non-governmental organizations, the Committee considered applications from four NGOs for consultative status with IMO referred to it by C 100 for further screening, namely the International Ship Recycling Association (ISRA), the International Council on Clean Transportation (ICCT), the World Shipping Council (WSC) and the National Association of Corrosion Engineers (NACE International).

11.13 In considering the application by ISRA, the Committee concurred with the view expressed by the delegation of India and supported by the delegation of France, that ISRA does not have members of the major ship recycling States and, therefore, the Committee agreed to recommend to Council that consultative status should not be granted.

11.14 The Committee agreed to establish a small informal group meeting outside normal working hours under the chairmanship of Mr. Chatterjee (Vice Chairman of the Committee) to further screen the applications of ICCT, WSC and NACE International, in accordance with the Rules Governing Relationships with Non-Governmental International Organizations, and report back to plenary.

[11.15 Having received the report of the informal group (MEPC 58/WP.10), the Committee agreed to recommend to the Council that consultative status should:

- .1 be granted to the World Shipping Council (WSC); and
- .2 not be granted to the International Council on Clean Transportation (ICCT) and NACE International.

## **12 STATUS OF CONVENTIONS**

12.1 The Committee noted the information on the status of IMO conventions and other instruments relating to marine environment protection (MEPC 58/12) as follows:

- .1 Annex 1 shows the status, as at 30 June 2008, of the IMO conventions and other instruments relating to marine environment protection;
- .2 Annex 2 shows the status, as at 30 June 2008, of MARPOL;
- .3 Annex 3 shows the status, as at 30 June 2008, of the amendments to MARPOL;
- .4 Annex 4 shows the status, as at 30 June 2008, of 1990 OPRC Convention;
- .5 Annex 5 shows the status, as at 30 June 2008, of 2000 OPRC-HNS Protocol;
- .6 Annex 6 shows the status, as at 30 June 2008, of 2001 AFS Convention; and
- .7 Annex 7 shows the status, as at 30 June 2008, of 2004 BWM Convention.

12.2 The Committee also noted the following information provided by the Secretariat since document MEPC 58/12 was issued on 30 June 2008.

- .1 With regard to annex 2 on the status of MARPOL:
  - .1 The United Republic of Tanzania deposited its instrument of accession to MARPOL Annex I, II, III, IV and V on 23 July 2008;
  - .2 Chile deposited its instrument of accession to MARPOL Annex V on 15 August 2008;

- .3 The Syrian Arab Republic deposited its instrument of accession to MARPOL Annex VI on 26 August 2008;
  - .4 El Salvador deposited its instrument of accession to MARPOL Annex I, II, III, IV and V on 24 September 2008; and
  - .5 The United States deposited its instrument of ratification of MARPOL Annex VI on 8 October 2008.
- .2 With regard to annex 4 on the status of 1990 OPRC Convention:
- .1 South Africa deposited its instrument of accession on 4 July 2008.
- .3 With regard to annex 5 on the status of 2000 OPRC-HNS Protocol:
- .1 Liberia deposited its instrument of accession on 18 September 2008; and
  - .2 Denmark deposited its instrument of ratification on 30 September 2008.
- .4 With regard to annex 6 on the status of 2001 AFS Convention:
- .1 South Africa deposited its instrument of accession on 2 July 2008;
  - .2 The Republic of Korea deposited its instrument of accession on 24 July 2008;
  - .3 Germany and Vanuatu deposited their instruments of accession on 20 August 2008; and
  - .4 Liberia deposited its instrument of accession on 17 September 2008.
- .5 With regard to annex 7 on the status of 2004 BWM Convention:
- .1 Liberia deposited its instrument of accession on 17 September 2008; and
  - .2 France deposited its instrument of accession on 24 September 2008.

## **13 HARMFUL ANTI-FOULING SYSTEMS FOR SHIPS**

### **Update on the Anti-Fouling Systems Convention**

13.1 The Committee, having considered the updated information in document MEPC 58/13 (Secretariat), noted that the AFS Convention entered into force on 17 September 2008 and that seven more States (Germany, Liberia, Marshall Islands, the Netherlands, the Republic of Korea, South Africa and Vanuatu) had ratified the Convention since its last session, bringing the total to 35 Parties, representing 62.69 % of the world's gross tonnage. The Committee urged all those States that have not yet ratified this Convention to do so at the earliest opportunity.

13.2 With the view to facilitating the implementation of the Convention, the Committee reiterated its invitation to Member States to provide the Organization with information regarding any anti-fouling systems approved, restricted, or prohibited under its domestic law in accordance with Article 9(1)(b) of the Convention and other information regarding the implementation and enforcement of the Convention.

### **Draft Guidance on best management practices for removal of anti-fouling systems from ships**

13.3 The Committee recalled that it had invited Members to develop guidance on the environmentally sound management of wastes from the application or removal of harmful anti-fouling systems and that MEPC 57 noted the "Interim advice on the management of waste streams resulting from the removal of anti-fouling systems from ships" (MEPC 57/INF.2), developed by the Scientific Group under the London Convention and Protocol.

13.4 In that context, the Committee noted the updated version of the "Draft Guidance on best management practices for removal of anti-fouling systems from ships, including TBT hull paints" (MEPC 58/INF.3), further developed by the Scientific Group under the London Convention and Protocol and invited the Consultative Meeting of Contracting Parties to the London Convention and Protocol to provide the final version of the guidance document to MEPC 59, taking into consideration the comments on the environmental risk posed by in-water cleaning, made by the observer from IUCN.

## **14 PROMOTION OF IMPLEMENTATION AND ENFORCEMENT OF MARPOL AND RELATED INSTRUMENTS**

14.1 The Committee considered the proposal by IPTA and ICS to apply the principles of regulation 18(2) of the revised MARPOL Annex VI also to the *current* MARPOL Annex VI (MEPC 58/14), under item 5 of the agenda (see paragraphs .....).

14.2 The Committee noted with appreciation the outcome of ROPME's 6th Regional Steering Committee meeting on Administration and Implementation of the MARPOL Convention, which was held in Bahrain, from 27 to 29 January 2008, in anticipation of the taking effect of the Special Area status in the ROPME Sea Area for MARPOL Annexes I and V on 1 August 2008. The results were: (1) an agreement of a 5-year Regional Action Plan for Prevention of and Response to Marine Pollution from Ships in the ROPME Sea Area; and (2) a Regional Strategic Action Plan for Implementation of the BWM Convention. Both Plans were subsequently adopted by the ROPME Council (MEPC 58/INF.5).

14.3 The Committee congratulated the ROPME Sea Area countries for their achievement in providing adequate reception facilities for the Special Area and in adopting the Regional Strategic Action Plan for Implementation of the BWM Convention.

## **15 TECHNICAL CO-OPERATION SUB-PROGRAMME FOR THE PROTECTION OF THE MARINE ENVIRONMENT**

15.1 The Committee recalled that, given the importance of technical co-operation in the work of the Organization, updates on TC activities are prepared for the attention of the Committee at each session with exhaustive status reports at MEPC spring sessions in non-Assembly years.

15.2 The Committee considered document MEPC 58/15 prepared by the Secretariat providing an update on the activities of the 2008-2009 ITCP related to the protection of the marine environment and undertaken during the period from 1 January to 30 June 2008. The document also covers the activities carried out under the major projects and other related activities during the same period. The Committee noted that document MEPC 58/11, which reports on the outcome of the fifty-eighth session of the Technical Co-operation Committee, is also relevant to this agenda item. The Committee further noted that, as in the past, the principal achievements pertain mainly to the training of officials in seminars/workshops/training courses on marine environment protection, in particular the OPRC and MARPOL Conventions, promotion and



enhancement of regional co-operation through the development of regional actions such as strategic action plans for the implementation of the MARPOL and OPRC Conventions, regional contingency plans for combating accidental marine pollution, environmental waste management guidelines for port operation, regional ballast water management strategies and action plans, etc. With regard to the OPRC Convention, the Committee noted the Organization's continued fruitful co-operation with the oil and shipping industry and its pursuance of the implementation of OPRC-related activities under the framework of the IMO/Oil industry Global Initiative (GI) and especially under the IMO/Industry-funded GI Project for West and Central Africa.

15.3 The Committee took note of the following:

- .1 the implementation of the technical co-operation activities by the Marine Environment Division for the period covering January to June 2008 including the work carried out under the three major projects directly managed by the Marine Environment Division; namely: (1) the GEF-UNDP-IMO Project-Building Partnerships to Assist Developing Countries to Reduce the Transfer of Harmful Aquatic Organisms in Ships' Ballast Water (GloBallast Partnerships); (2) the project on Building Partnerships for Environmental Protection and Management of the Seas of East Asia (PEMSEA); and (3) the GEF/IBRD/IMO Marine Electronic Highway Demonstration Project; the last being implemented in close co-operation with the Maritime Safety Division;
- .2 the Global Industry Alliance (GIA) for Marine Biosafety, within the framework of the GloBallast Partnerships Project, noting also the potential for this pioneering global partnership to accelerate innovative solutions to help address ballast water issues and to serve as a major facilitator and model for such private-public sector alliances at regional and national levels.

15.4 The Committee noted the concerns regarding IMO's capacity to meet the growing needs of developing countries for technical assistance with the related challenge of ensuring an equitable and sustainable means of funding the ITCP. In this regard, the Committee also noted the pressure placed on the ITCP as new instruments are adopted and the concomitant requirements by Member States to implement and enforce them.

15.5 The Committee further noted the praiseworthy contribution to the ITCP of the 58 partnership arrangements to date with developing and developed countries, regional and international organizations and expressed its appreciation of the generous offers made recently by some of the long standing supporters of IMO's ITCP.

15.6 The Committee was informed of the project being developed by IMO to build capacity in developing countries to address greenhouse gas emissions (GHG) from ships. The project is being developed in anticipation of the outcome of the work of the Organization on GHGs and is being discussed with the European Commission, which expressed an interest to fund such a project. Some IMO member States are also considering lending their support to the project.

15.7 The representative of the European Commission thanked the Secretariat for the update on the ITCP and informed the Committee of the support the Commission was considering to the GHG project within the context of the Environment and Natural Resources Thematic Programme (ENRTP), which would be in the magnitude of several million euros.

15.8 The delegation of the Netherlands thanked the Secretariat for a comprehensive overview on activities implemented under the ITCP. The delegation informed the Committee that the Government of the Netherlands will contribute 31,000 euros to IMO's ITCP to address the technical assistance needs arising from the adoption of the revised MARPOL Annex VI.

15.9 Several delegations expressed their appreciation for the support they had received from IMO. In particular, the delegation of Ghana thanked the Secretariat and the International Petroleum Industry Environmental Conservation Association (IPIECA) for the assistance provided in organizing a three-day workshop as part of the 2008 World Maritime Day celebrations. The workshop aimed at sensitizing the national stakeholders on the challenges facing their country in the wake of the discovery of important offshore oil reserves.

15.10 The Namibian delegation thanked the Secretariat for the assistance provided in a number of national projects leading to the development and finalization of the national contingency plan under the IMO/IPIECA Global Initiative Programme. The delegation further expressed its appreciation of the continuous IMO and IPIECA commitment especially in the development of national sensitivity maps for oil spill response.

15.11 The delegation of Malaysia expressed their appreciation for the untiring efforts being made by the Marine Environment Division aimed at achieving progress in the development and implementation of the Marine Electronic Highway Project. They further expressed their support of the IMO initiatives to further enhance the protection of the marine environment.

15.12 The delegation of Croatia, as one of the Lead partnering countries (LPC) for the Mediterranean region under the GloBallast Partnerships Project, informed the Committee on the recent developments under the Project. The Committee took note of the establishment in May this year of the National Task Force (NTF) for Croatia as the forum for the development of the National Ballast Water Strategy. The NTF will work on the preparation for ratification by Croatia of the BWM Convention, which is intended to be ratified by next year.

15.13 The delegation of Croatia further recalled that one of the goals of the Globallast Partnerships Project is to encourage and facilitate regional co-operation in relation to ballast water issues; a goal, which is vital for semi-enclosed seas like the Adriatic Sea and the Mediterranean Sea to ensure a harmonized approach in the implementation of the Convention. In this context, the Committee was informed on the different activities undertaken within the framework of the Project, including the First GloBallast Regional Task Force Meeting for the Mediterranean Region, which was held in Dubrovnik, Croatia, in September 2008. The meeting was convened by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in co-operation with the Regional Activity Centre for Specially Protected Areas (RAC / SPA) and the Croatian Ministry of Sea, Transport and Infrastructure. After having highlighted the achievements of the Dubrovnik meeting, the Croatian delegation expressed its willingness to exchange its experiences with other regions through the GloBallast Family Network. The delegation also pledged to continue to initiate, support and actively participate in all activities under the GloBallast Partnerships Project aiming to reduce the presently high risk of spread of unwanted organisms through ships ballast water.

15.14 The delegation of Argentina expressed their appreciation to the Secretariat on the activities carried out under the ITCP and made special reference to the national workshop, recently hosted by Argentina within the framework of the GloBallast Partnerships Project, in which Uruguay had also participated. The aim of the workshop was to establish the necessary policy, legal and institutional reforms and to build technical and institutional capacity to implement the BWM Convention. The Committee noted that Argentina is a Lead Partnering

Country for the “South East Pacific and Argentina” region and that it has translated thirteen modules of the Ballast Water Management Introductory Course into Spanish as its contribution to the work of the Organization in this field.

15.15 The Chairman drew the Committee’s attention to the fact that the constituent programmes of the IMO Integrated Technical Co-operation Programme can only be delivered if the required funding is secured from IMO’s internal resources and/or external donor contributions. He expressed appreciation for all financial and in-kind contributions to the ITCP. In this regard, he recalled the on-going negotiations between IMO and the Government of Sweden for the conclusion of the very important partnership programme, which will be funded by the Swedish Government to the amount of some 7 million US dollars. He thanked the Government of Sweden and invited Member States and international organizations to continue, and if possible increase, their appreciable support for IMO’s technical co-operation activities so that successful delivery of the programme can be achieved.

15.16 The Committee took note of the information provided regarding the implementation of the technical co-operation activities for the period from January to June 2008.

## **16 ROLE OF THE HUMAN ELEMENT**

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

16.1 The Committee, recalling that the Joint MSC-MEPC Working Group on Human Element met during MSC 84 and its report (MSC 84/WP.6) had been considered and approved by MSC 84, also approved the report of the Joint Group (MEPC 58/16) and, in particular, approved:

- .1 MSC-MEPC.7/Circ.7 on Guidance on near-miss reporting; and
- .2 MSC-MEPC.7/Circ.4 on Updated action plan on the Organization’s strategy to address the human element.

### **Other issues**

16.2 The Committee noted with appreciation the information provided by the United Kingdom (MECP 56/INF.11) related to Human Element Assessment Tool (HEAT).

16.3 The Committee, having noted that the next session of the Joint MSC/MEPC Working Group on Human Element in 2009 would consider, *inter alia*, the draft amendments to the Revised Guidelines on Implementation of the ISM Code, invited Member Governments and international organizations to submit comments and proposals on the matter, so that the Revised Guidelines could be finalized with a view to submitting to A 26 for adoption.

## **17 FORMAL SAFETY ASSESSMENT**

17.1 The Committee recalled that MEPC 56 had noted that the one matter that needed consideration within the context of the Formal Safety Assessment Guidelines relevant to its work was the draft Environmental Risk Evaluation Criteria. MEPC 56 had also recognized the need to carry out an in-depth analysis of the proposed environmental risk evaluation criteria for the purpose of the Formal Safety Assessment (FSA) before inclusion of such criteria in the IMO FSA Guidelines (MSC/Circ.1023-MEPC/Circ.392, as consolidated in MSC 83/INF.2). MEPC 56 had therefore agreed to establish a correspondence group, under the coordination of Greece.

17.2 The Committee noted that progress had been made by the correspondence group in the intersessional period (between MEPC 56 and MEPC 57), but at MEPC 57 divergent views still remained on some key issues which required further analysis and discussions between members of the correspondence group, in particular:

- .1 on establishing an appropriate Severity Index (SI) in the Hazid step;
- .2 whether “costs of averting a spill (CATS)” or an alternative criterion would offer the needed decision-making quality; and
- .3 the acceptable boundaries of the ALARP region, slope of F-N diagram and what is the variable of horizontal axis.

17.3 The Committee noted that MEPC 57 subsequently agreed to continue with the work of the correspondence group, under the coordination of Greece. In this connection, the Committee noted that MSC 84 recognizing that, at MSC 85, there would be an outcome of MEPC 58 regarding environmental risk acceptance criteria and submissions related to the review of FSA studies, agreed to retain the item in the provisional agenda for MSC 85, and encouraged Member Governments and international organizations to submit, to MSC 85, proposals and comments on matters related to the review of the FSA studies and arrangements for the FSA Experts Group.

17.4 The Committee had before it documents MEPC 58/17, which contained the work carried out in the intersessional period by the correspondence group, MEPC 58/17/1 (Japan), which provided information on the relation between cost of oil spills and weight of oil spilled based on an analysis of data from the IOPC Funds data, and MEPC 58/17/2 and MEPC 58/INF.2 (both by Denmark), which provided information on the FSA study on crude oil tankers carried out within the research project SAFEDOR.

17.5 The delegation of Denmark informed the Committee that the intention was to submit the FSA study on crude oil tankers to MSC 86 when the FSA Expert Group is expected to meet in the context of the guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the rule-making process of IMO (MSC/Circ.1022-MEPC/Circ.391). The purpose of circulating documents MEPC 58/17/2 and MEPC 58/INF.2 at this meeting was to give experts from Member States and other interested parties as much time as possible to provide feedback on the study.

17.6 In light of the technical nature of the subject, the Committee considered, in the first instance, the establishment of a working group to progress the work but noting that no working group on the subject was envisaged by MEPC 57 as well as the concern expressed by some delegations of the lack of the necessary expertise present within their delegations to participate in such a working group, it was agreed to establish an informal consultation group under the chairmanship of Professor Harilaos Psaraftis (Greece) to enable those members of the Correspondence Group who were present at MEPC to have an initial exchange of views and for the Group to verbally report to the Committee later in the week.

17.7 The Group met from 7 to 8 October 2008, and was attended by delegations from Canada, China, Finland, Greece, Japan, Malaysia, New Zealand, Norway, Turkey, and United States, and by observers from BIMCO, OCIMF and INTERTANKO.

17.8 In his verbal report, the Chairman of the Group noted that the objective was to work on all pending issues outlined in paragraph 17.2 above, and to propose a way forward. The Group did not consider submissions MEPC 58/17/2 and MEPC 58/INF.2 on the FSA study for crude oil carriers however noted that the one part of this FSA study that is relevant for the work on Environmental Risk Evaluation Criteria within the context of FSA guidelines is the threshold of USD 60,000/tonne used as the CATS criterion in the study.

17.9 The Chairman informed the Committee that the Group recognized that though divergence of opinions existed among Group members on some key issues, there were probably also areas where agreement could be reached. The Group agreed that non-linearity between cleanup costs and oil spill volume had been documented in various studies. The Group also agreed that, in spite of various documented shortcomings, in Steps 3 and 4 of the FSA one could use an “oil spill cost per unit volume” criterion to assess the cost-effectiveness of risk control options (RCOs). In fact, in spite of the extensive discussion and debate on this subject since MEPC 56, the Group agreed that no better and practical alternative was identified.

17.10 There was still a divergence of views among members of the Group regarding what the threshold for such a criterion might be. The CATS approach uses the above type of criterion, and has a value of USD 60,000/tonne as threshold. On the other hand, the Group noted that the Japanese approach outlined in document MEPC 58/17/1 which is based on IOPCF data, does not use this type of criterion, but develops a non-linear function between spill cost and spill volume.

17.11 Following a query as to what the equivalent value of “oil spill cost per unit volume” was implied by the approach outlined by Japan, the Group was informed that the value was USD 4,000/tonne if one considered the ratio of total spill cost divided by total spill volume, and slightly lower than USD 2,000/tonne if an equivalent average cost was considered. The Group also discussed what types of costs were included in spill cost figures in the analysis carried out by Japan, and whether one should multiply cleanup costs by appropriate coefficients to account for environmental costs and (possibly) society’s willingness to pay to prevent spills instead of incurring their cost.

17.12 After some discussion, the Group noted that it would be impossible to conclude at this time what the appropriate value of the “oil spill cost per unit volume” threshold might be. But a clear majority expressed the opinion that the threshold should be much less than USD 60,000/tonne. Some members of the Group suggested that two values might be warranted, one for small spills and the other for large spills, but the difficulties associated with such an approach was pointed out, particularly for small spills, for which inadequate data exist.

17.13 The Group’s Chairman informed the Committee that the Group had agreed that further investigation of this matter was necessary, and it discussed ways to finalize this by MEPC 59. The re-establishment of a Correspondence Group was proposed as a way forward.

17.14 On the issue of combining environmental criteria with safety criteria, the Group concurred with the approach proposed in section 4 of the annex to document MEPC 58/17, which is simplified further if a volume-based approach is followed. The Group noted however, that it is important to show both environmental and safety criteria in the cost-benefit analysis (CBA), so that a complete picture can be formed.

17.15 On the issue of the proper Risk Matrix or Index (step 1 of the FSA), the Group proposed to use oil spill volume as the severity variable; with the matrix to be finalized once the issue of the CATS threshold is agreed. Similarly, the Group agreed to defer the issue of ALARP region and F-N diagram until after the issue of the CATS threshold is resolved.

17.16 The Group also recognized the importance of the data to be able to test and apply any agreed methodology. Most expressed the view that casualty databases used for FSA studies should be made public and contain information properly organized so as to reveal the real causes of the accidents. Some expressed the view that IMO should take the lead in such an activity. The Group finally noted that the information provided in the GISIS, in particular, the module on reported casualty incidents may contribute to this end, even though GISIS may still be insufficient due to the lack of reporting by Member States.

17.17 The delegation of Netherlands reiterated the view it expressed at MEPC 57 and underlined that any methodology has to be applied and tested before any conclusions on its possible merits can be drawn.

17.18 Having received the verbal report of the Group, the Committee agreed to:

- .1 retain this agenda item for MEPC 59;
- .2 re-establish a Correspondence Group under the co-ordination of Greece\*, with a view to finalizing the subject of environmental risk evaluation criteria with the following terms of reference:

---

\* **Coordinator:**  
Professor Harilaos N. Psaraftis  
Laboratory for Maritime Transport, Division of Ship Design and Maritime Transport  
School of Naval Architecture and Marine Engineering, National Technical University of Athens  
Iroon Polytechniou 9, Zografou 15773 Greece



- .1 recommend an appropriate criterion for assessing environmental consequences in Step 4 of the FSA, including an appropriate threshold value for ascertaining if a specific Risk Control Option (RCO) is cost-effective;
- .2 recommend a way of combining environmental and safety criteria for those RCOs that effect both environmental and fatality risk;
- .3 recommend an appropriate risk matrix or index for environmental criteria;
- .4 recommend an appropriate ALARP region and F-N diagram, including an appropriate value for the slope of the F-N curve;
- .5 address the issue of collection and reporting of relevant data;
- .6 recommend any further relevant action; and
- .7 submit a written report to MEPC 59.

17.19 With regard to the proposal to establish a Working Group on this subject at MEPC 59, the Committee considered the proposal under agenda item 19 – Work programme of the Committee and subsidiary bodies.

17.20 In light of the work to be carried out, the Committee agreed to request MSC to retain the item in the provisional agenda for MSC 87.

## **18 DEVELOPMENT OF A GUIDANCE DOCUMENT FOR MINIMISING THE RISK OF THE SHIP STRIKES WITH CETACEANS**

[18.1 The Committee recalled that the International Whaling Commission (IWC) established a “Ship Strikes Working Group” in 2005 under its Conservation Committee on the initiative of Belgium to conduct the work and that the outcome of the Working Group was brought to the attention of the Committee so as to:

- .1 identify large-area and small-area hot spots of dense shipping globally;

- .2 offer guidance for improved reporting and data management and processing from IWC member nations as well as others;
- .3 evaluate the potential for whale-related data into Automatic Identification System (AIS) data that appear on vessel radar screens;
- .4 advise on the setting up of a centralized international database on ship strikes using a template with standardized parameters;
- .5 as appropriate, advise on ship-related national and regional legislation, rules and action plans to reduce the impact of ship strikes, with priority for high-risk areas; and
- .6 continue to review the work of the Ship Strikes Working Group, widen its membership and circulate the progress report widely.

18.2 The Committee further recalled that the matter was first raised at MEPC 55 (9 to 13 October 2006) and that MEPC 55 agreed that IMO was the competent body to address ship strikes with cetaceans globally and invited delegations to submit proposals to the Committee for consideration.

18.3 The Committee noted that MEPC 57, on the basis of document MEPC 57/18/2 (Australia, Belgium, Italy, IUCN, IFAW and the UNEP/CMS/ASCOBANS Joint Secretariat), agreed to the inclusion of a new high-priority item on “Development of a guidance document for minimizing the risk of ship strikes with cetaceans” in the agenda of MEPC 58 (October 2008) with a target completion date of 2010 (three sessions).

18.4 The Committee considered document MEPC 58/18 (United States) which highlighted the need to develop the draft guidance document for minimizing the risk of ship strikes with cetaceans and provided such a draft guidance document in the annex to the document.

18.5 The Committee then considered document MEPC 58/18/1 (Australia and Belgium) and MEPC 58/INF.15 (Spain). Document MEPC 58/18/1 addressed the concerns expressed by some delegations on the inadequacy of information and statistics on incidents and ships strikes with cetaceans and its impacts, and provided a summary of the data collected by the IWC Vessel Strike Data Standardization Group. Document MEPC 58/INF.15 (Spain) provided information

on the work being undertaken in Spain to improve safety of navigation and enhance the conservation of cetaceans.

18.6 After deliberation, the Committee, noting that further work was needed to fully develop the draft guidance document, agreed to establish a correspondence group (led by Australia<sup>4</sup>) with the following terms of reference:

- .1 using document MEPC 58/18 (United States) as a basis and taking into account documents MEPC 58/18/1 (Australia and Belgium) and MEPC 58/INF.15 (Spain) as well as the comments made during MEPC 58, develop further a draft guidance document for minimising the risk of ship strikes with cetaceans; and
- .2 submit a report to MEPC 59 with a further developed guidance document for consideration by the Committee.]

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

### **Proposal for a new item on noise from commercial shipping and its adverse impacts on marine life**

19.1 The Committee noted the proposal by the United States (MEPC 58/19) on the development of non-mandatory technical guidelines to minimize the introduction of incidental noise from commercial shipping operations into the marine environment to reduce potential adverse impacts on marine life and its inclusion as a new work programme of the Committee with target completion date of three or four sessions, starting from MEPC 59 (July 2009).

19.2 The Committee also noted the submission by Australia (MEPC 58/INF.19), which provided additional information on ship traffic noise in the southern hemisphere (Australia and the Southern Ocean) consisting of machinery noise (main engines, gearing) and hydrographic noise (flow, propeller singing/cavitation) that overlap with sounds (between 10 Hz and 1 KHz)

---

[<sup>4</sup> Ms. Lisa Crowle  
Senior Officer – International and regulatory  
Environment Protection  
Maritime Standard Division  
Australian Maritime Safety Authority  
Level 10, 410 Ann Street, Brisbane QLD 4001  
PO Box 10790, Adelaide Street, Brisbane QLD 4001  
tel. +61 (0)7 3001 6813  
fax. +61 (0)7 3001 6801  
Email [lisa.crowle@amsa.gov.au](mailto:lisa.crowle@amsa.gov.au) ]

produced by certain mammals such as seals, sea lions and whales as well as some fish with potential to disturb behaviour and interfere with critical life functions of marine life.

19.3 In accordance with paragraph 2.20 of the Committees' Guidelines (MSC-MEPC.1/Circ.2), the Chairman made a preliminary assessment on the proposed new work programme by the United States. The Chairman's assessment showed that the criteria for general acceptance provided in paragraph 2.10 of the Committees' Guidelines had been met.

[19.4 The Committee, having considered the proposal by the United States, approved the inclusion of a new high priority item in the agenda of MEPC 59 (July 2009) on "Noise from commercial shipping and its adverse impacts on marine life" with a target completion date of three or four sessions and invited Member Governments to submit appropriate documents to MEPC 59 for consideration.

#### **Work programme and provisional agenda of the BLG Sub-Committee**

19.5 The Committee recalled that MSC 84 (7 to 16 May 2008) noted that MEPC 57 had agreed to include, in the work programme of the BLG Sub-committee and the provisional agenda for BLG 13, high-priority items on "Review of relevant non-mandatory instruments as a consequence of the amended MARPOL Annex VI and the NOx Technical Code" and on "Amendments to MARPOL Annex I on the use and carriage of heavy grade oil on ships in the Antarctic area", both with a target completion date of 2010 (MSC 84/24, paragraph 22.5).

19.6 The Committee noted that MSC 84 revised and approved the work programme of the BLG Sub-Committee and the provisional agenda for BLG 13 and requested the Secretariat to inform MEPC accordingly (MSC 84/24, paragraphs 22.7 and 22.8).

19.7 The Committee approved [as amended] the work programme of the BLG Sub-Committee and provisional agenda for BLG 13 and requested the Secretariat to inform MSC accordingly. The work programme of the BLG Sub-Committee and provisional agenda for BLG 13 are set out in annex ....

#### **Work programme and provisional agenda of the FSI Sub-Committee**

19.8 The Committee noted that MSC 84 revised and approved the work programme of the FSI Sub-Committee and provisional agenda for FSI 16 (MSC 84/24, paragraphs 22.31 and 22.32).

19.9 The Committee also noted that MSC 84 agreed:

- .1 to instruct the FSI Sub-Committee to develop appropriate amendments to the Survey Guidelines under the HSSC (resolution A.997(25)) to explain the possibility of alternative arrangement where on bottom inspection in dry dock may be substituted by a bottom inspection with the ship in water (MSC 84/24, paragraph 22.26); and
- .2 to include, in the work programme of the FSI Sub-Committee, a high priority item on “Development of a Code for Recognized Organizations”, with two sessions to complete the item, and instructed the FSI Sub-Committee to include the item in the provisional agenda for FSI 17 (MSC 84/24, paragraph 22.27).

19.10 The Committee noted that, after MSC 84, FSI 16 (2 to 6 June 2008) considered its work programme and proposed to include the item on “Development of a code of conduct for assurance of the safety of crew and maritime navigation during demonstration/campaigns against ships on the high seas” but deferred the inclusion of the item on its provisional agenda since the matter will be considered by NAV 54 and the outcome will be reported to FSI 17 (FSI 16/WP.7, paragraph 15.2).

19.11 The Committee approved [as amended] the work programme of the FSI Sub-Committee and provisional agenda for FSI 17, as approved by MSC 84, including amendments proposed by FSI 16 and requested the Secretariat to inform MSC accordingly. The work programme of the FSI Sub-Committee and provisional agenda for FSI 16 are set out in annex ....

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

19.12 The Committee noted that MSC 84 revised and approved the work programme of the DSC, NAV and DE Sub-Committees (MSC 84/24, section 22 and MSC 84/24/Add.2, annex 21).

19.13 The Committee further noted that NAV 54 (30 June to 4 July 2008) revised its work programme for consideration by MSC 85 and by MEPC 58 for items which relate to environmental issues (NAV 54/25, annex 16).

19.14 The Committee approved [as amended] the work programmes of the DSC, NAV and DE Sub-Committees as revised by MSC 84 and as proposed by NAV 54, which relate to environmental issues and requested the Secretariat to inform MSC accordingly. The work programmes of the DSC, NAV and DE-Sub-Committees, which relate to environmental issues, are set out in annex ....

**Activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies for the biennium 2010 – 2011**

19.15 The Committee recalled that paragraph 2.5 of the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.2) requires that, at the end of every second year, the Committee Chairmen should submit to their respective Committees a joint plan covering the activities, priorities and meeting requirements of their subsidiary bodies over the following two years.

19.16 The Committee noted that, in preparing the activities and priorities of the Committees, the Chairmen noted that the Assembly, at its twenty-fifth session, had approved resolution A.990(25) on the High-level Action Plan of the Organization and priorities for the 2008-2009 biennium, which identified the high-level actions, including priorities for specific items for the respective Committees, necessary to achieve the strategic objectives in the Strategic Plan for the Organization for the six-year period 2008-2013 (resolution A.989(25)).

19.17 The Committee further noted that the provisions of resolution A.900(21), which sets the objectives of the Organization in the 2000s and provides specific directions as to the areas on which the Committees should focus their attention during the current decade; as well as the provisions of resolution A.901(21) on IMO and technical co-operation in the 2000s.

19.18 The Committee recalled that MEPC 57 and MSC 84 had approved the work programmes of the sub-committees for the immediate future. The sub-committees' proposed revised work programmes, including priorities for each work programme item and target completion dates or number of sessions needed to complete the items are shown in the annex to document MSC 85/23 and MSC 85/23/Add.1.

19.19 The Committee, taking into account the technical workload of the Organization, the priorities assigned by the Assembly in resolution A.990(25) to subjects for consideration by the MSC and the MEPC and the advice provided by the Chairmen of the sub-committees, approved,

subject to the concurrent decision by MSC 85, the following plan of meeting weeks for the MSC and the MEPC and their subsidiary bodies for the biennium 2010-2011 for inclusion in the Secretary-General's relevant budget proposals:

Year	MSC	MEPC	BLG	DSC	FP	FSI	COMSAR	NAV	DE	SLF	STW	Total
2010	3	2	1	1	1	1	1	1	2	1	1	15
2011	1.5	1	1	1	1	1	1	1	1	1	1	11.5
Grand total (weeks)												26.5

19.20 The Committee, in approving the above meeting plan, noted, in particular, that the two sessions planned for the DE Sub-Committee in 2010 will be decided by MSC 85 (26 November to 5 December 2008).

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

19.21 The Committee approved [as amended] the items to be included in the agendas for MEPC 59, MEPC 60 and MEPC 61 (MEPC 58/WP.2), which are set out in annex ....

#### **Dates for MEPC 59, MEPC 60 and MEPC 61**

19.22 The Committee noted that MEPC 59 would be held from 13 to 17 July 2009 and that MEPC 60 is tentatively scheduled in March 2010 and MEPC 61 in October 2010.

#### **Working/review/drafting groups at MEPC 59**

19.23 The Committee agreed, in principle, to establish the following working/review/drafting groups at MEPC 58:

- .1 Working Group on GHG Issues;
- .2 Working Group on Guidelines for Ship Recycling;
- .3 Review Group on Ballast Water Technologies;
- .4 Drafting Group Amendments to Mandatory Instruments; and
- [.5 Joint MSC/MEPC Working Group on Human Element.]

### **Correspondence Groups**

19.24 The Committee agreed to establish the following intersessional correspondence groups, which should report to MEPC 59:

- .1 Correspondence Group on GHG issues;
- .2 Correspondence Group on Review of MARPOL Annex V;
- .3 Correspondence Group on Environmental Risk Evaluation Criteria;
- .4 Correspondence Group on Guidelines for Ship Recycling; and
- [.5 Correspondence Group on ship strike with cetaceans.]

### **Intersessional meetings**

19.25 The Committee approved the holding of the following intersessional meetings:

- .1 Working Group on GHG Issues to be held in February 2009, which should report to MEPC 59;
- .2 ESPH Working Group to be held in February 2009; and
- .3 OPRC/HNS Technical Group to be held in the week before MEPC 59 in July 2009, which should report to MEPC 59.]

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

20.1 The Committee noted that the Chairmen of MSC, MEPC, LEG and sub-committees met on 10 May 2008 during MSC 84 to consider how to maximize the efficiency and effectiveness of the Committees and sub-committees, bearing in mind the Strategic Plan for the Organization (for the six-year period 2008-2013) and High-level Action Plan and priorities for the 2008-2009 biennium.

### **Report of the 2008 Chairmen's meeting and relevant decisions of MSC 84**

20.2 The Committee considered the report of the 2008 Chairmen's meeting (MEPC 58/20) in conjunction with the outcome of MSC 84 on the aforementioned report (MEPC 58/20/1) and



noted all the actions requested of the Committee taking into account that MSC 84 had agreed to endorse all the actions requested in the report of the 2008 Chairmen's meeting.

### **Amendments to the Committees' Guidelines**

20.3 The Committee noted that the revised Committees' Guidelines with all the amendments as approved by MEPC 57 and MSC 84 and their previous sessions have been circulated by means of MSC-MEPC.1/Circ.2.

### **Guidelines on the application of the Strategic Plan and the High-level Action Plan**

20.4 The Committee noted that C/ES.24 had established a correspondence group to develop guidelines on the application of the Strategic Plan and the High-level Action Plan, which would be reviewed by the *ad hoc* Council Working Group on the Organization's Strategic Plan (CWGSP), for approval by the Council at its 101<sup>st</sup> session in November 2008. The Committee's Guidelines on the organization and method of work may need to be revised in light of the aforementioned guidelines to be developed by the Council.

### **Number of meeting groups**

20.5 The Committee noted the issues related to the Strategic Plan for the Organization and High-level Action Plan on the reduction of meeting weeks and number of meeting groups had been addressed by the 2007 Chairmen's meeting (MSC 84/24, paragraph 21.6) and further noted that the 2008 Chairmen's meeting had reiterated its recommendations of its last meeting, which MSC 83 and MEPC 57 had agreed to, that:

- .1 intersessional working groups and technical groups should not be held at the same time as the Committee or sub-committee meetings; and
- .2 splinter groups of a working group, if established, should meet outside of normal working hours.

### **Table of planned output**

20.6 With regard to the recommendations of the 2008 Chairmen's meeting on the table of planned output in resolution A.990(25), which is envisaged as a practical management and monitoring tool for the work of the Committees and sub-committees, the Committee agreed with MSC 84 (MSC 84/24, paragraphs 22.81 and 22.82) that:

- .1 the table of planned output prepared for resolution A.990 (25) contained some parts which do not precisely provide the actual work programmes of the sub-committees and needed to be reviewed by all sub-committee Chairmen together with respective Secretaries to recover any missing work programme items of the sub-committees and improve the accuracy of the table;
- .2 the table of planned output should also be reviewed by the Committees during the biennium in question and should be revised to include any urgent new work programme items and that such updating should be reported to the Council for endorsement; and
- .3 the table of planned output should also provide entries on the status of work of the sub-committees on the long-term work programme item which would not yield the final output in the biennium in question.

**Cross-referencing of work to the strategic directions, high-level actions and planned outputs**

20.7 Regarding the referencing in the summary table of all IMO documents to Strategic and High-level Action Plans, the Committee noted that the following actions have been taken to date:

- .1 all documents submitted to IMO meetings now contain, in the summary box, reference links to the strategic directions, high-level actions and planned outputs for the biennium;
- .2 that the work programmes of the sub-committees now link each work programme item to the strategic directions, high-level actions and planned outputs for the biennium; and
- .3 that the document on Preliminary assessment of proposals for new work programme items includes an assessment of whether new proposals are within the scope of the Organization's Strategic and High-level Action Plans, including related cross-referencing.

## **21 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR 2009**

21.1 In accordance with rule 17 of the Rules of Procedure, the Committee unanimously re-elected Mr. Andreas Chrysostomou (Cyprus) as Chairman, and Mr. Ajoy Chatterjee (India) as Vice-Chairman, both for 2009.

## **22 ANY OTHER BUSINESS**

### **The impact of small craft on the marine environment**

[22.1 The Committee recalled that MEPC 57, having noted the information provided by the observer from FOEI on potential impacts on the marine environment from small craft and options for further IMO work to mitigate these impacts, and of the work undertaken by other Member Governments and organizations, invited Members Governments to submit proposals that demonstrate the need for this work to be included in the Work Programme of the Committee.

22.2 The observer of FOEI, on behalf of the co-sponsors (Barbados, Croatia and FOEI), introduced document MEPC 58/22 on the impact of small craft on the marine environment – Proposed draft IMO Guidelines for the prevention of marine pollution from small craft and associated activities. He highlighted that the annex contained a proposed set of environmental guidelines intended to minimize this impact and added that uncertainties remained over the degree to which the Organization might wish to offer prescriptive guidance for the full range of small craft activity.

22.3 In this regard, the Committee noted that yacht cruising/racing (power and sail), coastal ferries and tourist vessels, small high-speed powered craft, personal water craft, sailing dinghies, sea kayaking, artisanal fishing boats and canoes etc., are all forms of small craft activity each with a variation of potential environmental impact and in variable proportions depending on location, culture and natural assets of individual Member States.

22.4 The Committee also noted that there was a clear relationship between competent boat handling and navigation and the protection of the marine environment and that an International Certificate of Competence was suggested as a minimum level of competence for recreational navigation. However, this may be considered outside the scope of the Committee to recommend or to which aspect of the small ship class it should apply. The Committee further noted that consideration should also be given, as suggested by the delegation of Peru at MEPC 57

(MEPC 57/21, paragraph 20.5), to technical and financial support programmes if a reduction in oil pollution from artisanal fishing craft was to be viable.

22.5 The Committee, having considered the information provided,

[agreed not to pursue the IMO Guidelines for the prevention of marine pollution from small craft and associated activities, and that an International Certificate of Competence suggested in document MEPC 58/22 was not viable.]

[agreed that more work needed to be done, particularly in respect to developing a globally representative Guidelines document, and invited the co-sponsors of document MEPC 58/22 to further develop the IMO Guidelines for the prevention of marine pollution from small craft and associated activities, taking into account the comments and proposed amendments from plenary, and submit refined guidelines to MEPC 59, which could be circulated as an MEPC circular. Interested delegations were also invited to submit comments or proposals to MEPC 59.]

#### **Use of seawater lubricated tube bearings to eliminate stern tube oil pollution from ships**

22.6 The Committee noted with appreciation the information contained in document MEPC 58/INF.22 (Canada) on the use of seawater lubricated tube bearings to eliminate stern tube oil pollution from ships.]

[More to come]

---